

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

**O.A.No.227 OF 2025**

**T.Desappan, S/o.Thangavel,**

No.13, 2<sup>nd</sup> street, Ramamoorthy Nagar,

Ennore, Kattivakkam, Tiruvallur,

Tamil Nadu – 600 057

: Applicant

*Versus*

1.The Union of India,

Rep by its secretary to Government,

Ministry of Environment & Forests & Climate Change,

Indira Paryavaran Bhavan, Jor Bagh,

New Delhi – 110 003 & Others

: Respondents

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Dated at Chennai this the 31<sup>st</sup> day of March 2026

Counsel for the Respondent No.2

**S. T. RAJA,**  
 Ms. No. 1192/1999  
 Standing Counsel for  
 (TNPCL) (TNPGL) (TNGECL)  
 # 1, Goomas Street, Chennai-1.  
 Email: omairaman1999@gmail.com  
 Cell: 94440 27720

## BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE AT CHENNAI

O.A.NO. 227 OF 2025

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No.13, 2<sup>nd</sup> street, Ramamoorthy Nagar,  
Ennore, Kattivakkam, Tiruvallur,  
Tamil Nadu – 600 057

: Applicant

-V-

1. The Union of India,  
Rep by its Secretary to Government,  
Ministry of Environment & Forest & Climate Change (MoEFCC),  
Indira Paryavaran Bhavan, Jor Bagh, New Delhi.
2. **North Chennai Thermal Power Station, III**  
**Represented by its Chief Engineer,**  
**Athipattu, Chennai, Thiruvallur (District) – 600 120.**
3. **Tamil Nadu Power Generation Corporation Limited (TNPGL),**  
**Represented by its Managing Director,**  
**7<sup>th</sup> floor, NPKRR Maaligai,**  
**Anna Salai, Chennai – 600 002.**
4. The Tamil Nadu Pollution Control Board,  
Represented by its Member Secretary,  
No.76, Mount Salai, Guindy,  
Chennai – 600 032.
5. The Tamil Nadu Coastal Zone  
Management Authority,  
Represented by its Member Secretary,  
No.1, Jeemis Road, Panagal Building,  
Ground floor, Saidapet, Chennai – 600 015.

: Respondents

REPLY STATEMENT FILED ON BEHALF OF THE 2<sup>nd</sup> & 3<sup>rd</sup> RESPONDENT

I, M. SETHURAMAN, aged about 58 years, son of G. MURUGESAN, Chief Engineer, NCTPP Stage III, having office at Athipattu, Chennai 600 120, do solemnly affirm and state as follows:-

1. I am the Chief Engineer/Electrical of Tamil Nadu Power Generation Corporation Limited (TNPGL), North Chennai Thermal Power Project (NCTPP) Stage-III, duly authorized to file this Counter Affidavit on behalf of the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents herein, Chief Engineer, North Chennai Thermal Power Station and Managing Director, TNPGL and am conversant with the facts of the case from the available records and circumstances of the present Original Application.

  
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2. It is submitted that the present application in O.A. No.227 of 2025 (SZ) has been filed by the applicant herein under Section 14, read with 18(1) of the National Green Tribunal Act 2010 for the following reliefs:
- To direct the 2nd and 3rd respondents to obtain fresh clearance under the EIA Notification, 2006 and CRZ Notification, 2011, if they propose to convey ash via pipelines and for establishment of ash pond and refrain from using the Stage I and II ash pipelines and ash pond.
  - To direct the 2nd and 3rd respondents to strictly comply with the ash management plan in the EIA report dated May 2015 based on which EC and CRZ clearance was obtained on 20.01.2016.
3. It is submitted that I have read the contents of the above application and submit the true and correct facts in response to the allegations and averments made by the Applicant in the Original Application. I am filing this reply statement in my official capacity on behalf of the 2<sup>nd</sup> and 3<sup>rd</sup> Respondent and reserve the right to file additional reply statement by TNPGL at a later stage.
4. It is submitted that at the outset, all the allegations and averments mentioned in application are denied as being false, vexatious, misleading and contrary to facts and the applicant must be put to strict proof of the same. The allegations which are not specifically denied cannot be taken as admission and all are denied except those that are specifically admitted herein.
5. I categorically submit that-
- The Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) clearances issued on 08.03.2025 read with the recommendations of the sub-committee of the EAC and the minutes of the EAC's 18<sup>th</sup> and 19<sup>th</sup> meetings allows the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents to operationalize the Stage – III plant and utilize the ash pipelines of Stage – II plant as per the ash management plan approved by sub-committee of the EAC, and also in case of emergencies.
  - The NCTPS Stage – III plant is strictly complying with the applicable ash management plan as approved by the MoEFCC, that was submitted with the amendment proposal No: IA/TN/THE/475354/2024 along with an additional EIA study, as referenced in the minutes of the 18<sup>th</sup> and 19<sup>th</sup> EAC meetings.
6. It is submitted that the Tamil Nadu Electricity Board (TNEB) was constituted in July 1957 under Section 54 of the Electricity (Supply) Act, 1948 in the State of Tamil Nadu as a vertically integrated utility entrusted with the functions of power generation, transmission and distribution. Over the decades, the electricity infrastructure has been expanded to cover

  
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all villages and towns across the State. Subsequently, TNEB was restructured with effect from 01.11.2010 into TNEB Limited, Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) and Tamil Nadu Transmission Corporation Limited (TANTRANSCO). Further, pursuant to G.O.(Ms.) No.6, Energy (B2) Department, dated 24.01.2024, TANGEDCO has been reorganized into Tamil Nadu Power Generation Corporation Limited (TNPGL), Tamil Nadu Power Distribution Corporation Limited (TNPDL) and Tamil Nadu Green Energy Corporation Limited (TNGECL).

7. It is submitted that the North Chennai Thermal Power Project was conceived in 1989 as a three-stage project. Based on the power demand and financial status of TNEB, these power plants are executed in a phased manner utilizing the public exchequer. The Stage-I power plant of installed capacity of 3x210 MW is being operated from 1995 onwards and Stage-II power plant of installed capacity of 2 X 600MW is generating power from 2014 onwards inside the NCTPP Complex.
8. It is submitted that existing NCTPP Stage I and Stage II plants are situated within the industrial land of NCTPP complex, which is enclosed within a pucca compound wall constructed during 1990. The Chennai Metropolitan Development Authority (CMDA) has also declared the subject complex as 'industrial land'. The lands required for accommodating all three stages of the NCTPP have already been acquired during the stage of conception of the project and the Stage - III project is conceived and developed in a manner wherein the existing features of NCTPP Stage I and II are used for generating power.
9. It is submitted that the NCTPP Stage-III project is now being established to offset the ever-growing power demand of Tamil Nadu using the existing facilities of NCTPP complex without acquisition of any other land from the public and 90% of work have been completed, simultaneously, trial operation of Stage-III plant was carried out and it has reached Commercial Operation Date (COD). It is pertinent to note that the Stage - III plant is only an expansion and not a standalone project and hence, the infrastructure and foreshore facilities shall be common for the NCTPS complex power plants.
10. It is submitted that EC and CRZ clearances for expansion by addition of 1X 800MW (Stage-III), North Chennai Thermal Power Plant was obtained from the Ministry of Environment, Forest and Climate Change (MoEFCC) vide Ref. No. J-13012/14/2012-IA.II(T) dated 20.01.2016, subject to various conditions. The clearances were accorded under the provisions of EIA Notification dated September 14, 2006 and CRZ Notification, 2011, along with subsequent amendments. The validity of the EC and CRZ clearances were 7 years and 5 years respectively.

  
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11. It is submitted that the validity of the EC for Stage-III project was extended till 19.01.2024 due to the COVID-19 Pandemic since the period from 1/4/2020 to 31/03/2021 was not considered for the period of validity as per the substituted clause 9A provided in MoEFCC notification, S.O.221 (E) dated 18/01/2021. The validity was further extended for three more years, i.e., up to 19.01.2027 as per the MoEFCC Office Memorandum dated 13.12.2022.
12. It is submitted that the validity of the CRZ clearance was increased from five to seven years, with provision to further extend the validity for another three years, vide MoEFCC Notification S.O.1002(E) dated 06.03.2018 amending the 2011 CRZ Notification. The validity of the CRZ was further extended vide MoEFCC Notification S.O. 2903(E) dated 03.07.2023 whereby the period from 1/4/2020 to 31/03/2021 was not considered for the period of validity in light of the COVID-19 pandemic. Therefore, as on date, the CRZ clearance stands extended till 19.01.2027.
13. It is submitted that the requisite "Consent to Establish" (CTE) under the Water Act, 1974 and Air Act, 1981 were obtained on 13.04.2017 with validity up to 12.04.2024. Subsequently, TNPGL applied for extension of CTE under both acts on 18.09.2024 and the validity was extended till 19.01.2027 vide Consent Order No.2403159001562 and No.2403259001565 dated 05.11.2024.
14. It is submitted that the EC clearly indicates that the clearance was granted for "expansion by addition of 1x800 MW" since the NCTPP Stage - III plant is conceived and developed to generate power using the existing facilities of NCTPP Stage-I and II, including the foreshore facilities such as ash dyke of NCTPP. Therefore, the subsisting EC and CRZ clearances are applicable for the entire NCTPS complex and the foreshore facilities that are part and parcel of the plant, essential for its functioning and does not warrant any fresh clearances under EIA Notification, 2005 and CRZ Notification, 2011.
15. It is submitted that the EC and CRZ clearance, inter alia, explicitly record the following -
- Land required for the proposed expansion is 190 acres which is located inside the NCTPS complex and entire land is in possession of TANGEDCO.
  - State Level Coastal Zone Management Authority (SCZMA) has recommended clearance for foreshore facilities in its meeting dated 19.05.2015
  - Plant will be run on imported coal requirement of 2.09 MTPA which will be sourced through MMTC New Delhi
16. It is submitted that the only applicable conditions pertaining to ash disposal related to NCTPP Stage - III are summarised as follows -

  
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- a. Fly ash and bottom ash would be collected and stored in silos and supplied to cement/brick industries or sold through e-auction.
  - b. The power plant shall endeavour to enter into MoUs with NHAI, Associations of cement industries and municipal authorities for ensuring full ash utilization. MoU was executed with M/s Dalmia Cements (Bharat) Ltd for off take of fly ash from the NCTPP Stage III plant.
  - c. The utilization of ash shall be done in a phased manner. The EC permits a gradual increase in ash disposal/utilization, allowing for the disposal of ash in the initial four years of operation as follows: 50% in the first year, 75% in the second year, 90% in the third year, and 100% thereafter.
17. It is submitted that in the EIA report and the SCZMA meeting held on 19.05.2015, based on which the recommendation for EC and CRZ clearance was proposed, TANGEDCO has categorically informed that there would be no ash disposal in sea/river and 100% of dry fly ash collection would be in silos and dry bottom ash would be disposed through the dry bottom ash handling system. It was further submitted that only in case of emergencies, bottom ash would be disposed in the ash dyke of NCTPS.
18. It is submitted that pursuant to O.A. No. 122 of 2021 and suo-motu case O.A. No. 162 of 2021 initiated by this Hon'ble Tribunal based on a news item published in the Times of India newspaper titled "Another Pipeline leak at Ennore Power Plant", this Hon'ble Tribunal constituted a Joint Committee for inspection of the NCTPP Complex vide order dated 07.06.2021. The Joint Committee after inspection of NCTPP complex, submitted its report on 23.09.2021 and October 2021, and has recommended that TANGEDCO shall resume the activities pertaining to NCTPP Stage-III and Ennore SEZ power plants within the CRZ area in Kosasthalaiyar River, Buckingham canal/Backwaters only after obtaining an amendment to the existing CRZ clearance from MoEFCC.
19. It is submitted that this Hon'ble Tribunal vide its judgment in O.A No. 122 of 2021 and O.A. No. 162 of 2021 dated 31.01.2022 directed that TANGEDCO cannot proceed further with construction of pipelines for the Stage- III plant by way of a mere amendment to the existing EC and CRZ clearances dated 20.01.2016 without getting fresh permission from authorities. Additionally, this Hon'ble Tribunal imposed an environmental compensation cost of Rs.50 Lakhs and the same has been paid by the 2<sup>nd</sup> Respondent on 28.03.2022.
20. It is submitted that based on the above judgement and the recommendations of the Joint Committee appointed by this Hon'ble Tribunal, an application (No: IA/TN/THE/442379/2023 – hereinafter, the first amendment application) dated 29.08.2023 seeking amendment to the existing EC and CRZ clearance was filed with MoEFCC for

  
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construction and laying of ash slurry pipelines for NCTPP Stage-III project. The SCZMA recommended the above proposal and the Expert Appraisal Committee (EAC) on Thermal Projects considered the same in its 2<sup>nd</sup> meeting held on 31.10.2023 to 01.11.2023 wherein the amendment proposal was deferred and recommended for site visit by a sub-committee of the EAC.

21. It is submitted that a sub-committee of the EAC constituted for inspection for laying of ash slurry and recovery pipelines visited the NCTPS complex on 13.03.2024 and 14.03.2024. The sub-committee recommended, *inter alia*, to prepare a report on the design of ash slurry pipeline corridor for Stage – III plant and also an adequacy report on the carrying capacity of existing ash pond wherein ash from Stage I and Stage II is being disposed and emergency ash disposal of Stage – III plant is proposed. More importantly, the sub-committee also recommended to explore the feasibility of using the existing ash slurry pipelines of Stage I and Stage II plants for the proposed Stage III plant and prepare a report regarding the same.
22. It is submitted that the recommendations of the sub-committee were considered by the EAC during the 11<sup>th</sup> EAC meeting held on 27.06.2024 to 28.06.2024 which discussed TANGEDCO's amendment proposal (No: IA/TN/THE/475354/2024 – hereinafter the second amendment proposal) submitted on 14.06.2024. This amendment proposal primarily sought a change from use of 100% imported coal to use of domestic and imported coal in equal proportion in compliance of MoEFCC O.M. dated 06.12.2023, and the same was granted by the EAC subject to fulfilment of additional conditions prescribed therein.
23. It is submitted that thereafter, the EAC in its 18<sup>th</sup> meeting held on 24.01.2025 again recommended the proposal for amendment (second amendment proposal) for change of coal source subject to following additional conditions –
  - a. Withdrawal of proposal in IA/TN/THE/442379/2023 (first amendment prop.)
  - b. Compliance with all the directions passed by the Hon'ble NGT vide its judgment dated 05.07.2022 in O.A No.8 of 2016, filed by one Mr. R. Ravivarman (died).
24. It is submitted that this Hon'ble Tribunal vide judgement dated 05.07.2022 in O.A No.8 of 2016 issued the following substantive directions *quae* the present project:
  - a. To carry on activities strictly in accordance with law and conditions imposed in EC and consent granted by the State Pollution Control Board (SPCB).
  - b. To replace the old ash slurry carrying pipelines and minimize future leaks by taking necessary precautions and preparing mechanisms for leak detection accordingly.
  - c. To pay compensation already assessed by the SPCB in connected matters viz., O.A. No. 122 of 2021 and O.A. No. 162 of 2021, dated 05.07.2022 in O.A No.8 of 2016



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25. It is submitted that all previously reported leakages in Stage-I and Stage-II pipelines have been permanently rectified by replacement of old pipelines with new pipelines and fixing of leakages. As on date, there is no unauthorized discharge of ash slurry, and no deviation from the approved ash management plan. The present system ensures environmental safeguards, minimizes impact on CRZ areas and balances the imperative of uninterrupted power generation with environmental protection. Furthermore, the compensation cost of Rs.50 Lakhs imposed by this Hon'ble Tribunal in O.A No. 162 of 2021 and connected matters has been paid by the 2<sup>nd</sup> Respondent on 28.03.2022. Therefore, all pre-requisite conditions for operationalising the Stage - III power plant have been satisfied and NCTPS is in strict compliance with EC, CRZ clearance and CTE.
26. It is submitted that the EAC in its 18<sup>th</sup> meeting held on 24.01.2025 recorded that the Committee has deliberated on the additional information regarding the ash handling and disposal plans submitted by the TANGEDCO as mandated by the EAC and MoEFCC and found it to be satisfactory. The ash management plan submitted is as follows -
- a. ASH HANDLING - to be done using newly constructed silos. 2 x 2520 MT silos for handling fly ash and 1 x 1800 MT silo for bottom ash evacuation. Bottom ash is initially evacuated in the dry type through closed conveyor system up to the intermediate silo and from there by pipeline.
  - b. ASH UTILIZATION - The ash will be sold to cement / brick industries through e-auction as being followed in NCTPS Stage I and II. The fly ash will be loaded in closed trucks/bulkers through telescopic spout assembly of fly ash silo and transported to cement/brick companies. The bottom ash will be conditioned by quenching with water (18m<sup>3</sup>/hour) and will be loaded in truck and covered with tarpaulin for transporting. Hence, 100% ash Utilization will be achieved as per MoEFCC Notification dated 31.12.2021.
  - c. ASH DISPOSAL IN EMERGENCY - In case of emergency, both fly and bottom ash will be made as slurry and transported to existing NCTPS ash dyke through existing ash pipelines of NCTPS. Water required for making slurry will be around 8082 m<sup>3</sup>/day, which will be sourced from CT blow down pump and guard pond water (reject sea water). 12 Nos piezometric wells are already available in and around the existing ash dyke of NCTPS. It is assured that the ash slurry pipelines will be monitored to avoid any leakages to protect the nearby area.
27. It is submitted that in the 19<sup>th</sup> EAC meeting held on 11.02.2025, the Committee recommended the withdrawal of proposal No: IA/TN/THE/442379/2023 after being satisfied with TANGEDCO's plan to connect the ash slurry pipelines of NCTPS Stage - III to the existing slurry pipelines of NCTPS Stage - II, as recommended by the sub-committee of the EAC. Photographs regarding connection of the pipelines as mentioned

  
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above were submitted before the EAC. Upon their satisfaction of compliance with conditions prescribed earlier and following the revised approach, the amendment proposal No: IA/TN/THE/442379/2023 specific to the laying of pipelines was withdrawn.

28. It is submitted that in compliance of the recommendations by the sub-committee of EAC, TANGEDCO represented before the EAC that the ash slurry pipelines of Stage-III will be connected to the existing ash slurry pipelines of Stage-II instead of constructing new pipelines thereby to minimize environmental impact and existing ash pond of NCTPS is sufficient as ash will be disposed of promptly to cement, fly ash brick industries and other works. Usage of existing ash slurry pipelines will be undertaken only during unavoidable and emergency circumstances.
29. It is submitted that the second amendment proposal (No: 475354/2024) was filed along with additional EIA study report regarding change in coal source from 100% imported to mix of domestic and imported coal in 50:50 ratio was further recommended to EAC-Thermal. The MoEFCC vide approval dated 08.03.2025 granted the amendment in EC and CRZ clearance dated 20.01.2016 to the project 1x800MW Stage III plant, including the foreshore facilities.
30. I categorically submit that all the required statutory clearances mandated under relevant Environmental and other laws have been obtained by the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents. As on date, there are no deviations or alterations from the details already submitted to the satisfaction of the MoEFCC and relevant EAC for the proposed project, especially with respect to the ash management plan and transportation pipelines.
31. It is submitted that this Hon'ble Tribunal has emphasized in its judgment dated 20.02.2013 in R. Veeramani v. Secretary, PWD, Appeal No. 31 of 2012 that *"the Tribunal has to strike a balance between the implementation of project...in public interest...on the one side and the environmental impact that is likely to be caused...on the other"* and held that where deficiencies do not give rise to any substantive environmental violations, *"it would suffice to impose necessary conditions to be complied with by the proponent"* rather than quashing the clearance or halting the project. The Stage - III project is implemented in public interest, without any serious damage to ecology as it is mitigated by way of comprehensive procedures for protection of environment (such as the ash management plan) as approved by the relevant statutory authorities. The ash management plan has been examined by the EAC, safeguards have been imposed, and emergency utilizations of existing pipelines is regulatorily permitted. The applicant has failed to establish any ongoing environmental damage or breach of statutory conditions and must be put to strict proof of the same.

  
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32. It is submitted that the primary mode of ash handling for Stage-III is dry ash collection through silos, with fly ash being fully evacuated and supplied to cement and fly ash brick manufacturing units pursuant to executed MoUs, ensuring progressive utilization in accordance with the approved ash management plan. Bottom ash is also handled in a controlled manner and disposed as per approved norms. Utilization of ash slurry pipelines is envisaged only under emergency conditions and, in such circumstances, the existing ash slurry pipelines of NCTPS Stage-II are utilized, as recommended by the EAC, thereby obviating the need for construction of any new pipelines or ash ponds. Therefore, the extraordinary relief of granting of injunction does not arise, and the balance of convenience lies in permitting regulated operation of the Stage-III power plant subject to oversight rather than stalling a critical public utility project.

### PARAWISE REPLY

33. It is submitted that the averments made in para no.1 of the application are admitted to the limited extent that the NCTPP Stage-III unit was synchronized with oil on 07.03.2024 and the unit underwent continuous trial operations with coal firing from 17.03.2024. The trial operation was successfully completed on 24.01.2026 and is operating at a capacity of 600MW-800MW. COD has been declared with effect from 24.01.2026 vide MD/TNPGCL Proceedings No.06 dated 29.01.2026. The said trial operation was carried out strictly in accordance with the subsisting EC and CRZ Clearance dated 20.01.2016 as amended and extended by MoEFCC approval dated 08.03.2025.
34. It is submitted that the averments made in para no.2 of the application are vehemently denied as false, misconceived and legally untenable since the EC and CRZ approvals for the existing procedure for ash disposal and wet ash pond management of Stage - II were already obtained in Clause 11 and 13 of EC dated 10.05.1996. There is no requirement for a fresh EC or CRZ clearance separately for NCTPS Stage- III since it is only an expansion project conceived to operate using the existing ash management infrastructure and foreshore facilities of NCTPS Stage I and Stage II, which form an integral and inseparable part of the original project approvals. The applicant has deliberately suppressed the fact that the existing EC and CRZ clearances expressly contemplate use of common foreshore facilities, including ash dyke and pipelines, which remain valid and subsisting.
35. I further submit that the allegation made in para no.2 of the application that the ash pond was not envisaged in the EIA Report is vehemently denied as misleading, factually incorrect and legally untenable since the Rapid EIA Report for proposed NCTPS (IX 800MW) Thermal Power Plant, prepared by M/s.Ramky Enviro Engineers Ltd., Hyderabad on May-2015 and submitted to MoEFCC explicitly addressed the requirement for the

  
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emergency disposal of ash and ash pond for the Stage III plant. The report clearly stated that emergency disposal may be required for approximately 8 days per year over the plant's 25-year design period. The necessary details regarding ash generation and the ash pond requirement were thoroughly discussed within the EIA Report, specifically under Table 9.5.1.2 and in Para 2.7 under Ash Handling Plant. Furthermore, the EC obtained for Stage III explicitly accounts for the utilization of ash in a phased manner. The EC permits a gradual increase in ash disposal/utilization, allowing for the disposal of ash in the initial four years of operation as follows: 50% in the first year, 75% in the second year, 90% in the third year, and 100% thereafter. This phased requirement, sanctioned by the EC, inherently necessitates the availability and use of an ash pond/dyke for the temporary storage of unutilized ash during the initial phase of operation. The ash pond requirement of Stage III was, therefore, clearly mentioned and envisaged in the EIA Report itself, and its utilization is managed strictly as per the conditions stipulated in the Environmental Clearance dated 20.01.2016.

36. It is submitted that the averments made in para no.3 of the application alleging illegal commencement of construction of pipelines across the Kosasthalaiyar river and its backwaters 'without mandatory clearances' is denied as baseless and misleading since the construction was undertaken pursuant to EC and CRZ approval dated 20.01.2016 which expressly contemplated the use of common foreshore facilities for the functioning of upcoming Stage - III plant. Upon issues being raised and O.A. No. 122 of 2021 being taken up by this Hon'ble Tribunal, the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents have scrupulously complied with all directions issued by this Hon'ble Tribunal therein including stoppage of disputed works, approaching MoEFCC for amendment in the EC & CRZ clearance and strictly following the Joint Committee's recommendations. It is therefore submitted that there is no continuing illegality nor subsisting violation as alleged and misrepresented by the applicant. The use of existing ash slurry pipelines is restricted only to emergency situations, which is fully permissible under the existing approvals.
37. It is submitted that the averments made in para no.4 of the application is a matter of record. This Hon'ble Tribunal had directed the Respondents to approach the competent authorities for appropriate clearances in accordance with law and the same has been duly complied with in letter and spirit. Pursuant to the judgment, all disputed works were halted, compensation was paid as directed and amendment application was also submitted to the MoEFCC. The proposal was examined in detail by way of EIA studies, SCZMA recommendations, EAC and its sub-committee's scrutiny.
38. It is submitted that the averments made in para no.5 of the application are admitted only to the limited extent that the Hon'ble Tribunal vide its judgment dated 31.01.2022 only

  
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restricted laying of new, additional and independent facility of ash slurry pipelines without fresh appraisal or clearance. This was in the factual context pertaining to proposed new, fresh constructions in CRZ areas. Thereafter, upon detailed examination, the EAC and its sub-committee recommended utilization of the existing facilities (ash slurry pipeline) of Stages I and II and avoid construction of new pipelines in order to minimize environmental impact. Acting upon the expert recommendations, the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents withdrew the proposal for new pipelines, and no fresh pipeline has been constructed. The directions of this Hon'ble Tribunal stand fully complied with.

39. It is submitted that the averments made in para no.6 of the application that filing of amendment of EC dated 20.01.2016 is in violation of the judgment of this Hon'ble Tribunal is wholly denied as vexatious, misleading and legally unsustainable since the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents fully complied with the said directions issued therein by stopping all disputed works and approached the competent authorities for appraisal in accordance with law. The amendment application was not an attempt to bypass or violate the judgment of this Hon'ble Tribunal, but a bona fide step undertaken to place the proposal before MoEFCC for expert appraisal under the relevant 2006 EIA Notification and 2011 CRZ Notification. Therefore, any allegation of violation of judgment of this Hon'ble Tribunal is wholly unfounded, misleading and the applicant is put to strict proof of the same.
40. It is submitted that the averments made in para no.7 of the application is a matter of record therefore, no response is warranted. The application dated 04.03.2023 filed before the DCZMA, as referred to by the applicant, was part of the statutory compliance process undertaken pursuant to the directions of this Hon'ble Tribunal and the recommendations of the NGT Joint Committee in O.A. No.122 of 2021. The proposal was submitted along with requisite technical details and EIA inputs, strictly in accordance with the procedure prescribed under the CRZ Notification, 2011. Mere filing of such an application before the DCZMA cannot be construed as a violation of the Tribunal's judgment, especially when no construction activity was carried out pending regulatory scrutiny.
41. It is submitted that the averments made in para no.8 of the application is a matter of record therefore, no response is warranted. The application filed before the SCZMA in June 2023 was a consequential and mandatory step in the statutory appraisal process under the CRZ Notification, 2011. The Tamil Nadu SCZMA examined the proposal in its meeting and recorded its observations, which were thereafter forwarded to the MoEFCC as part of the prescribed regulatory mechanism. The applicant has selectively relied on annexures without appreciating the regulatory context and statutory mandate governing the said process.

  
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42. It is submitted that the averments made in para no.9 of the application is a matter of record therefore, no response is warranted. The application for amendment dated 29.08.2023 filed before the MoEFCC under proposal No. 1A/TN/THE/442379/2023 seeking amendment to EC and CRZ clearance for laying new ash slurry pipeline for Stage III was made only after obtaining recommendations from the DCZMA and TNSCZMA and in full compliance with the EIA Notification, 2006. The EAC - Thermal projects subsequently considered the amendment proposal and recommended a site visit by a Sub-Committee. Accordingly, the Sub-Committee of the EAC visited the NCTPS Complex (13.03.2024 and 14.03.2024). Upon such expert appraisal, the EAC sub-committee recommended exploring the utilisation of existing Stage-I and Stage-II ash slurry pipelines thereby minimising environmental impact instead of constructing new pipelines. Acting upon this regulatory guidance, the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents withdrew the amendment application for new pipelines altogether. It is therefore submitted that the regulatory process culminated in abandonment of the proposal itself and choosing the environmentally preferred and regulatorily recommended option of utilizing the existing infrastructure for contingency use, leaving no subsisting violation or illegality as alleged by the applicant.
43. It is submitted that the allegations made in para no.10 of the application are vehemently denied as false, exaggerated and misleading because the representations dated 28.10.2023 and 05.04.2024 referred to by the applicant were duly taken note of by the Respondent authorities and were also considered during the EAC's appraisal process. During the site visit conducted by the EAC Sub-Committee on 13.03.2024 and 14.03.2024, representatives of the local fishing community from Kattukuppam, including Mr. Srinivasan and Mr. Karunakaran, participated in discussions at the project site conference hall and raised concerns regarding the adequacy of the ash dyke and leakage issues in the existing Stage-I and Stage-II ash slurry pipelines.
44. I further submit that in response to their concerns, the 2<sup>nd</sup> Respondent furnished details regarding mitigation and compliance measures as recorded in the Minutes of the 11<sup>th</sup> EAC meeting, and are as follows -
- NCTPS Stage-I has 5 Nos. of Ash slurry disposal lines running from the Ash handling pump house to the ash dyke.
  - Pipelines 2 & 3 have already been replaced with new lines due to frequent leakages and punctures.
  - For the remaining three pipelines, tenders have been floated for replacement, and until replacement is complete, those pipelines are not being used.
  - The 2<sup>nd</sup> Respondents assured that regular monitoring is being done regarding pipeline integrity, and all mitigating measures are being taken from time to time.

  
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- e. The existing ash dyke consists of a primary pond (115 Ha) and a secondary pond (15.5 Ha). The total designed capacity of the pond is 57.5 Lakh Cu.m.
- f. The stock of ash as on the date of the inspection was 26.96 lakh Cu.m confirming that sufficient residual capacity exists in the ash pond to handle emergency disposal requirements for NCTPS Stage III

It is therefore submitted that the allegation of inaction or fraud is demonstrably false and contrary to the official record.

45. It is submitted that the averments made in para no.11 of the application are vexatious, misleading and legally untenable and are denied in its entirety as follows –

- a. The EAC considered the new amendment proposal submitted by the 2<sup>nd</sup> Respondent vide proposal No. IA/TN/THE/475354/2024, for change in coal source from use of 100% Imported coal to use a mix of domestic coal as well as imported coal in ratio of 50%-50% proportion for the NCTPS Stage III project.
- b. During this review, the EAC comprehensively took into account the earlier requested design report for new Stage – III pipelines and the feasibility of using existing pipelines as reflected in Agenda No.18.4.2 iv in the 18<sup>th</sup> EAC meeting's minutes.
- c. This also included the compliance reports submitted by the 2<sup>nd</sup> Respondent in respect of the recommendations of the EAC Sub-Committee site visit, which were relevant to the earlier proposal under consideration. The EAC found the compliance furnished by the 2<sup>nd</sup> Respondent was satisfactory.
- d. Following this, the amendment application for the change of coal mix source was recommended for approval, subject to the withdrawal of the earlier amendment application submitted vide Proposal No. IA/TN/THE/442379/2023 for the laying of new ash slurry pipelines
- e. I further submit that the amendment in EC for change of coal source mix dated 08.03.2025 covers Environmental Impact Assessment (EIA) study conducted by M/s. Cholanandalam MS Risk services Ltd., Chennai for the ash slurry pipeline, the Ash Management Plan for the enhanced ash generation quantity, has deliberated about utilizing ash slurry pipelines of Stage-I & II and confirmed the adequacy of the existing Stage I ash pond for use by the Stage III disposal.
- f. I submit that the decision of TANGEDCO to utilize the existing ash slurry pipelines of NCTPS Stage – I & II was taken judiciously in line with recommendations of the sub-committee of EAC, as mentioned and annexed with the minutes of the 11<sup>th</sup> EAC meeting dated 16.07.2024. This decision was made specifically to minimize environmental impact, avoid unnecessary construction in sensitive CRZ areas, which is in line with environmentally sound project management practices and save public exchequer.

  
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- g. Crucially, NCTPP Stage-III will dispose of ash slurry only in emergencies. Both Fly Ash and Bottom Ash generated during normal operation are mandatorily handled and disposed of in 100% dry form. The reliance on the existing slurry pipeline is restricted strictly to emergency situations only during truckers' strike.
- h. Since, the commencement of the trial operation from March 2024 onwards, the Stage-III, has generated 100% dry fly ash and bottom ash and properly disposed and handled by transporting through truckers for vendors for manufacturing of cement, fly ash bricks, etc., necessity of wet disposal of ash slurry from Stage-III has not raised so far. As of now, the NCTPP Stage-III ash slurry system has not been fully connected to the existing Stage II ash slurry disposal pipeline, only near Stage-III end, pipeline of Stage-III has been connected to Stage II line. The plant is currently relying exclusively on the 100% dry ash utilization method.
- i. The plant's substantial silo stocking capacity both dry fly ash and bottom ash (approximately two days' worth of ash generation at full load) acts as an inherent buffer. This capacity is sufficient to manage even typical contingency scenario, viz. truckers' strikes, without immediate recourse to wet disposal.
- j. Therefore, the plant is operating in full compliance with the environmentally preferred dry ash method, and the immediate use/necessity of the ash slurry disposal for Stage-III to Stage-I dyke arises only during emergency as stated already
46. It is submitted that the averments made in para no.12 of the application are false, misleading and based on incorrect technical assumptions since the existing ash slurry disposal pipelines and ash dyke infrastructure of NCTPS Stage-I and Stage-II are fully functional, designed, renewed and maintained in compliance with statutory norms and directions of this Hon'ble Tribunal. The application is put to strict proof of the same.
- All of 5 nos. ASDL are continuously in service, convey the Wet ash slurry [mixed with Decanted Recovery water (Saline water)] to the Primary Pond of the Ash dyke located around 5.5 KM away from NCTPS -I.
  - All ash slurry disposal lines of Stage-I have been completely renewed pursuant to directions issued in O.A. No.08 of 2016.
  - The allegations of leakage are incorrect, as the instances referred to pertain only to minor O-ring weepages in recovery water pipelines carrying decanted saline water and not wet ash slurry. There is no evidence of structural failure, slurry discharge or environmental contamination. Continuous monitoring/patrolling of ASDL are being carried out round the clock.

  
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- d. Ash Slurry Disposal line infrastructure for Stage-II involves 3 nos. Pipelines (A, B & C streams) for slurry disposal and 2nos. pipelines for recovery water.
  - e. As of now, Stage-II is relied on to use the ash slurry disposal lines only in emergency situations such as festivals, heavy rain, when truckers are on strike or whenever the bulker movements are very less.
  - f. Whenever the ash slurry disposal system of Stage-II put into service in emergency conditions, regular monitoring/patrolling will be conducted to detect any leakage/defect if any and will be attended immediately. The replacement of basalt pipe, both ash slurry line and recovery lines are being carried out by preventive/breakdown maintenance.
  - g. The available one number Ash slurry Disposal pipeline of Stage-II has been spared to connect for slurry disposal of Stage-III as per the recommendations of the sub-committee of EAC.
  - h. Both fly ash and bottom ash generated from the operation, collected through respective silos and disposed of through bulkers and trucks for external agencies for manufacturing of cement, fly ash bricks and land filling by open tender.
  - i. Further, the ash dyke has sufficient residual capacity, is continuously monitored, and is used only as a contingency facility. The allegation of illegal expansion of the ash pond is categorically denied, as no unauthorised expansion has taken place.
47. It is submitted that the apprehension regarding the capacity and design of the existing Ash Slurry Disposal pipelines levelled in para no.12 of the application is an attempt to mislead this Hon'ble Tribunal and based on an incorrect premise as the Stage-III plant is designed to generate and handle 100% Dry Ash (both Fly Ash and Bottom Ash). For the limited use during an emergency, the existing Ash Slurry Disposal Pipeline of Stage-II infrastructure is adequate. The pipeline dimensions and capacity of ash slurry pump of the Stage-III (NCTPP III Ash slurry pipe line designed for 250 mm ID and 324 MM OD) are, in fact, of a lesser size compared to those of NCTPS Stage-I (336 MM ID, 406mm OD) and NCTPS Stage-II (275MM ID, 355.6mm OD). This comparison demonstrates that the existing system has the capacity to handle any marginal or temporary requirement during an emergency.
48. It is submitted that the averments made in para no.13 of the application are misconceived, legally untenable with an intention to mislead this Hon'ble Tribunal because the NCTPS Stage - III plant is not another, separate plant but is an expansion and utilisation of existing infrastructure of the NCTPC Complex, as specified in the EC itself. It can be observed in the minutes of the 11<sup>th</sup> EAC meeting that even the EAC sub-committee recommended to explore the feasibility of utilising the existing Ash Slurry pipelines of Stage-I and II for disposal of ash of NCTPP Stage-III and to submit adequacy report on existing ash dyke

  
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capacity to accommodate the proposed ash slurry from Stage-III since they were already-cleared infrastructure (NCTPS Stage I & II pipelines and ash dyke) of NCTPS complex. In compliance with the recommendations of EAC sub-committee, it was submitted to the MoEFCC that TANGEDCO will connect the ash slurry pipelines of Stage-III to the existing ash slurry pipeline infrastructure of Stage I & II instead of constructing new pipelines thereby to minimize environmental impact. The existing ash pond of NCTPS is presently sufficient as ash will be disposed of promptly to cement or fly ash brick industries and other works. The allegation that such utilisation is "utterly illegal" is contrary to the statutory records and ignores the fact that the competent authorities have actively examined and guided the respondents through the statutory process.

49. It is submitted that the averments made in para no.14 of the application are false, misleading and are therefore denied in entirety and the application is put to strict proof of the same because there is no illegal dumping of fly ash or bottom ash within the NCTPP Stage-III premises as alleged.

- a. The ash handling system of Stage-III is based on 100% dry ash extraction, wherein fly ash and bottom ash generated are collected in their respective hoppers and directly conveyed to designated ash silos. From the silos, the ash is lifted on a daily basis by authorized vendors through bulkers and tipper lorries strictly in accordance with the approved ash utilization plan, and detailed records of ash generation and lifting are maintained. It is categorically stated that no ash is dumped within the project premises.
- b. The only exception pertains to hard clinkers formed in the boiler which are crushed, evacuated via the bottom ash conveying system in the semi broken condition (40mm -50mm), and collected through a bypass chute into tipper/lorries so as to avoid choking of conveying pipe led to bottom ash silos. The collected, crushed clinkers are temporarily stored and transported to ash dyke through closed trucks.
- c. Throughout the trial operation of Stage-III plant during March 2024 to October 2025, about 5445MT hard clinkers waste has generated and the same is disposed through closed trucks to ash dyke.

The allegation of unauthorized dumping is therefore wholly denied baseless.

50. It is submitted that the averments made in para no.15 and 16 of the application are bald, false, speculative and therefore denied in entirety since there is no proposal to routinely discharge ash from NCTPP Stage-III through the existing pipelines and ash pond of Stage-I and Stage-II, and no fait accompli is being created as alleged.

- a. NCTPP Stage-III is designed for 100% dry ash handling, wherein both fly ash and bottom ash are generated, collected and disposed through silos and authorized vendors.

  
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- b. Operating at full load, the plant generates approximately 1600 MT of ash per day, whereas the plant is equipped with three ash silos having a substantial stocking capacity (Fly Ash Silo – 2 nos. X 2520MT and Bottom Ash silo-1X 1800MT), which can stock the ash evacuated from the boiler with storage capacity for approximately minimum two days.
- c. Daily lifting of ash by designated vendors is maintained at approximately 1600 MT/day, and silo levels are consequently maintained at only 10% of capacity.
- d. Consequently, the necessity for wet ash disposal to the ash dyke does not arise during normal operations and is envisaged only as a contingency during rare emergency situations such as transport disruptions.

51. I further submit that the Rapid EIA study conducted by M/s.Ramky Enviro Engineers Ltd, Hyderabad for proposed NCTPS (1x800MW Stage III) on May-2015, EIA Report for laying ash slurry pipelines and Recovery water pipelines from NCTPP Stage-III to NCTPS Ash Dyke on March-2023 and Additional Impact Assessment and Revised EMP for change of coal - NCTPS (1x 800MW Stage III) on May-2024, conducted by M/s.Cholamandalam MS Risk Services, Chennai and M/s. Re Sustainability Solutions Private Limited, Hyderabad respectively, all three reports explicitly recognised the requirement of a contingency for the emergency disposal of wet ash and ash pond area for Stage-III plant. Hence, the plea for injunction and the claim of balance of convenience are wholly unfounded and contrary to the statutory clearances obtained.

52. It is submitted that the averments made in para no.16 of the application are vexatious, misleading and legally untenable because the provision for emergency disposal of wet ash has also been duly studied, assessed and incorporated in the approved ash management plan, in as much as the emphasis on real-time utilization of ash through dry handling systems. TANGEDCO/NCTPS Stage-III maintains its primary commitment to 100% dry ash disposal/utilization after 4<sup>th</sup> year of operation as mandated in EC under "General condition – Point B(viii)", and has adopted the EAC sub-committee's primary recommendation, focusing on utilizing the existing ash slurry pipelines of Stage-I & II for disposal of Stage-III ash during contingency i.e. truckers strike and others etc. Hence, fresh clearance/application for conveying Stage-III ash through pipelines and ash pond as stated by the applicant does not arise.

53. It is submitted that the sweeping allegations regarding pollution of Ennore creek are unsupported by any technical evidence and ignore the extensive regulatory oversight governing the project. The present application, filed with the apparent malicious intent to stall a vital public utility project required to safeguard energy security in the State of

  
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Tamil Nadu, is clearly an abuse of the process of law and is liable to be rejected in the larger public interest.

In light of the facts and submissions stated above, it is submitted that this Hon'ble Tribunal may be pleased to dismiss the Original Application with extensive costs, and pass such further orders as it deems fit and proper in the facts and circumstances of the case, and render justice.

Dated at Chennai this the 31<sup>st</sup> day of March 2026.

  
Respondents No.2 and 3

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Counsel for the Respondents No.2 and 3

S. T. RAJA,  
Ma. No. 1192/1999  
Standing Counsel for  
(TNPDCCL) (TNPGL) (TNGECL)  
# 1, Goomies Street, Chennai-1.  
Email: onisairamavocates@gmail.com  
Cell: 94440 27720

VERIFICATION

I, M. SETHURAMAN, son of G. MURUGESAN, Chief Engineer, NCTPP Stage III, having office at Athipattu, Chennai 600 120 do hereby verify that the contents of paragraphs 1 to 53 of this Reply statement are true and correct to my knowledge, derived from the records of the Respondent Companies, and no part of it is false and nothing material has been concealed therefrom.

Verified at Chennai this the 31<sup>st</sup> day of March 2026

  
Respondent no.2

CHIEF ENGINEER / ELECTRICAL  
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SE/E/T & H	SE/M
SE/C/P & E	SE/PO
SE/C/TP	SE/C/UP

PROJECTS

Dated: 20.01.2016



To  
M/s Tamil Nadu Generation & Distribution Corporation Ltd.,  
(A successor entity of TNEB),  
5<sup>th</sup> Floor Western Wing, NPKRR Maaligai,  
144, Anna Salai, Chennai-2,  
Telefax: - 044-28520878; E.mail: [ceps@tnebnet.org](mailto:ceps@tnebnet.org)



Sub: **Environmental Clearance for Expansion by addition of 1x800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities at Villages Ennore & Puzhudiakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu by M/s Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO).**

Sir,

This has reference to your online application dated 26.05.2015 and additional information/documents submitted vide letter dated 18.11.2015 & 20.11.2015 w.r.t the aforesaid project. This Ministry has examined the proposal. It is inter-alia, noted that the ToR for preparation of EIA/EMP report was accorded by the Ministry on 28.05.2012 and the validity of TOR was extended upto 27.05.2015 on 08.09.2014. Public Hearing was conducted on 05.03.2015. The State level CZMA in its meeting dated 19.05.2015 has recommended the CRZ clearance for foreshore facilities.

2. The land requirement for the proposed expansion is 76.9 Ha (190 acres), which is located inside the NCTPS complex. Entire land is under possession of TANGEDCO. There are no R&R issues. No further expansion is envisaged. There are no National Parks, Sanctuaries, Elephant/Tiger Reserves, Migratory Routes/Wildlife Corridors within 10 km of the project site. The site is 500 m away from High Tide Line (HTL) of Sea and 100 m away from the HFL of canal. The project site is a graded area with necessary drains developed during execution of NCTPS Stage I project (3x210 MW). The capital and recurring cost towards EMP is Rs. 480 Crores and 48 Crores respectively.

3. The imported coal requirement of 2.09 MTPA will be sourced through MMTC, New Delhi. FSA/MoU for Imported Coal MoU has been signed between MMTC limited, a GOI Enterprise and TANGEDCO on 25.05.2015 for supply of 2.51 MTPA of Coal for proposed NCTPS Stage III (1x800 MW) plant. The maximum sulphur and ash contents of the imported coal shall be 0.8% and 8% respectively. Ennore Port is establishing Coal Berth 3 (CB 3) exclusively for the use of TANGEDCO in addition to existing Coal Berth 1 & 2. It is proposed to transport coal from CB 3 to the NCTPS Stage III plant site through closed belt conveyors since the coal conveyor route is well within Port and Power plant area alone. Kamarajar Port Limited (erstwhile Ennore Port Limited) vide letter dated 28.07.2015 has consented for handling of imported coal for the proposed expansion TPP. Radio activity and heavy metal contents of coal to be sourced have been tested and the parameters are well within limits.

4. The potable water of about 9 MLD required for the plant will be met by treating sea water in R.O. based desalination plant. The sea water (1,65,600 KLD)

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will be sourced Ennore port basin via existing intake channel of NCTPS Stage II. COC of 1.3 has been proposed to optimize water usage. The domestic wastewater from plant and service wastewater will be collected and treated and reused for greenbelt, dust suppression, etc. and zero discharge will be maintained. As sea water is proposed for cooling purpose, the same will be discharged into sea through the existing pre cooling channel of NCTPS.

5. The following facilities will be in CRZ area:
  - i. Coal conveyor having length of 3.5 km and elevation of 6 m for coal transportation from Ennore Port to NCTPS Stage-III TFF.
  - ii. Supporting trestles (Steel frames) for coal conveyor at about 6 m/8 m from ground level.
  - iii. Sea water intake from forebay of NCTPS stage-II intake & outlet pipe to pre cooling channel of NCTPS for discharge with intake pipe length of 3 km and outlet pipe length of 1.5 km.
  - iv. GRP (Glass Reinforced Plastic) pipes on the ground level for cooling water inlet and coolant water outlet.
  
6. Fly ash and bottom ash would be collected and stored in the silos and supplied to cement/brick industries for manufacturing cement and bricks. 100% Dry Fly ash Collection will be done by providing Pressurized Dry Fly ash Collection System. The fly ash from the existing Units is being sold by e-auction and the same is proposed for the instant Unit. An MOU is executed with M/s Dalmia Cements (Bharat) Ltd, Dalmiapuram, Tamilnadu for off take of fly ash from the proposed NCTPS Stage III (1x800MW). Ash pond water will be collected, treated and reused for slurry making.

7. Based on the information, clarification, documents submitted and presentations made by you and your consultant, viz. Ramky Enviro Engineers Ltd., Hyderabad, before the Expert Appraisal Committee (EAC - Thermal Power) in its 38<sup>th</sup> & 46<sup>th</sup> Meetings held during 25<sup>th</sup>-26<sup>th</sup> June, 2015 & 26<sup>th</sup>-27<sup>th</sup> November, 2015, respectively and EAC (CRZ) in its 150<sup>th</sup> Meeting held during 29<sup>th</sup>-31<sup>st</sup> July, 2015, the Ministry hereby accords environmental clearance to the above power plant under the provisions of EIA Notification dated September 14, 2006 & subsequent amendments therein and CRZ clearance for foreshore facilities under the provisions of CRZ Notification, 2011 & subsequent amendments therein subject to compliance of the following Specific and General conditions:

**A. Specific Conditions:**

- (i) Explore the feasibility of multiple distributing point for the discharge of cooling water into pre-cooling channel and also the widening of the pre-cooling channel.
- (ii) PP shall endeavor to enter into MoUs with NHAI, Associations of Cement Industries and Municipal Authorities for ensuring full ash utilization.
- (iii) As committed, FGD shall be installed to ensure emission below threshold limits.
- (iv) Coal conveyance shall take place in closed conveyor and that there shall be no open stacking of the coal in the CRZ area.
- (v) The intake water pipeline shall be laid as per provisions of CRZ Notification, 2011.

- (vi) Disposal of hot water shall meet Tamil Nadu Pollution Control Board (TNSPCB) norms.
- (vii) Water temperature shall be monitored at outlets of each of the unit (3 phases) and also at pre-cooling channel joining Ennore creek.
- (viii) All the recommendations and conditions specified by Tamil Nadu Coastal Zone Management Authority (TNCZMA) vide letter No.10173/EC.3/2015-1 dated 16.06.2015, shall be complied with.
- (ix) Explore to develop Green belt along the conveyor.
- (x) Periodical monitoring of the sea water at the discharge point shall be done and report be submitted along with the six monthly monitoring reports.
- (xi) Construction activity shall be carried out strictly as per the provisions of CRZ Notification, 2011. No construction work other than those permitted in Coastal Regulation Zone Notification shall be carried out in Coastal Regulation Zone area.
- (xii) Vision document specifying prospective plan for the site shall be formulated and submitted to the Regional Office of the Ministry within **six months**.
- (xiii) Harnessing solar power within the premises of the plant particularly at available roof tops shall be carried out and status of implementation including actual generation of solar power shall be submitted along with half yearly monitoring report.
- (xiv) The sulphur and ash content of coal shall not exceed 0.8 % and 8 % respectively. In case of variation of quality at any point of time, fresh reference shall be made to the Ministry for suitable amendments to the environmental clearance.
- (xv) A long term study of radio activity and heavy metals contents on coal to be used shall be carried out through a reputed institute and results thereof analyzed every two year and reported along with monitoring reports. Thereafter mechanism for an in-built continuous monitoring for radio activity and heavy metals in coal and fly ash (including bottom ash) shall be put in place.
- (xvi) High Efficiency Electrostatic Precipitators (ESPs) shall be installed to ensure that particulate emission does not exceed 30 mg/Nm<sup>3</sup>. Adequate dust extraction system such as cyclones/bag filters and water spray system in dusty areas such as in coal handling and ash handling points, transfer areas and other vulnerable dusty areas shall be provided along with an environment friendly sludge disposal system.
- (xvii) Adequate dust extraction system such as cyclones/ bag filters and water spray system in dusty areas such as in coal handling and ash handling points, transfer areas and other vulnerable dusty areas shall be provided.
- (xviii) The SO<sub>2</sub>, NO<sub>x</sub> and Hg emissions shall not exceed 100 mg/Nm<sup>3</sup>, 100 mg/Nm<sup>3</sup> and 0.03 mg/Nm<sup>3</sup> respectively.
- (xix) The specific water consumption shall not exceed 2.5 m<sup>3</sup>/MWh and zero waste water discharge shall be achieved.
- (xx) COC of atleast 1.3 shall be adopted.

- (xxi) Monitoring of surface water quantity and quality shall also be regularly conducted and records maintained. The monitored data shall be submitted to the Ministry regularly. Further, monitoring points shall be located between the plant and drainage in the direction of flow of ground water and records maintained. Monitoring for heavy metals in ground water shall also be undertaken and results/findings submitted along with half yearly monitoring report.
- (xxii) A well designed rain water harvesting system shall be put in place within six months, which shall comprise of rain water collection from the built up and open area in the plant premises and detailed record kept of the quantity of water harvested every year and its use.
- (xxiii) No water bodies including natural drainage system in the area shall be disturbed due to activities associated with the setting up / operation of the power plant.
- (xxiv) Wastewater generated from the plant shall be treated before discharge to comply limits prescribed by the SPCB/CPCB.
- (xxv) Explore the commercial utilization of brine instead of discharging into sea.
- (xxvi) Disposal of solid/liquid from Desalination plant shall comply with the prescribed standards and if need be, environmental safeguard measures by providing balancing/neutralizing tank may be set up and operated regularly & efficiently.
- (xxvii) Sea water quality shall be continuously monitored for salinity, turbidity and temperature at selective sites across the impacted zone including estuarine waters. Mitigative measures shall be undertaken through institutes such as Annamalai University for continuous preservation of mangroves and their ecology. The monitoring data shall be uploaded on the company's website and also submit to Regional Office of the Ministry every six months.
- (xxviii) To minimize entrapment of even small marine flora and fauna, state of the art low aperture intake screens with high effectiveness for impingement and entrainment and fishnet around intake shall be installed.
- (xxix) Fish catch along the impacted zone of sea should be monitored periodically by the Department of Fisheries, Government of Gujarat. The project proponent shall accordingly take up the matter with the Fishery Dept., Govt. of Gujarat from time to time.
- (xxx) The project proponent shall upload environmental quality monitored data on a regular basis on its website.
- (xxxi) Marginalized section of society particularly traditional fishermen communities shall be identified based on 2011 population census data and socio-economic study of the various strata of families such as those carrying out subsistence fishing, commercial fishing etc. shall be carried out and impact on their livelihoods shall be assessed separately. Accordingly, sustainable welfare scheme/measures shall be undertaken and status of implementation shall be submitted to the Regional Office of the Ministry within six months.

- (xxxii) A state-of-the-art environmental laboratory at the project site shall be established such that the laboratory has facilities for long term monitoring of sea water quality and sediment in the impacted zone over and above and ambient air, soil quality analysis of the area. The proponent shall undertake mitigative measures if there are any negative impacts.
- (xxxiii) Additional soil for leveling of the proposed site shall be generated within the sites (to the extent possible) so that natural drainage system of the area is protected and improved.
- (xxxiv) Fugitive emission of fly ash (dry or wet) shall be controlled such that no agricultural or non-agricultural land is affected. Damage to any land shall be mitigated and suitable compensation provided in consultation with the local Panchayat.
- (xxxv) Fly ash shall not be used for agricultural purpose. No mine void filling will be undertaken as an option for ash utilization without adequate lining of mine with suitable media such that no leachate shall take place at any point of time. In case, the option of mine void filling is to be adopted, prior detailed study of soil characteristics of the mine area shall be undertaken from an institute of repute and adequate clay lining shall be ascertained by the State Pollution Control Board and implementation done in close co-ordination with the State Pollution Control Board.
- (xxxvi) Fly ash shall be collected in dry form and storage facility (silos) shall be provided. Mercury and other heavy metals (As, Hg, Cr, Pb etc.) shall be monitored in the bottom ash. No ash shall be disposed off in low lying area.
- (xxxvii) Green Belt consisting of three tiers of plantations of native species all around plant and at least 50 m width shall be raised. Wherever 50 m width is not feasible a 20 m width shall be raised and adequate justification shall be submitted to the Ministry. Tree density shall not be less than 2500 per ha with survival rate not less than 80 %.
- (xxxviii) Green belt shall also be developed around the Ash Pond over and above the Green Belt around the plant boundary.
- (xxxix) An Environmental Cell comprising of at least one expert in environmental science/ engineering, ecology, occupational health and social science, shall be created preferably at the project site itself and shall be headed by an officer of appropriate superiority and qualification. It shall be ensured that the Head of the Cell shall directly report to the Head of the Plant who would be accountable for implementation of environmental regulations and social impact improvement/mitigation measures.
- (xl) The project proponent shall formulate a well laid Corporate Environment Policy and identify and designate responsible officers at all levels of its hierarchy for ensuring adherence to the policy and compliance with the conditions stipulated in this clearance letter and other applicable environmental laws and regulations.
- (xli) CSR schemes identified based on need based assessment shall be implemented in consultation with the village Panchayat and the District Administration starting from the development of project itself. As part of CSR prior identification of local employable youth and eventual employment in the project after imparting relevant training shall be also undertaken.

Company shall provide separate budget for community development activities and income generating programmes.

- (xiii) For proper and periodic monitoring of CSR activities, a CSR committee or a Social Audit committee or a suitable credible external agency shall be appointed. CSR activities shall also be evaluated by an independent external agency. This evaluation shall be both concurrent and final.

**B) General Conditions:**

- (i) The treated effluents conforming to the prescribed standards only shall be re-circulated and reused within the plant. Arrangements shall be made that effluents and storm water do not get mixed.
- (ii) A sewage treatment plant shall be provided (as applicable) and the treated sewage shall be used for raising greenbelt/plantation.
- (iii) Adequate safety measures shall be provided in the plant area to check/minimize spontaneous fires in coal yard, especially during summer season. Copy of these measures with full details along with location plant layout shall be submitted to the Ministry as well as to the Regional Office of the Ministry.
- (iv) Storage facilities for auxiliary liquid fuel such as LDO/ HFO/LSHS shall be made in the plant area in consultation with Department of Explosives, Nagpur. Sulphur content in the liquid fuel will not exceed 0.5%. Disaster Management Plan shall be prepared to meet any eventuality in case of an accident taking place due to storage of oil.
- (v) First Aid and sanitation arrangements shall be made for the drivers and other contract workers during construction phase.
- (vi) Noise levels emanating from turbines shall be so controlled such that the noise in the work zone shall be limited to 85 dB(A) from source. For people working in the high noise area, requisite personal protective equipment like earplugs/ear muffs etc. shall be provided. Workers engaged in noisy areas such as turbine area, air compressors etc shall be periodically examined to maintain audiometric record and for treatment for any hearing loss including shifting to non noisy/less noisy areas.
- (vii) Regular monitoring of ambient air ground level concentration of SO<sub>2</sub>, NO<sub>x</sub>, PM<sub>2.5</sub> & PM<sub>10</sub> and Hg shall be carried out in the impact zone and records maintained. If at any stage these levels are found to exceed the prescribed limits, necessary control measures shall be provided immediately. The location of the monitoring stations and frequency of monitoring shall be decided in consultation with SPCB. Periodic reports shall be submitted to the Regional Office of this Ministry. The data shall also be put on the website of the company.
- (viii) Utilization of 100% Fly Ash generated shall be made from 4<sup>th</sup> year of operation. Status of implementation shall be reported to the Regional Office of the Ministry from time to time.
- (ix) Provision shall be made for the housing of construction labour (as applicable) within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care.

crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.

- (x) The project proponent shall advertise in at least two local newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned within seven days from the date of this clearance letter, informing that the project has been accorded environmental clearance and copies of clearance letter are available with the State Pollution Control Board/Committee and may also be seen at Website of the Ministry of Environment and Forests at <http://envfor.nic.in>.
- (xi) A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parishad / Municipal Corporation, urban local Body and the Local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
- (xii) The proponent shall upload the status of compliance of the stipulated environmental clearance conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MOEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM (PM<sub>2.5</sub> & PM<sub>10</sub>), SO<sub>2</sub>, NO<sub>x</sub> (ambient levels as well as stack emissions) shall be displayed at a convenient location near the main gate of the company in the public domain.
- (xiii) The environment statement for each financial year ending 31<sup>st</sup> March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the respective Regional Offices of the Ministry by e-mail.
- (xiv) **The project proponent shall submit six monthly reports on the status of the implementation of the stipulated environmental safeguards to the Ministry of Environment and Forests, its Regional Office, Central Pollution Control Board and State Pollution Control Board. The project proponent shall upload the status of compliance of the environmental clearance conditions on their website and update the same periodically and simultaneously send the same by e-mail to the Regional Office, Ministry of Environment and Forests.**
- (xv) Regional Office of the Ministry of Environment & Forests will monitor the implementation of the stipulated conditions. A complete set of documents including Environmental Impact Assessment Report and Environment Management Plan along with the additional information submitted from time to time shall be forwarded to the Regional Office for their use during monitoring. Project proponent will up-load the compliance status in their website and up-date the same from time to time at least six monthly basis. **Criteria pollutants levels including NO<sub>x</sub> (from stack & ambient air) shall be displayed at the main gate of the power plant.**
- (xvi) Separate funds shall be allocated for implementation of environmental protection measures along with item-wise break-up. These cost shall be included as part of the project cost. The funds earmarked for the environment

protection measures shall not be diverted for other purposes and year-wise expenditure should be reported to the Ministry.

(xvii) The project authorities shall inform the Regional Office as well as the Ministry regarding the date of financial closure and final approval of the project by the concerned authorities and the dates of start of land development work and commissioning of plant.

(xviii) Full cooperation shall be extended to the Scientists/Officers from the Ministry / Regional Office of the Ministry / CPCB/ SPCB who would be monitoring the compliance of environmental status.

C) An as built or as completed report on EMP to be submitted stating the scope/extent of work envisaged in the EIA along with estimated cost vis-à-vis the actual completed works and cost incurred. A certificate/completion certificate accordingly, shall have to be submitted before commissioning of the TPP.

8. The Ministry reserves the right to revoke the clearance if conditions stipulated are not implemented to the satisfaction. The Ministry may also impose additional environmental conditions or modify the existing ones, if necessary.

9. The environmental clearance for the power plant shall be valid for a period of 7 years from the date of issue of this letter to start operations by the power plant. The CRZ clearance for foreshore facilities shall be valid for a period of 5 years from the date of issue of this letter for commencement of construction & operation of foreshore facilities.

10. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.

11. In case of any deviation or alteration in the project proposed including coal transportation system from those submitted to this Ministry for clearance, a fresh reference should be made to the Ministry to assess the adequacy of the condition(s) imposed and to add additional environmental protection measures required, if any.

12. The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules there under, Hazardous Wastes (Management, Handling & Transboundary Movement) Rules, 2008 and its amendments, the Public Liability Insurance Act, 1991 and its amendments.

13. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

Yours faithfully,

  
(B. B. Barman)  
Scientist 'F'

Copy to:

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.

2. The Secretary (Environment), Environment Department, Government of Tamil Nadu.
3. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
4. The Chairman, Tamil Nadu Pollution Control Board, No. 76, Mount Road, Mount Salai, Guindy, Chennai - 600 032
5. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi- 110032.
6. The Additional Principal Chief Conservator of Forests (C), Regional Office (SEZ), 1<sup>st</sup> and 2<sup>nd</sup> Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai- 34.
7. The District Collector, Thiruvallur District, Govt. of Tamil Nadu
8. Guard file/Monitoring file.
9. Website of MoEF&CC

  
(B. B. Barman)  
Scientist 2<sup>nd</sup>

अतः अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के (4) खंड के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) की उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, लोकहित में उक्त नियमों के नियम 5 के उप-नियम (3) के खंड (क) के अधीन नोटिस की अपेक्षा अधिमूर्ति के पश्चात् भारत के राजपत्र असाधारण, भाग- II, खंड 3, उपखंड (II), में प्रकाशित, भारत सरकार की तत्कालीन पर्यावरण और वन संशोधन अधिसूचना का.अ.1533 (अ), तारीख 14 सितंबर, 2006, में निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में,

(i) उप शीर्ष II "चरण (2) विस्तारण", के अधीन पैरा 7 के उप पैरा 7(i) में, खंड (viii) के पश्चात् निम्नलिखित खंड अंतःस्थापित किया जाएगा अर्थात् :-

"(ix) उपरोक्त में अंतर्निष्ठ किसी बात के होने हुए, 1 अप्रैल 2020 से 31 मार्च 2021 की अवधि में कोरोना वायरस (कोविड-19) के प्रकोप को देखते हुए और तत्पश्चात् इसके निबंधन के लिए घोषित लॉकडाउन (कुल या आंशिक) की दृष्टि में इस अधिसूचना के उपबंधों के अधीन मंजूर संदर्भ की शर्तों की विशिष्टतायुक्तता की अवधि की गणना के प्रयोजन के लिए विचार नहीं किया जाएगा, तथापि उक्त संदर्भ की शर्तों के संबंध में इस अवधि के दौरान अपनाए गए सभी क्रियाकलाप विधिवानुसंग समझे जाएंगे।";

(ii) पैरा 9 क के स्थान पर, निम्नलिखित पैरा रखा जाएगा, अर्थात् :-

"9 क. इस अधिसूचना में अंतर्निष्ठ किसी बात के होने हुए, 1 अप्रैल 2020 से 31 मार्च 2021 की अवधि में कोरोना वायरस (कोविड-19) के प्रकोप को देखते हुए और तत्पश्चात् इसके निबंधन के लिए घोषित लॉकडाउन (कुल या आंशिक) की दृष्टि में इस अधिसूचना के उपबंधों के अधीन मंजूर पूर्व पर्यावरणीय अनापत्ति की विशिष्टतायुक्तता की अवधि की गणना के प्रयोजन के लिए विचार नहीं किया जाएगा, तथापि उक्त पर्यावरणीय अनापत्ति के संबंध में इस अवधि के दौरान अपनाए गए सभी क्रियाकलाप विधिवानुसंग समझे जाएंगे।";

[फा. सं. 22-25/2020-आईए, III]

गीता मेहन, संयुक्त सचिव

टिप्पण : मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) संख्या का.अ. 1533 (अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की गई थी और अधिसूचना अधिसूचना संख्या का.अ. 4254 (अ), तारीख 27 नवंबर, 2020 द्वारा अंतिम बार संशोधन किया गया था।

#### MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE NOTIFICATION

New Delhi, the 18th January, 2021

**S.O. 221(E).**—Whereas, the Central Government in the erstwhile Ministry of Environment and Forests, in exercise of its powers by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 has published the Environment Impact Assessment Notification, 2006 (hereinafter referred to as the said notification) vide number S.O.1533(E), dated the 14<sup>th</sup> September, 2006, making the requirement of prior environmental clearance from the concerned regulatory authority mandatory for all new projects or activities listed in the Schedule to the said notification, their expansion and modernisation and/or change in product mix, as the case may be, before any construction work or preparation of land by the project management except for securing the land;

And whereas, in view of the outbreak of Corona Virus (COVID-19) and subsequent lockdowns (total or partial) declared for its control, implementation of projects or activities in the field has been affected. Ministry of

Environment, Forest and Climate Change is in receipt of number of requests for extension of the validity of prior environmental clearances beyond the maximum period allowed in the said notification, as the COVID-19 pandemic has not yet come to an end. The matter has been examined in the said Ministry and the concern is genuine keeping in view the fact that due to lockdowns (total or partial), continuation of activities in the field has been difficult.

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules in public interest, hereby makes the following further amendments in the notification of Government of India, in the erstwhile Ministry of Environment and Forests, number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006, published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (II), namely:-

In the said notification, -

- (i) in paragraph 7, in sub-paragraph 7(i), under sub-heading II, "Stage (2) – Scoping", after clause (viii), the following clause shall be inserted, namely:-

*"(ix). Notwithstanding anything contained above, the period from the 1<sup>st</sup> April, 2020 to the 31<sup>st</sup> March, 2021 shall not be considered for the purpose of calculation of the period of validity of Terms of Reference granted under the provisions of this notification in view of outbreak of Corona Virus (COVID-19) and subsequent lockdowns (total or partial) declared for its control, however, all activities undertaken during this period in respect of the said Terms of Reference shall be treated as valid."*

- (ii) for paragraph 9A, the following paragraph shall be substituted namely:-

*"9A. Notwithstanding anything contained in this notification, the period from the 1<sup>st</sup> April, 2020 to the 31<sup>st</sup> March, 2021 shall not be considered for the purpose of calculation of the period of validity of Prior Environmental Clearances granted under the provisions of this notification in view of outbreak of Corona Virus (COVID-19) and subsequent lockdowns (total or partial) declared for its control, however, all activities undertaken during this period in respect of the Environmental Clearance granted shall be treated as valid."*

[F.No.22-25/2020-IA.III]

GEETA MENON, Joint Secy.

**Note:** The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006 and was last amended vide the notification number S.O. 4254(E), dated the 27<sup>th</sup> November, 2020.

F.No. 1A3-22/28/2022-1A.111 [E 181584]

Government of India

Ministry of Environment, Forest and Climate Change  
Impact Assessment Division

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Indira Paryavaran Bhawan  
3rd Floor, Vayu Wing, Jor Bagh Road  
Ali Ganj, New Delhi-110003Dated: 13<sup>th</sup> December, 2022OFFICE MEMORANDUM


**Subject:** Clarification on the amendment to EIA Notification 2006 issued vide S.O. No. 1807(E) dated 12/04/2022 with regard to validity of Environment Clearance - regarding.

The Ministry of Environment, Forest and Climate Change (MoEF&CC) vide notification no. S.O. No. 1807(E) dated 12/04/2022 amended the provisions of EIA Notification, 2006 regarding validity of Environment Clearance as mentioned below:

Type of Project	Earlier EC validity (Years) (A)	Further extendable for (Years) (B)	Increased EC validity (Years) (C)	Further extendable for (Years) (D)
River Valley projects	10	3	13	2
Nuclear projects	7	3	15	5
Projects other than River Valley, Nuclear and Mining Projects	7	3	10	1
Mining Projects	30		30 (Subject to adequacy of EIA/EMP to be reviewed every 5 years after 30 Years)	20

2. The Ministry is in receipt of representations from different stakeholders seeking clarification on the validity of Environment Clearance for different developmental projects in pursuance to the aforementioned Notification. The matter has been examined and it is to clarify that the applicability of the Notification is as under:

- i. The validity of the Environmental Clearances, which had not expired as on the date of publication of Notification i.e. 12/04/2022, shall stand automatically extended to respective increased validity as mentioned at para no. 1 column (C) above:  
*Provided that the period of validity of Environmental Clearance with respect to the type of Projects and Activities listed at Para 1 above may be extended in respect of valid Environmental Clearance, by the regulatory authority concerned, by a maximum period of years as indicated at Para No. 1 Column (D) above, if an application is made in the laid down proforma to the regulatory authority by the applicant as per the provisions of EIA Notification 2006:  
 Provided further that the regulatory authority may also consult the concerned Expert Appraisal Committee before grant of such extension.*
- ii. The Environment Clearances for which the project proponents have submitted the application for extension of validity as per the provisions of the EIA Notification 2006 as on the date of publication of Notification i.e. 12/04/2022, shall stand automatically extended to respective increased validity as mentioned at Para no. 1 column (C) above.
3. This is issued with the approval of Competent Authority.

  
 (Sundar Ramanathan)  
 Scientist 'E'

To

1. Chairman, Central Pollution Control Board (CPCB)
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SELAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
5. All the Officers of IA Division

Copy for information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. Sr.PPS to Secretary (EF&CC)
4. Sr.PPS to AS (TK) / AS (NPG)
5. Sr.PPS to JS (SKB)
6. Website, MoEF&CC
7. Guard file.

10. का.अ. 4162 (अ), तारीख 23 दिसंबर, 2016;
11. का.अ. 621 (अ), तारीख 23 फरवरी, 2017;
12. का.अ. 1393 (अ), तारीख 3 मई, 2017;
13. का.अ. 2444 (अ), तारीख 31 जुलाई, 2017; और
14. वा.का.नि. 1227 (अ), तारीख 06 अक्तूबर, 2017।

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**  
**NOTIFICATION**

New Delhi, the 6th March, 2018

**S.O. 1002(E).**—WHEREAS by notification of the Government of India in the Ministry of Environment and Forests number S.O.19 (E), dated the 6<sup>th</sup> January, 2011 (hereinafter referred to as the Coastal Regulation Zone Notification, 2011), the Central Government declared certain coastal stretches as Coastal Regulation Zone and restrictions were imposed on the setting up and expansion of industries, operations and processes in the said Zone;

AND WHEREAS, the Central Government have received representations from various stakeholders including State Governments regarding extension of validity of clearance issued under Coastal Regulation Zone notification and for consideration of post facto clearance under in the said notification;

AND WHEREAS, the National Coastal Zone Management Authority in its 32<sup>nd</sup> meeting held on 1<sup>st</sup> November, 2017 had also decided that the above-mentioned issues need consideration;

AND WHEREAS, the Central Government taking into account the above, proposes to make the following amendments to the Coastal Regulation Zone Notification, 2011;

AND WHEREAS, the Central Government, having regard to the provisions of sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, is of the opinion that it is in public interest to dispense with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules for amending the said Coastal Regulation Zone Notification, 2011.

NOW THEREFORE, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the Coastal Regulation Zone Notification, 2011, namely:-

1. in sub-paragraph 4.2, for clause (v), the following clause shall be substituted, namely:-

“(v) The clearance accorded to the projects under this notification shall be valid for a period of seven years from the date of issue of such clearance:

Provided that the construction activities shall commence within a period of five years from the date of the issue of clearance and the construction be completed and the operations be commenced within seven years from the date of issue of such clearance:

Provided further that the period of validity may be extended for a maximum period of three years in case an application is made to the concerned authority by the applicant within the validity period, along with recommendation for extension of validity of the clearance by the concerned State / Union Territory Coastal Zone Management Authority”;

2. after sub-paragraph 4.2, the following sub-para shall be inserted, namely:-

“4.3 **Post facto clearance for permissible activities.**-

- (i) all activities, which are otherwise permissible under the provisions of this notification, but have commenced construction without prior clearance, would be considered for regularisation only in such cases wherein the project applied for regularisation in the specified time and the projects which are in violation of CRZ norms would not be regularised;
- (ii) the concerned Coastal Zone Management Authority shall give specific recommendations regarding regularisation of such proposals and shall certify that there have been no violations of the CRZ regulations, while making such recommendations;

- (iii) such cases where the construction have been commenced before the date of this notification without the requisite CRZ clearance, shall be considered only by Ministry of Environment, Forest and Climate Change, provided that the request for such regularisation is received in the said Ministry by 30<sup>th</sup> June, 2018.

[F. No. 19-27/2015-IA-III]

RITESH KUMAR SINGH, Jr. Secy.

**Note :** The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), vide number S.O. 19 (E), dated the 6<sup>th</sup> January, 2011 and subsequently amended as follows: -

1. S.O. 2557 (E), dated the 22<sup>nd</sup> August, 2013;
2. S.O. 1244 (E), dated the 30<sup>th</sup> April, 2014;
3. S.O. 3085 (E), dated the 28<sup>th</sup> November, 2014;
4. S.O. 383 (E), dated the 4<sup>th</sup> February, 2015;
5. S.O. 556 (E), dated the 1<sup>st</sup> February, 2015;
6. S.O. 938 (E), dated the 31<sup>st</sup> March, 2015;
7. S. O. 1599 (E), dated the 16<sup>th</sup> June, 2015;
8. S. O. 3552 (E) dated the 30<sup>th</sup> December, 2015;
9. S. O. 1212 (E), dated the 22<sup>nd</sup> March, 2016;
10. S.O. 4162(E), dated 23<sup>rd</sup> December, 2016;
11. S.O. 621(E), dated 23<sup>rd</sup> February, 2017;
12. S.O. 1393 (E), dated 3<sup>rd</sup> May, 2017;
13. S.O. 2444 (E), dated 31<sup>st</sup> July, 2017; and
14. G.S.R 1227(E), dated 06<sup>th</sup> October, 2017.

RAKESH  
SUKUL

Digitally signed by  
RAKESH SUKUL  
Date: 2018.02.09  
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(v) खंड (v) में अंतर्लिखित किसी बात के होते हुए भी, इस अधिनियम के अधीन अनुवर्त सीआरजेड मंजूरी की वैधता की अवधि की संख्या के प्रयोजन के लिए, कोरोना वायरस (कोविड-19) के प्रसार को दृष्टिगत रखते हुए, 1 अप्रैल, 2020 से 31 मार्च, 2021 की अवधि को विचार में नहीं लिया जाएगा।<sup>1</sup>;

(अ) खंड (vi) के पश्चात्, निम्नलिखित खंड अंतःस्थापित किए जाएंगे, अर्थात् :-

(vii) किसी आवेदनक को किसी विनिर्दिष्ट परियोजना या क्रियाकलाप के लिए अनुवर्त सीआरजेड मंजूरी इसकी वैधता के दौरान, उन्हीं शर्तों और निबंधनों पर, जिनके अधीन सीआरजेड मंजूरी अर्पण में अनुवर्त की गई थी तथा मंजूरी की वैधता की उम्मीद अवधि के लिए अंतरक द्वारा और संबंधित प्राधिकारी द्वारा लिखित "अनापत्ति" के साथ अंतरक द्वारा या अंतरिती द्वारा आवेदन पर, परियोजना या क्रियाकलाप करने के हकदार किसी अन्य विशिष्ट व्यक्ति को अंतरित की जा सकेगी।

(ix) विनिर्दिष्ट परियोजना या क्रियाकलाप के लिए सीआरजेड मंजूरी वैधता के दौरान, परियोजना चलाने और अंतरित करने के हकदार दो या अधिक व्यक्तियों के साथ अपेक्षित दस्तावेजों के साथ अंतरक द्वारा किए गए आवेदन पर, विभाजित की जा सकेगी तथा केंद्रीय सरकार या संबंधित तटीय क्षेत्र प्रबंधन प्राधिकरण संबंधित परियोजनाओं के लिए संबंधित तटीय क्षेत्र प्रबंधन प्राधिकरण द्वारा सिफारिश और यदि अपेक्षित हो तो संबंधित विशेषज्ञ मूल्यांकन समिति से सिफारिश प्राप्त करने के पश्चात् किन्हीं अन्य विशिष्ट व्यक्तियों को सीआरजेड मंजूरी विभाजित और अंतरित कर सकेगी।

(x) उपर अंतर्लिखित किसी बात के होते हुए भी, ईसी और सीआरजेड दोनों मंजूरी की अपेक्षा वाली परियोजनाओं में मंजूरी का अंतरक संबंधित तटीय क्षेत्र प्रबंधन प्राधिकरण की सिफारिश प्राप्त करने के पश्चात् समय-समय पर पचासवें अधिनियम के अनुसार किया जाएगा।<sup>1</sup>

[फा.सं. 19-112/2013-आईए,3/(पार्ट-3)]

डॉ. सुनील कुमार वाजपेयी, संपूक सचिव

**टिप्पण—** मूल अधिनियम, भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उप-खंड (ii) में संख्या का.आ. 19(न), तारीख 6 जनवरी, 2011 द्वारा प्रकाशित की गई थी और संख्या का.अ. 1422(अ), तारीख 1 मई, 2020 द्वारा अंतिम बार संशोधित की गई थी।

## MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

### NOTIFICATION

New Delhi, the 3rd July, 2023

**S.O. 2903(E).**—WHEREAS, the Central Government in the erstwhile Ministry of Environment and Forests, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) has issued a notification in the Gazette of India, Extraordinary, Part II, Section-3, Sub-section (ii), vide number S.O. 19(E), dated the 6<sup>th</sup> January, 2011 hereinafter referred to as the CRZ Notification, 2011, for declaring certain coastal stretches as Coastal Regulation Zone wherein restrictions were imposed on the setting up and expansion of industries, operations and processes in the said zone;

AND WHEREAS, by notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O.1533 (E), dated the 14th September, 2006 issued under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of the sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 (hereinafter referred to as the EIA Notification), the Central Government directed that new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to the EIA notification entailing capacity addition with change in process or technology or product shall be undertaken in any part of India only after obtaining prior environmental clearance (EC) from the Central Government or by the State Level Environment Impact Assessment Authority, as the case may be;

AND WHEREAS, the clearance granted under CRZ Notification, 2011 (hereinafter referred to as the CRZ clearance) are also applicable to the new projects or activities or the expansion or modernisation of existing projects or activities which are proposed in the Coastal Regulation Zones regulated under the CRZ Notification, 2011 and are also listed in the Schedule to the EIA Notification, for which EC is granted;

AND WHEREAS, certain provision in the EIA Notification such as, provision for transfer of clearance is not available in CRZ Notification and provision such as validity of clearance in the CRZ Notification, is not in

consonance with EIA Notification. In this regard, the Central Government is of the opinion that it is imperative to amend the CRZ Notification 2011 to make it in consonance with EIA Notification 2006;

AND WHEREAS, sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986 provides that whenever it appears to the Central Government that it is in public interest so to do, it may dispense with the requirement of notice under clause (a) of sub-rule (3) of the said rules;

AND WHEREAS, the Central Government is of the opinion that it is in public interest to dispense with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules to issue this notification;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby, makes the following further amendments in the notification of the Government of India in the erstwhile Ministry of Environment and Forests, number S.O. 19(E), dated the 6<sup>th</sup> January, 2011, namely:-

In the said notification, in paragraph 4, in sub-paragraph 4.2.-

(A) for clause (v), the following clauses shall be substituted, namely:-

*"(v) The clearance accorded to the projects under this notification shall be valid for a period of ten years. Provided that the period of validity of the CRZ clearance may be extended by a maximum period of one year, if an application is made by the applicant within the period of validity of the CRZ Clearance along with the recommendations of the Coastal Zone Management Authority concerned:*

*Provided that where the application for extension of period of validity of clearance under this notification is filed by the applicant-*

*(a) within thirty days after expiry of the period of such validity, the delay may be condoned by the head of the division concerned in the Ministry of Environment, Forests and Climate Change or the member-secretary of the Coastal Zone Management Authority, as the case may be, and thereafter the application shall be referred to the appropriate authority for consideration of the application for extension of period of validity of the clearance;*

*(b) thirty days after expiry of the period of such validity but within ninety days after expiry of such validity, the delay may be condoned by the Minister in charge of the Ministry of Environment, Forests and Climate Change or the chairperson of the Coastal Zone Management Authority, as the case may be; and thereafter the application shall be referred to the appropriate authority for consideration of the application for extension of period of validity of the clearance:*

*Provided also that no application for extension filed beyond ninety days after the expiry of the period of validity of CRZ clearance shall be entertained.*

*Explanation.- In this clause, the validity of clearance is meant the period from which a CRZ clearance is granted to the applicant, to the start of production operations by the project or activity; or the completion of all construction operations in case of construction projects, to which the application for CRZ clearance refers to.*

*(va) The project which require both EC and CRZ clearance, the validity of such clearances shall be in accordance with the EIA Notification, as amended from time to time;*

*Provided that the extension of period of validity of such clearance shall be after obtaining recommendation from the Coastal Zone Management Authority concerned and the Expert Appraisal Committee concerned.*

*(vb) Notwithstanding anything contained in clause (v), the period from the 1<sup>st</sup> April, 2020 to the 31<sup>st</sup> March, 2021 shall not be considered for the purpose of calculation of the period of validity of CRZ clearance granted under this notification in view of outbreak of Corona Virus (COVID-19).";*

(B) after clause (vii), the following clauses shall be inserted, namely:-

*"(vii) A CRZ clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferee, or by the transferee with a written "no objection" by the transferor, to, and by the authority concerned, on the same terms and conditions under which the CRZ clearance was initially granted, and for the same period of validity of the clearance.*

*(vi) A CRZ clearance granted for a specific project, may be split amongst two or more legal persons, entitled to undertake the project and transferred during the validity to another legal person on application made by the transferee along with requisite documents and the Central Government or the Coastal Zone Management Authority concerned shall split and transfer the CRZ clearance to the other legal persons for the respective projects, after*

obtaining recommendation by the Coastal Zone Management Authority concerned and if required the recommendation of the Expert Appraisal Committee concerned.

(c) Notwithstanding anything contained above, the projects requiring both EC and CRZ clearance, the transfer of clearance shall be in accordance with the provisions of the EIA Notification, as amended from time to time, after obtaining recommendation of the concerned Coastal Zone Management Authority.

[F. No. 19-112/2013-IA,III(Part-3)]

DR. SUJIT KUMAR BAJPAYEE, Jr. Secy.

**Note.** The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), vide number S.O. 19 (E), dated the 6th January, 2011 and last amended vide number S.O. 1422(E), dated the 1<sup>st</sup> May, 2020.

Item No: 4 and 5BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAIOriginal Application No.122 of 2021 (SZ)

With

Original Application No.162 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF:

R. Ravimaran, Ennore, Chennai.

...Applicant(s)

Union of India,  
Rep. by its Secretary,  
MoEF&CC, New Delhi and Ors.

Versus

...Respondent(s)

Tribunal on its own motion  
Suo Motu based on the news item published in  
The Times of India Newspaper, Chennai edition  
dt.01.07.2021, "Another pipeline leak at Ennore Power Plant"

With

...Applicant(s)

Union of India,  
Rep. by its Secretary,  
MoEF&CC and Ors.

Versus

...Respondent(s)

Date of hearing: 31.01.2022

CORAM:

HON'BLE Mr. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATL, EXPERT MEMBER

O.A. No. 122 of 2021

For Applicant(s):

For Respondent(s):

Mr. A. Yogeshwaran  
Mr. M.R. Gokul Krishan for R1  
Dr. D. Shanmuganathan for R2 and R3  
Mr. Vijaya Mehanathan for R4 and R5  
Mr. Sai Sathya Jith for R6.O.A. No. 162 of 2021

For Applicant(s):

For Respondent(s):

Suo Motu  
Mr. M.R. Gokul Krishan for R1  
Dr. D. Shanmuganathan for R2 to R6,  
R11, R12  
Mr. Sai Sathya Jith for R8.

the pipeline through the CRZ zone and other area and also for collecting the ash slurry through the existing ash pond.

80. Since, TANDGECO had violated the conditions they are not entitled to proceed further with the construction of the pipeline without getting necessary permission from the authorities in this regard. It cannot be by way of an amendment to the Environmental Clearance granted as omission in earlier permission granted. They will have to apply afresh, obtain ToR and also conduct separate environmental studies, public hearing will have to be conducted and on that basis fresh appraisal will have to be done by authorities. Amendment to Environmental Clearance by way of granting additional permission without conducting further Impact Assessment Study is not contemplated under EIA Notification, 2006 or under the CRZ Notification, 2011. The direction given by the Tribunal that they can proceed with the work only after obtaining necessary permission from the authorities also cannot be taken as a direction for the authorities that they should allow or not to allow the request. They will have to take an independent decision on this aspect, on the basis of the material produced before them and also after considering impact and the law on this aspect as well as has been observed by the Hon'ble Supreme Court in Key Stone realtors private limited vs. Anil V. Tharthare and ors.<sup>3</sup>

81. It is true that whenever any construction is made against the permission or in violation of clearance granted, it must face the

<sup>3</sup> (2010) 2 SCC 64

consequence for the same. Since, the construction has not reached the Kosasthalaiyar region as observed by the Joint Committee and they have only filled up the area for this purpose and they have already taken steps to remove those obstruction caused by virtue of the same we feel there is no necessity to demolish the already made construction, if any. But, however, we feel that they can be made to pay an additional compensation of Rs. 50 lakh over and above the environmental compensation imposed by the Tribunal for the damage caused to the environment due to breach of fly ash slurry. That will meet the ends of justice in this case.

82. As regards the remediation process of damage caused to soil on account of deposit of fly ash in the Buckingham Canal and Kosasthalaiyar River basin are being dealt with by this Tribunal in O.A. No. 08 of 02016 and other connected matters and as such we are not expressing any opinion in this case, leaving open the same to be decided in that case which includes further compensation, if any, to be assessed on the basis of the recommendations made by the Committee appointed by this Tribunal in that case.

83. The TANDGECO also is directed to carry out the replacement of the pipes within the time line given by them, by giving an undertaking to this Tribunal in O.A. No. 08 of 2016 and other connected cases, so as to avoid further breach in future. So under such circumstances, we feel that both the applications can be disposed of as follows:

- i. The TANDGECO is directed not to proceed with the work of laying the pipeline through the CRZ zone and also in the other area in violation of the Environment Clearance and CRZ Clearance granted to them in 2016, without getting necessary further clearances in this respect by filing afresh application in accordance with law and the same will have to be considered by the authorities strictly in accordance with law and the direction given for this purpose cannot be treated as a direction to the authorities to grant the permission, if it is not otherwise feasible or permissible under law. This must be strictly in compliance with the decision of Hon'ble Supreme Court in Key stone realtors private limited vs. Anil V. Tharthare and ors.<sup>4</sup>
- ii. The TANDGECO is directed to pay an Environmental Compensation of Rs. 4,12,20,000/- fixed by the Joint Committee and approved by this Tribunal to Tamil Nadu Pollution Control Board for the damage caused to environment on account of the deposit of fly ash slurry in the Kosasthalaiyar River region, over and above the compensation already remitted by them as directed by the Pollution Control Board in O.A. No. 08 of 2016 and other connected cases.
- iii. The TANDGECO is also directed to pay an additional compensation of Rs. 50 lakh with the Tamil Nadu Pollution Control Board for the violation committed i.e. preparation for constructing the pipeline and making some attempts for

<sup>4</sup> (2020) 2 SCC 66

that purpose in violation of the Environmental Clearance and CRZ Clearance granted and this is in addition to the compensation already directed to be paid by them for damage caused to the environment on account of deposit of fly ash.

- iv. The TANDGECO is directed to carry out the replacement of the old pipes as undertaken by them and as directed by this Tribunal in O.A. No. 08 of 2016 and other connected cases within the time line fixed by the Tribunal, on the basis of the undertaking given by them to avoid future breaches.
- v. The TANDGECO is directed to carry out recommendations made by the Joint Committee in both the cases in its letter and spirit to avoid future breaches of fly ash into the riverine area. The question regarding steps to be taken for remediation process of damage caused to the environment on account of deposit of fly ash in that area for longer period will be considered by this Tribunal including any further compensation to be paid on the basis of the recommendations to be made by Committee already appointed by this Tribunal in O.A. No. 08 of 2016 and other connected cases.
- vi. The TANDGECO is also directed to take steps to remove the fly ash already deposited in that area, as directed by the Joint Committee as well as the Pollution Control Board at the earliest possible time to reduce the impact of damage to riverine environment any further.

- vii. The TANDGECO is also directed to take necessary steps to avoid leakage through pipes and they must hold vigil by regular inspection of the old pipe lines till such time their replacement is completed and take immediate steps to arrest breaches, if any, during the interregnum. The amount of compensation directed to be paid on two counts are to be deposited by TANDGECO with Tamil Nadu Pollution Control Board which they can utilise for the purpose of protecting Kosasthalaiyar River as well Ennore creek in that area to restore the damage caused to environment and also to provide necessary protection to prevent encroachments in that areas in future and avoid further environmental damage as well as riverine damage in that area.
- viii. As regards the action to be taken for violations committed by TANDGECO in violation of Environmental Clearance and CRZ Clearance, the respective regulators, namely, MoEF&CC and State Coastal Zone Management Authority are directed to take necessary action against TANDGECO in accordance with law.

The points are answered accordingly.

84. In the result O.A No. 122 of 2021 and O.A. No. 162 of 2021 are disposed of as follows:

1. The TANDGECO is directed not to proceed with the work of laying the pipeline through the CRZ zone and also in the other area in violation of the Environment Clearance and

CRZ Clearance granted to them in 2016, without getting necessary further clearances in this respect by filing afresh application in accordance with law and the same will have to be considered by the authorities strictly in accordance with law and the direction given for this purpose cannot be treated as a direction to the authorities to grant the permission, if it is not otherwise feasible or permissible under law. This must be strictly in compliance with the decision of Hon'ble Supreme Court in Key stone realtors private limited vs. Anil V. Tharthare and ors.<sup>5</sup>

- II. The TANDGECO is directed to pay an Environmental Compensation of Rs. 4,12,20,000/- fixed by the Joint Committee and approved by this Tribunal to Tamil Nadu Pollution Control Board for the damage caused to environment on account of the deposit of fly ash slurry in the Kossathalaiyar River region, over and above the compensation already remitted by them as directed by the Pollution Control Board in O.A. No. 08 of 2016 and other connected cases.
- III. The TANDGECO is also directed to pay an additional compensation of Rs. 50 lakh with the Tamil Nadu Pollution Control Board for the violation committed i.e. preparation for constructing the pipeline and making some attempts for that purpose in violation of the Environmental Clearance and CRZ Clearance granted and this is in addition to the compensation already directed to be paid by them for

<sup>5</sup> (2004) 2 SCC 66

damage caused to the environment on account of deposit of fly ash.

- IV. The TANDGECO is directed to carry out the replacement of the old pipes as undertaken by them and as directed by this Tribunal in O.A. No. 08 of 2016 and other connected cases within the time line fixed by the Tribunal, on the basis of the undertaking given by them to avoid future breaches.
- V. The TANDGECO is directed to carry out recommendations made by the Joint Committee in both the cases in its letter and spirit to avoid future breaches of fly ash into the riverine area. The question regarding steps to be taken for remediation process of damage caused to the environment on account of deposit of fly ash in that area for longer period will be considered by this Tribunal including any further compensation to be paid on the basis of the recommendations to be made by Committee already appointed by this Tribunal in O.A. No. 08 of 2016 and other connected cases.
- VI. The TANDGECO is also directed to take steps to remove the fly ash already deposited in that area, as directed by the Joint Committee as well as the Pollution Control Board at the earliest possible time to reduce the impact of damage to riverine environment any further.
- VII. The TANDGECO is also directed to take necessary steps to avoid leakage through pipes and they must hold vigil by regular inspection of the old pipe lines till such time their

replacement is completed and take immediate steps to arrest breaches, if any, during the interregnum. The amount of compensation directed to be paid on two counts are to be deposited by TANDGECO with Tamil Nadu Pollution Control Board which they can utilise for the purpose of protecting Kosasthalaiyar River as well Ennore creek in that area to restore the damage caused to environment and also to provide necessary protection to prevent encroachments in that areas in future and avoid further environmental damage as well as riverine damage in that area.

- VIII. As regards the action to be taken for violations committed by TANDGECO in violation of Environmental Clearance and CRZ Clearance, the respective regulators, namely, MoEF&CC and State Coastal Zone Management Authority are directed to take necessary action against TANDGECO in accordance with law.
- IX. As regards O.A. No. 122 of 2021 is concerned, since it is filed by a private person in order to protect environment, we feel that TANDGECO can be directed to pay a cost of Rs. 25,000/- to the applicant in that case.
- X. If the above amounts including the compensations and costs are not paid within three months from today, then the Pollution Control Board and the applicant are entitled to initiate proceedings for recovery of the same under Section 25 of the National Green Tribunal Act, 2010 or through

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District Collector for recovery of the amount invoking Revenue Recovery Act, 1890 in accordance with law.

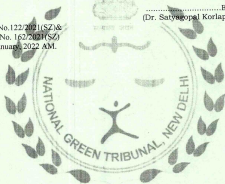
- XI. The Registry is directed to communicate this order to the official respondents including TANDGECO for their information and necessary compliance.
85. With the above observations and directions, the applications are disposed of.



.....J.M.  
(Justice K. Ramakrishnan)

.....E.M.  
(Dr. Satyagopal Korlapati)

O.A. No.122/2021(SZ)&  
O.A No. 162/2021(SZ)  
31<sup>st</sup> January, 2022 AM.





TAMILNADU POLLUTION CONTROL BOARD



CONSENT ORDER NO. 170114499798

DATED: 13/04/2017.

PROCEEDINGS NO.18/TNCPCB/F.0791AMB/RL/AMB/W/2017 DATED: 13/04/2017

SUB: TNPC Board Consent for Establishment-M/S NORTH CHENNAI THERMAL POWER STATION STAGE III (1X800MW) S.F No. 177 - 187, 235 - 240, ENNORE Village, Ponnani Taluk, Tiruvallur District - for the establishment or take steps to establish the industry under Section 25 of the Water (Prevention and control of Pollution) Act, 1974, as amended in 1988 (Central Act 6 of 1974). Issued- Reg.

- REF: 1. Unit's application through OCMMS No. 4499798 dated 19.05.2016
2. IR.No : F.0791AMB/RL/JCEE-M/AMB/2017 dated 03/04/2017
3. Minutes of the 146th Technical Sub-Committee meeting held on 06.04.2017 (Item No. 146-2)

Consent to establish or take steps to establish is hereby granted under Section 25 of the Water (Prevention and control of Pollution) Act, 1974, as amended in 1988 (Central Act 6 of 1974) (hereinafter referred to as 'The Act') and the Rules and Orders made there under to

NORTH CHENNAI THERMAL POWER STATION STAGE III (1X800MW)

Authorizing occupier to establish or take steps to establish the industry in the site mentioned below:

S.F No.177 - 187, 235 - 240,

ENNORE Village,

Ponnani Taluk,

Tiruvallur District.

This Consent to establish is valid upto April 12, 2024, till the industry obtains consent to operate under Section 25 of the Water (Prevention and control of Pollution) Act, 1974, as amended in 1988 whichever is earlier subject to special and general conditions enclosed.

Signature and stamp of the Chairman, Tamil Nadu Pollution Control Board

To

M/s NORTH CHENNAI THERMAL POWER STATION STAGE III (1X800MW), Ennore & Pazhadiyakkam Villages, Ponnani Taluk, Tiruvallur District, Pin: 609120

Copy to:

- 1. The Commissioner, MEENJUR-Panchayat Union, Ponnani Taluk, Tiruvallur District.
2. The District Environmental Engineer, Tamil Nadu Pollution Control Board, AMBATTUR.
3. The JCEE-Monitoring, Tamil Nadu Pollution Control Board, Chennai.
4. File

POLLUTION PREVENTION PAYS

അവസ്ഥാപനം തടയാൻ പണം! പുനഃസ്ഥാപനം തടയാൻ പണം!

  
**SPECIAL CONDITIONS**  
**TAMILNADU POLLUTION CONTROL BOARD**

1. This consent to establish is valid for establishing the facility for the manufacture of products byproducts (Col. 2) at the rate (Col 3) mentioned below. Any change in the product/byproduct and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

Sl. No.	Description	Quantity	Unit
<b>Product Details</b>			
1.	Electric Power	800	MW

2. The unit shall provide Sewage Treatment Plant and /or Effluent Treatment Plant as indicated below.

<b>a Sewage Treatment Plant:</b>			
Treatment status: Septic Tank and SP/DT			
SL. No.	Name of the Treatment Unit	No. of Units	Dimensions in metres
1.	Common Collection Sump	1	10m3
2.	Screen Chamber	1	1 m/s
3.	Oil & Grease trap	1	3.5 m3/h
4.	Equalization Tank	1	3.5 m3/h
5.	FAB reactor	1	3.5 m3/h
6.	Secondary Settler	1	3.5 m3/h
7.	Dual media filter	1	3.5 m3/h
8.	Activated Carbon Filter	1	3.5 m3/h
9.	Treated water tank	1	3.5 m3/h
<b>b Effluent Treatment Plant:</b>			
Treatment status: Individual ETP			
SL. No.	Name of the Treatment Unit	No. of Units	Dimensions in metres
1.	Ash Silo Area Sump	1	10 m3
2.	Coal mill oily waste sump	1	5 m3
3.	Power house oily water sump	1	10 m3
4.	Fuel oil area sump	1	10 m3
5.	Fuel oil overflow water sump	1	10 m3
6.	condenser waste water sump	2	5 m3
7.	Pre settling pit	1	10 m3
8.	PSP overflow sump	1	5 m3
9.	API separator	1	10 m3/h
10.	TPI separator	1	20 m3/h
11.	Guard Pond	1	2000 m3
12.	Tube settler	1	125 m3/h
13.	Central Monitoring Basin	1	24 hrs retention
14.	Neutralization Tank	1	1.5 times waste gen



## TAMILNADU POLLUTION CONTROL BOARD

3. This consent to establish is valid for establishing the facility with the below mentioned outlets for the discharge of sewage/trade effluent. Any change in the outlets and the quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

Outlet No.	Description of Outlet	Maximum daily discharge in KLD	Point of disposal
<b>Effluent Type : Sewage</b>			
1.	STP	151.0	On land for gardening
<b>Effluent Type : Trade Effluent</b>			
1.	Cooling water blowdown	112985.0	Marine Coastal areas
2.	Desalination plant reject	9720.0	Marine Coastal areas
3.	DM plant reject	168.0	Marine Coastal areas
4.	waste water from service water system	555.0	On land for gardening

4. **Additional Conditions:**

- The unit shall furnish the undertaking for the following.
  - Control measures for the mercury emission
  - Commitment made with MoEF&CC, Govt, New Delhi for attaining water consumption standards 2.5 m<sup>3</sup> / MWhr.
  - Fugitive emission control system for the collection and transportation of Fly Ash and bottom ash.
  - Action taken report on the news published in the daily paper recently.
- The unit shall comply with all the conditions stipulated in the EC and CRZ clearance issued vide MoEF letter Dt.20.01.2016.
- The unit shall provide ETP to treat the trade effluent generated from the unit from all the streams except cooling water.
- The unit shall ensure that the temperature of discharge shall not exceed 5 degree above the ambient water temperature of receiving body.
- The specific water consumption shall not exceed 2.5M<sup>3</sup>/MWh by installing suitable ETP and reusing of waste water generated from the unit other than cooling water and oil handling streams.
- The unit shall install FGD (Flue Gas Desulphurisation) as committed to ensure emission standards prescribed by the Board.
- The unit shall endeavour to enter into MoUs with NHAI, Associations of Cement Industries and Municipal Authorities for ensuring full ash utilization.
- Coal conveyance shall take place in closed conveyor and that there shall be no open stacking of the coal in the CRZ area.
- Construction activity shall be carried out strictly as per the provisions of CRZ Notification, 2011. No construction work other than those permitted in Coastal Regulation Zone Notification shall be carried out in Coastal Regulation Zone area.

17/11/17  
Member Secretary  
Tamil Nadu Pollution Control Board  
Chennai



GENERAL CONDITIONS  
**TAMILNADU POLLUTION CONTROL BOARD**

1. This consent to establish cannot be construed as consent to operate and the unit shall not commence the operation without obtaining the Consent to operate.
2. The applicant shall make a request for grant of consent to operate at least thirty days, before the commissioning of trial production.
3. Any Change in the details furnished in the conditions has to be brought to the notice of the Board and got approved by the Board, before obtaining consent to operate under the said Act.
4. The unit has to comply with the provisions of Public Liability Insurance Act, 1991 to provide immediate relief in the event of any hazard to human beings, other living creatures/plants and properties while handling and storage of hazardous substances (wherever applicable).
5. Consent to operate will not be issued unless the unit complies with the conditions of consent to establish.
6. The unit shall provide adequate water sprinklers for the control of dust emission during the loading and unloading of construction material so as to minimize the dust emission.
7. The unit shall provide water sprinklers along the temporary roads inside the premises to avoid fugitive dust emission during the vehicle movements.
8. The unit shall develop green belt of adequate width around the premises.
9. In case there is any change in the management, the unit shall inform the change with relevant documents immediately.

Member Secretary  
Tamil Nadu Pollution Control Board,  
Chennai

12/1/17  
12/1/17



# TAMILNADU POLLUTION CONTROL BOARD



CONSENT ORDER NO. 170124499798

DATED: 13/04/2017.

PROCEEDINGS NO. TN/TPCB/F.0791AMB/RL/AMB/A/2017 DATED: 13/04/2017

SUB: TNPC Board-Consent for Establishment-M/s, NORTH CHENNAI THERMAL POWER STATION STAGE III (1X800MW), S.F. No. 177 - 187, 235 - 240, INNORE village, Ponnur Taluk and Tiruvallur District - for the establishment or take steps to establish the industry under Section 21 of the Air (Prevention and control of Pollution) Act, 1981, as amended in 1987 (Central Act. 14 of 1981)-Issued -Reg.

- REF: 1. Unit's application through OCMMS No. 4499798 dated 19.05.2016  
 2. IR.No - F.0791AMB/RL/JCEE-M/AMB/2017 dated 03/04/2017  
 3. Minutes of the 146th Technical Sub-Committee meeting held on 06.04.2017 (Item No. 146-2)

Consent to establish or take steps to establish is hereby granted under Section 21 of the Air (Prevention and control of Pollution) Act, 1981, as amended in 1987 and the Rules and Orders made there under in

M/s. NORTH CHENNAI THERMAL POWER STATION STAGE III (1X800MW)

S.F No 177 - 187, 235 - 240,

INNORE Village,

Ponnur Taluk,

Tiruvallur District.

Authorizing occupier to establish or take steps to establish the industry in the site mentioned below:

S.F No. 177 - 187, 235 - 240,

INNORE Village,

Ponnur Taluk,

Tiruvallur District.

This Consent to establish is valid upto April 31, 2024, or till the industry obtains consent to operate under Section 21 of the Air (Prevention and control of Pollution) Act, 1981, as amended in 1987 whichever is earlier subject to special and general conditions enclosed.

*(Signature)*  
 Member Secretary  
 Tamil Nadu Pollution Control Board  
 Chennai

To

M/s NORTH CHENNAI THERMAL POWER STATION STAGE III (1X800MW),  
 Ezore & Parudivalakottu Villages, Ponnur Taluk, Tiruvallur District,  
 Pin: 600120

Copy to:

1. The Commissioner, MERNUR, Paschatyat Union, Ponnur Taluk, Tiruvallur District.
2. The District Environmental Engineer, Tamil Nadu Pollution Control Board, AMBATTUR.
3. The JCEE-Monitoring, Tamil Nadu Pollution Control Board, Chennai
4. File



- TAMIL NADU POLLUTION CONTROL BOARD**
1. High Efficiency Electrostatic Precipitator (ESPs) shall be installed to ensure that particulate emission does not exceed the prescribed limits as cyclones / bag filters and water spray system in dusty areas such as in coal handling and ash handling points, transfer areas and other vulnerable dusty areas shall be provided along with an environment friendly sludge disposal system.
  2. Adequate dust extraction system such as cyclones / bag filters and water spray system in dusty areas such as in coal handling and ash handling points, transfer areas and other vulnerable dusty areas shall be provided.
  3. The SO<sub>2</sub>, NO<sub>x</sub> and Hg emissions shall not exceed 100 mg / Nm<sup>3</sup>, 100 mg / Nm<sup>3</sup> and 0.03 mg / Nm<sup>3</sup> respectively.
  4. Fugitive emission of fly ash (dry or wet) shall be controlled such that no agricultural or non-agricultural land is affected. Damage to any land shall be mitigated and suitable compensation provided in consultation with the local Panchayat.
  5. Fly ash shall not be used for agricultural purpose. No mine void filling will be undertaken as an option for ash utilization without adequate lining of mine with suitable media such that no leachate shall take place at any point of time. In case, the option of mine void filling is to be adopted, prior detailed study of soil characteristics of mine area shall be undertaken from an institute of repute and adequate clay lining shall be ascertained by the State Pollution Control Board and implementation done in close co-ordination with State Pollution Control Board.
  6. Fly ash shall be collected in dry form and storage facility (silos) shall be provided. Mercury and other heavy metals (As, Hg, Cr, Pb etc) shall be monitored in the bottom ash. No ash shall be disposed off in low lying area.
  7. Green Belt consisting of three tiers of plantations of native species all around plant and at least 50 m width shall be raised. Wherever 50 m width is not feasible a 20 m width shall be raised and adequate justification shall be submitted to the Ministry. Tree density shall not be less than 2500 per ha with survival rate not less than 80%.
  8. The unit shall provide O/LMS for effluent & emission with connectivity to WQW & CAC, TNPCB respectively before commissioning.

  
 P. N. Narayana  
 Tamil Nadu Pollution Control Board,  
 Chennai  
 17/9/17

4  
**POLLUTION PREVENTION PAYS**

சுமம் தர்ப்பணம் வார்ப்பணம்து | புழம் தர்ப்பணம் வார்ப்பணம்து !



## TAMILNADU POLLUTION CONTROL BOARD

### GENERAL CONDITIONS

This consent to establish cannot be construed as consent to operate and the unit shall not commence the operation without obtaining the Consent to operate.

The applicant shall make a request for grant of consent to operate at least thirty days, before the commissioning of trial production.

Any Change in the details furnished in the conditions has to be brought to the notice of the Board and got approved by the Board, before obtaining consent to operate under the said Act.

The unit has to comply with the provisions of Public Liability Insurance Act, 1991 to provide immediate relief in the event of any hazard to human beings, other living creatures/plants and properties while handling and storage of hazardous substances (wherever applicable).

Consent to operate will not be issued unless the unit complies with the conditions of consent to establish.

The unit shall provide adequate water sprinklers for the control of dust emission during the loading and unloading of construction material so as to minimize the dust emission.

The unit shall provide water sprinklers along the temporary roads inside the premises to avoid fugitive dust emission during the vehicle movements.

The unit shall develop green belt of adequate width around the premises.

In case there is any change in the management, the unit shall inform the change with relevant documents immediately.

Tamil Nadu Pollution Control Board  
Chennai



## TAMILNADU POLLUTION CONTROL BOARD

### SPECIAL CONDITIONS

1. This consent to establish is valid for establishing the facility for the manufacture of products/byproducts (Col. 2) at the rate (Col 3) mentioned below. Any change in the product/byproduct and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

Sl. No.	Description	Quantity	Unit
<b>Product Details</b>			
1.	Electric Power	800	MW

2. This consent to establish is valid for establishing the facility with the below mentioned emission/noise sources along with the control measures and/or stack. Any change in the emission source/control measures/change in stack height has to be brought to the notice of the Board and fresh consent has to be obtained if necessary.

<b>I Point source emission with stack :</b>				
Stack No.	Point Emission Source	Air pollution Control measures	Stack height from Ground Level in m	Gaseous Discharge in Nm <sup>3</sup> /hr
1	Boiler 2575TPH	ESP with stack	275	2704320
<b>II Fugitive/Noise emission :</b>				
Sl. No.	Fugitive or Noise Emission sources	Type of emission	Control measures	
1.	Coal yard	Fugitive	Dust suppression system/Fogging system	
2.	Ash collection	Fugitive	Water sprinkler system	

3. Additional Conditions:

Category of the Industry :

RED



CONSENT ORDER NO. 2403159001565 DATED: 05/11/2024.

PROCEEDINGS NO.T2/TNPCB/F.0455GMP/RL/GMP/W/2024 DATED: 05/11/2024

**SUB:** TNPC Board-Consent for Establishment – EXTENSION -M/S NORTH CHENNAI THERMAL POWER STATION STAGE III (1X800MW) , S.F. No. 177 - 187, 235 - 240, ENNORE Village, Ponneri Taluk, Tiruvallur District- for the establishment or take steps to establish the industry under Section 25 of the Water (Prevention and control of Pollution)Act,1974, as amended in 1988(Central Act 53 of 1988) –issued- Reg. (Industry User ID- R16AMB4493017)

**REF:** 1. Application no. 59001565 dated: 10.04.2024/06.09.2024.  
2. IR.No : F.0455GMP/RL/JCEE-M/GMP/2024 dated 21/10/2024  
3. Minutes of the 233rd TSC meeting vide item No.233-10 dated:24.10.2024.

Consent to establish or take steps to establish was granted under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974, as amended in 1988 (Central Act 6 of 1974) (hereinafter referred to as "The Act") to the Occupier of the unit of M/s.NORTH CHENNAI THERMAL POWER STATION STAGE III (1X800MW) authorizing to establish or take steps to establish the industry in the site of S.F. No.177 - 187, 235 - 240, village, Ponneri Taluk, Tiruvallur District vide reference First cited with validity for Five years .

The unit has requested for extension of time limit for establishing the plant since they could not establish the plant within the period of Five years vide reference second cited.

The subject was placed before the committee meeting vide reference third cited and the committee decided to extend the validity of the Consent to establish for further period.

In view of the above, the validity of the Consent to establish is extended for further period upto January 19, 2027 , or till the industry obtains consent to operate under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974, as amended in 1987 whichever is earlier subject to special and general conditions specified in the Consent for Establishment issued vide reference first cited.

**Special Additional Condition:**

The unit shall obtain No Objection Certificate (NOC) from the Tamil Nadu Bio Diversity Board /National Bio Diversity Authority if the unit is using any Biological resources or knowledge associated thereto as per the provisions of Biological Diversity Act 2002.

The industries shall take all efforts to use and popularize "Mission LIFE" logo and mascot which is available in TNPCB & MoEFCC website. They shall also request their employees to adopt "Mission LIFE" action points and document the same and furnish half yearly report to Board.

applying for CTO of the Board.

3. In accordance with Item No.11 of the EIA Notification, 2006, any new industry shall obtain NOC from MoEF/SEIAA in the event of transfer of original EC in a different name.
4. The unit shall provide STP of adequate capacity for the treatment of sewage to be generated from the unit's premises so as to satisfy the standards prescribed by the Board
5. The unit shall provide ETP of adequate capacity for the treatment of trade effluent generated from the unit's process so as to satisfy the standards prescribed by the Board
6. The unit shall make necessary arrangements for the utilization of treated sewage & trade effluent on land for gardening after achieving the standards prescribed by the Board.
7. The unit shall discharge the sea water into the marine coastal areas and shall ensure that the temperature of discharge shall not exceed 5 degrees above the ambient water temperature of receiving body.
8. The unit shall endeavour to enter into MoUs with NHAI, Associations of Cement Industries and Municipal Authorities for ensuring full ash utilization.
9. Coal conveyance shall take place in closed conveyor and that there shall be no open stacking of the coal in the CRZ area.
10. Construction activity shall be carried out strictly as per the provisions of CRZ Notification, 2011. No construction work other than those permitted in Coastal Regulation Zone Notification shall be carried out in Coastal Regulation Zone area.
11. The unit shall develop green belt by planting tall tree saplings (Kurunkadugal scheme) [1000 saplings shall be planted with spacing of 5x5m for each tree and sapling should be 5 to 7 ft height] within the unit premises
12. The unit shall provide rain water harvesting facilities inside the premises for the recharge of ground water
13. The unit shall not use 'Single Use Plastics' such as plastic sheets used for food wrapping, spreading on dining table etc., plastic plates, plastic coated tea cups, plastic tumbler, water pouches and pockets, plastic straw, plastic carry bag and plastic flags irrespective of thickness, within the industry premises during the construction phase. Instead unit shall encourage use of eco friendly alternative such as banana leaf, arecanut palm plate, stainless steel glass, porcelain plates/cups, cloth bag, jute bag etc.
14. This consent order does not absolve from obtaining necessary permission / clearance from other Authority or under other Statute as applicable

M. VIJAYAKISHI  
Secretary  
 Far Member Secretary,  
 Tamil Nadu Pollution Control Board,  
 Chennai

To  
 Chief Engineer / Projects / TAMILNADU,  
 M/s. NORTH CHENNAI THERMAL POWER STATION STAGE III (1X800MW),  
 Chief Engineer/Projects- II, TAMILNADU, 1st Floor 5th, Block, TNBHQ Complex, 144, Anna Salai, Chennai-2  
 Pin: 600002

Copy to:

Category of the Industry :

RED



CONSENT ORDER NO. 2403259001565

DATED: 05/11/2024.

PROCEEDINGS NO.T2/TNPCB/F.0455GMP/RL/GMP/A/2024 DATED: 05/11/2024

**SUB:** TNPC Board-Consent for Establishment – EXTENSION -M/S NORTH CHENNAI THERMAL POWER STATION STAGE III (1X800MW) , S.F. No. 177 - 187, 235 - 240, ENNORE Village, Ponneri Taluk, Tiruvallur District- for the establishment or take steps to establish the industry under Section 21 of the Air(Prevention and control of Pollution)Act,1981, as amended in 1987 (Central Act, 14 of 1981)–Issued- Reg. (Industry User ID- R16AMB4493017)

**REF:** 1. Application no. 59001565 dated: 10.04.2024/06.09.2024.  
2. IR.No : F.0455GMP/RL/JCEE-M/GMP/2024 dated 21/10/2024  
3. Minutes of the 233rd TSC meeting vide item No.233-10 dated:24.10.2024.

Consent to establish or take steps to establish was granted under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended in 1987 (Central Act, 14 of 1981) (hereinafter referred to as 'The Act') to the Occupier of the unit of M/s.NORTH CHENNAI THERMAL POWER STATION STAGE III (1X800MW) authorizing to establish or take steps to establish the industry in the site of S.F.No.177 - 187, 235 - 240,ENNORE village, Ponneri Taluk, Tiruvallur District vide reference First cited with validity for Five years .

The unit has requested for extension of time limit for establishing the plant since they could not establish the plant within the period of Five years vide reference second cited.

The subject was placed before the committee meeting vide reference third cited and the committee decided to extend the validity of the Consent to establish for further period.

In view of the above, the validity of the Consent to establish is extended for further period upto January 19, 2027 , or till the industry obtains consent to operate under Section 21 of the Air (Prevention and control of Pollution) Act, 1981, as amended in 1987 whichever is earlier subject to special and general conditions specified in the Consent for Establishment issued vide reference first cited.

**Special Additional Conditions:**

The unit shall obtain No Objection Certificate (NOC) from the Tamil Nadu Bio Diversity Board /National Bio Diversity Authority if the unit is using any Biological resources or knowledge associated thereto as per the provisions of Biological Diversity Act 2002.

The industries shall take all efforts to use and popularize "Mission LIFE" logo and mascot which is available in

ll(T) dated. 20.01.2016.

2. In accordance with Item No.9 of the EIA Notification, 2006, Project Proponent shall possess valid EC while applying for CTO of the Board.
3. In accordance with Item No.11 of the EIA Notification, 2006, any new industry shall obtain NOC from MoEF/SEIAA in the event of transfer of original EC in a different name.
4. The unit shall provide Electrostatic Precipitator with stack for the boiler so as to achieve the AAQ/Emission standards prescribed by the Board as proposed.
5. The unit shall install FGD (Flue Gas Desulphurisation) as committed so as to achieve the AAQ/Emission standards prescribed by the Board
6. The unit shall adhere to the ANL standards prescribed by the Board.
7. High Efficiency Electrostatic Precipitators (ESPs) shall be installed to ensure that particulate emission does not exceed 30 mg /Nm<sup>3</sup>. Adequate dust extraction system such as cyclones / bag filters and water spray system in dusty areas such as in coal handling and ash handling points, transfer areas and other vulnerable dusty areas shall be provided along with an environment friendly sludge disposal system.
8. Adequate dust extraction system such as cyclones / bag filters and water spray system in dusty areas such as in coal handling and ash handling points, transfer areas and other vulnerable dusty areas shall be provided.
9. The SO<sub>2</sub>, NO<sub>x</sub> and Hg emissions shall not exceed 100 mg / Nm<sup>3</sup>, 100 mg / Nm<sup>3</sup> and 0.03 mg /Nm<sup>3</sup> respectively.
10. Fugitive emission of fly ash (dry or wet) shall be controlled such that no agricultural or non agricultural land is affected. Damage to any land shall be mitigated and suitable compensation provided in consultation with the local Panchayat.
11. Fly ash shall not be used for agricultural purpose. No mine void filling will be undertaken as an option for ash utilization without adequate lining of mine with suitable media such that no leachate shall take place at any point of time. In case, the option of mine void filling is to be adopted, prior detailed study of soil characteristics of mine area shall be undertaken from an institute of repute and adequate clay lining shall be ascertained by the State Pollution Control Board and implementation done in close co-ordination with State Pollution Control Board.
12. Fly ash shall be collected in dry form and storage facility (silos) shall be provided. Mercury and other heavy metals (As, Hg, Cr, Pb etc) shall be monitored in the bottom ash. No ash shall be disposed off in low lying area.
13. The unit shall develop green belt by planting tall tree saplings (Kurukodugal scheme) [1000 saplings shall be planted in each kurunkodugal with spacing of 5x5m for each tree sapling should be 5 to 7 ft height] within the unit premises.
14. The unit shall not use 'Single Use Plastics' such as plastic sheets used for food wrapping, spreading on dining table etc., plastic plates, plastic coated tea cups, plastic tumbler, water pouches and packets, plastic straw, plastic carry bag and plastic flaps irrespective of thickness, within the industry premises during the construction phase. Instead unit shall encourage use of eco friendly alternative such as banana leaf, arecanut palm plate, stainless steel glass, porcelain plates/cups, cloth bag, jute bag etc.
15. In case of revision of consent fee by the Government, the unit shall remit the difference in amount within one month from the date of notification. Failure to remit the consent fee, this consent order will be withdrawn.

M. VIJAYALAKSHMI Secretary  
Secretary  
For Member Secretary,  
Tamil Nadu Pollution Control Board,  
Chennai

To

Chief Engineer / Projects / TANGEDCO,

M/LNORTH CHENNAI THERMAL POWER STATION STAGE III (1X800MW),

Chief Engineer/Projects-II, TANGEDCO, 1st floor 5B, Block, TNEB HQ Complex, 144, Anna Salai, Chennai-2  
Pin: 600002

Copy to:

1. The Commissioner, MEENJUR-Panchayat Union, Ponneri Taluk, Tiruvallur District.
2. The District Environmental Engineer, Tamil Nadu Pollution Control Board, GUMMIDIPOONDI.
3. The JCEB-Monitoring, Tamil Nadu Pollution Control Board, Chennai.
4. File



सत्यमेव जयते

**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**IA Division**  
**(Thermal Projects)**



Minutes of 02ND MEETING OF THE RE-CONSTITUTED EXPERT  
 APPRAISAL COMMITTEE (EAC) meeting Thermal Projects held from  
 31/10/2023 to 01/11/2023

Date: 15/11/2023

MoM ID: EC/MOM/EAC/723942/10/2023

Agenda ID: EC/AGENDA/EAC/723942/10/2023

Meeting Venue: N/A

Meeting Mode: Virtual

Date &amp; Time:

31/10/2023	11:00 AM	05:30 PM
01/11/2023	11:00 AM	05:30 PM

**1. Opening remarks**

The 2th Meeting of the re-constituted EAC (Thermal Power) organized by the Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi was held on 31st October, 2023 and 01st November, 2023 through video conference under the Chairmanship of Dr. Sharad Singh Negi.

**2. Confirmation of the minutes of previous meeting**

The Minutes of the 01st EAC (Thermal Power) meeting held on 16th October, 2023 were confirmed in the meeting.

**3. Details of proposals considered by the committee**

Day 1 -31/10/2023

3.1. Agenda Item No 1:

3.1.1. Details of the proposal

Expansion of Coal Based Thermal Power Plant from 1x350 MW to 2X350 MW<sup>2</sup> at Village- Sahajbahal, Tehsil: Lakhampur, Dist: Jharsuguda, State: Odisha by M/s Ind-Barath Energy (Utkal) Ltd (IBEUL) (subsidiary of JSW Energy Ltd.) by IND BARATH ENERGY UTKAL LIMITED located at JHARSUGUDA, ODISHA

Proposal For		Fresh ToR	
Proposal No	File No	Submission Date	Activity (Schedule Item)

### 3.2.4. Deliberations by the EAC in current meetings

#### The EAC during deliberations noted the following:

The proposal is for amendment in Environmental Clearance for 3x660 MW Ghatampur Thermal Power Station at Tehsil Ghatampur, District Kargur Nagar, Uttar Pradesh by M/s Neyveli Uttar Pradesh Power Ltd.

The project/activity is covered under category A of item 1(d) 'Thermal Power Plants' of the Schedule to the Environmental Impact Assessment Notification, 2006 and requires appraisal at Central level by the sectoral EAC in the Ministry.

The EAC noted the PP could not provide the specific information on the status of work done under Corporate Environment Responsibility (CER) till date. It was also observed that green plantation carried out in the plant boundary is not up to the mark. It need to be improved. It was noted that there are 16 primary and secondary school in 8 gram panchayats within 10km radius of the project area in which no significant contribution has been made, only small scale work like painting in some schools has been done by the PP.

2.7.4 The EAC after detailed deliberation on the information submitted and as presented during the meeting deferred the proposal for want of additional information:

1. A detailed and time bound action plan for green plantation with 90% survival rate along with allocated budget duly approved by the forest department shall be submitted.
2. Submit latest certified compliance report of existing EC certified by IRO, MoEF&CC.
3. Latest social survey shall be carried out within 10 km of project cover area through reputed government Institute in terms of current requirement of health centres, deployment of ambulances, upgrading school facilities such as development of school infrastructure/arrangements for smart classes and basic requirements of public like drinking water facility, setting up of skill development centres for local youth etc. Accordingly, time bound action plan for implementation of such activities shall be prepared and submitted.
4. Submit latest certified compliance report of existing EC.
5. Detailed plan for reducing the pollution during the fly ash transportation along with budget allocated for the same shall be submitted.
6. Detailed information of the ash pond area in terms of the latest notification of Ministry/ CPCB shall be submitted. A detailed note w.r.t. compliance of MoEF&CC notifications dated 31.12.2021 and 30.12.2022 defining the eligibility of thermal power plants for having additional ash pond shall be submitted by the IRO in its compliance report.
7. PP shall submit undertaking in affidavit form that 100 % fly ash utilization shall be carried out throughout the operation of the plant.

*The proposal is therefore deferred on the above lines.*

### 3.2.5. Recommendation of EAC

Deferred for ADS

### 3.3. Agenda Item No 3:

#### 3.3.1. Details of the proposal

EC & CRZ amendment for laying of ash slurry and recovery water pipelines from NCTPP Stage III to NCTPS Ash Dyke (Pipeline System) of 1x 800 MW NCTPP Stage III at Villages Ennore & Puzhuvivakkam, Ponneri Taluk, Tiruvallur District, Tamil Nadu, by TANGEDCO located at THIRUVALLUR, TAMIL NADU

Proposal For

Amendment in EC

Proposal No	File No	62	Submission Date	Activity (Schedule Item)
IA/TN/THE/442379/2023	J-13012/14/2012-IA, II (T)		29/08/2023	Thermal Power Plants (IId)

### 3.3.2. Project Salient Features

**2.8.1** The proposal is for amendment in Environmental Clearance for 1x800 MW (Stage III) North Chennai TPP at Villages Ennore & Puzhuvivakkam, Ponneri Taluk, Tiruvallur District, Tamil Nadu by M/s Tamil Nadu Generation and Distribution Corporation (TANGEDCO).

**2.8.2** The details of the project submitted by project proponent and ascertained from the document submitted are mentioned below:

1. The Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) was accorded by MoEF&CC vide letter dated 20th January, 2016 to 1x800 MW Supercritical Coal Based Thermal Power Plant Stage III at Villages Ennore & Puzhuvivakkam, Taluk Ponneri, District Tiruvallur, Tamil Nadu by M/s TANGEDCO. The current proposal is for seeking amendment in the EC and CRZ Clearance granted for the inclusion of proposed Ash slurry pipeline and recovery water pipeline.

1. M/s TANGEDCO has established 3x210 MW North Chennai Thermal Power Station Stage I during 1995 and 2 x 600 MW Stage-II during 2014 in NCTPS Complex. An area of 190 acres (76.88 Ha) of barren land is available within the existing North Chennai Thermal Power Station (NCTPS).

1. Earlier, the proposal was considered by the EAC in its 46<sup>th</sup> meeting held on 29<sup>th</sup> September, 2023 and sought additional details. The PP vide letter dated 13/10/2023 submitted following details on Parivesh and presented during the meeting:

**Query 1 Submit latest certified compliance report of existing EC.**

**Reply:** The Certified compliance for the existing Environment Clearances of all the three stages including NCTPP III has been obtained vide F. No. EP/12.1/1/2015-16/TN/93 dated 16th January 2023 Certified compliance for the existing Environment Clearances of all the three stages was approved vide diary no 046 dated 13.01.2023 has been submitted.

**Query 2 Proof of payment of Rs. 50 Lakhs imposed by the Hon'ble NGT.**

**Reply:** The Letter received from the Member Secretary/TNPCC for having received environmental compensation has been submitted. Amount paid to TNPCC account through online vide UTR No. IOBAN22087324859 dt 28.03.2022. The receipt of Environment Compensation Fund was acknowledged by TNPCC vide letter No. T2/TNPCC/F.023071/2023 dated 12-10-2023.

**Query 3 Submit marine EIA report with CRZ map duly authenticated of slurry pipeline**

**Reply:** The Rapid EIA Study carried out has covered the Marine Ecology and Marine Environment set up of the study area. CRZ mapping carried out by Institute of Remote Sensing (IRS). The CRZ maps were obtained from the Institute of Remote Sensing (IRS), Anna University. The EIA report enclosing CRZ Maps has been submitted.

**Query 4 Ministry may seek comments of CRZ division for slurry pipeline.**

**Reply:** No comments.

**Query 5 Submit status of construction in of slurry pipeline in CRZ area.**

**Reply:** The EC and CRZ Clearance for the NCTPP Stage III Plant was granted in 2016 and after finalization of contractor, the construction works for the ash slurry pipeline and recovery water pipeline system had been commenced and as a whole about 65% of the construction works have been completed wherein concrete support pedestals covering foot Print of 34 Mhas been executed in CRZ IA buffer zone. About 1000 M concrete support pedestals including laying of pipe in the CRZ - II area from west bank of Kosathalayar river to boat canal have been

executed. In B'Canal - 14 piles completed out of 68 piles in the both banks upto natural ground level for constructing the bridge to carry the ash slurry pipe lines.

In Kosathalai river - 22 piles completed out of 38 upto bed level of the river for constructing the bridge to carry the ash slurry pipe lines.

Upon the NGT direction, the pipeline system construction activities have been stopped in the CRZ Area including Buckingham Canal and Kosathalaiyar River and since 07 /2021, no activities have been undertaken. On receipt of the amendment from MoEF& CC only the work will be resumed.

**Query 6 Clarification about laying of pipeline without consent of the Ministry.**

**Reply:** Previously it was proposed to lay the ash slurry pipe lines over the existing ash slurry pipe lines of NCTPS I & II. But due to aged supporting structure, the new ash slurry pipe line was laid parallel to the ash slurry pipe lines of NCTPS - I & II in existing corridor. Hence as per direction of NGT this proposal for amendment in EC & CRZ clearance is submitted.

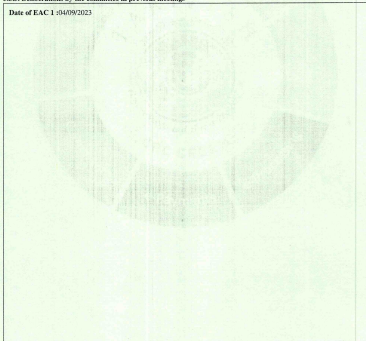
**Query 7 Comments of CRZ Division in the Ministry may be obtained.**

**Reply:**

No comments.

**3.3.3. Deliberations by the committee in previous meetings**

**Date of EAC 1 :04/09/2023**



**Deliberations of EAC 1 :**

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The proposal is for grant of Amendment in Environmental Clearance to 1x800 MW (Stage III) North Chennai TPP at Villages Ennore & Puzhudiavakkam, Ponneri Taluk, Tiruvallur District, Tamil Nadu by M/s Tamil Nadu Generation and Distribution Corporation (TANGEDCO).

The project/activity is covered under category A of item 1(d) 'Thermal Power Plants' of the Schedule to the Environmental Impact Assessment Notification, 2006 and requires appraisal at Central level by the sectoral EAC in the Ministry.

Earlier, the Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) was accorded by MoEF&CC vide letter dated 20th January, 2016 to 1x800 MW Supercritical Coal Based Thermal Power Plant Stage III at Villages Ennore & Puzhudiavakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu by M/s TANGEDCO.

The Hon'ble NGT in the matter Original Application No.122 of 2021 (SZ) with Original Application No.162 of 2021 (SZ) directed to stop the construction activities of ash slurry pipeline and directed to obtain amendment in the EC and CRZ from MoEF&CC to resume the ash slurry pipeline work. Hon'ble NGT imposed additional environmental compensation of Rs. 50 Lakhs.

The project proponent has not submitted the latest certified compliance report. Also, the project proponent need to submit the proof of payment of Rs. 50 Lakhs imposed by the Hon'ble NGT. Also, the project proponent need to submit marine EIA report with CRZ map duly authenticated of slurry pipeline.

The EAC after detailed deliberation on the information submitted and as presented during the meeting *deferred* the proposal for want of additional information:

- i. Submit latest certified compliance report of existing EC.
- ii. Proof of payment of Rs. 50 Lakhs imposed by the Hon'ble NGT.
- iii. Submit marine EIA report with CRZ map duly authenticated of slurry pipeline.
- iv. Ministry may seek comments of CRZ division for slurry pipeline.
- v. Submit status of construction in of slurry pipeline in CRZ area.
- vi. Clarification about laying of pipeline without consent of the Ministry.
- vii. Comments of CRZ Division in the Ministry may be obtained.

The proposal is therefore deferred.

**3.3.4. Deliberations by the EAC in current meetings**

**2.8.3 The EAC during deliberations noted the following:**

The proposal is for amendment in Environmental Clearance for 1x800 MW (Stage III) North Chennai TPP at Villages Ennore & Puzhudiavakkam, Ponneri Taluk, Tiruvallur District, Tamil Nadu by M/s Tamil Nadu Generation and Distribution Corporation (TANGEDCO).

The project/activity is covered under category A of item 1(d) 'Thermal Power Plants' of the Schedule to the Environmental Impact Assessment Notification, 2006 and requires appraisal at Central level by the sectoral EAC in the Ministry.

The EAC noted that about 65 % of the construction activities have been completed, the EAC desired to verify the extent of construction activities at site. The EAC therefore decided to conduct site visit by EAC sub-committee before making any recommendations on proposal.

*The proposal was deferred on the above lines.*

**3.3.5. Recommendation of EAC**

**3.4. Agenda Item No 4:****3.4.1. Details of the proposal**

<b>Proposed Waste to Energy Project 50 MW, DSIIDC Industrial Area, sector-5, Bawana, Delhi-110039 by M/s Jindal Urban Waste Management (Bawana) Limited, by JINDAL URBAN WASTE MANAGEMENT (BAWANA) LIMITED located at NORTH WEST, DELHI</b>			
<b>Proposal For</b>		<b>Fresh ToR</b>	
<b>Proposal No</b>	<b>File No</b>	<b>Submission Date</b>	<b>Activity (Schedule Item)</b>
IA/DL/THE/435160/2023	J-13012/02/2023-IA.1 (T)	11/08/2023	Thermal Power Plants (1(d))

**3.4.2. Project Salient Features**

The proposal is for grant of Terms of Reference to the project for Waste to Energy Thermal Power Project (30 MW) at villages Badli, Sub-district Alipur, District North Delhi, Delhi by M/s Jindal Urban Waste Management (Bawana) Limited.

The details of the project submitted by project proponent and ascertained from the document submitted are mentioned below:

1. The proposal was earlier considered by the EAC in its 46<sup>th</sup> meeting held on 4th September, 2023 wherein the proposal was deferred while observing the following:

*"...The EAC noted that another 24 MW Waste to Energy Plant by M/s Delhi MSW Solutions Ltd. is already under operation just adjacent to the boundary of proposed power plant. It was also noted that a proposal (proposal no IA/DL/THE/430833/2023) for expansion of the same operating power plant has also been submitted to the Ministry for adding capacity of 60 MW. From the last file the committee observed that the proposed location of instant proposal is in notified industrial area as well as very close to civil colonies.*

*The proposed project layout also indicates diversion of Natural stream/Nallah. Operation of 110MW waste to energy power plants in the area may invite undesirable environmental consequences. The EAC suggested the PP to re-visit the proposal in terms of its capacity and project site location....."*

1. In view of the observations raised by the EAC the project proponent vide letter dated 17.10.2023 submitted the following:

1. Project capacity is revised to 30 MW.
2. In view of existing Natural Stream/ Nallah, which is crossing through the backside of the proposed project site shall not be disturbed and no change will be made in existing drainage pattern. The revised layout plan of proposed project has been submitted.

It is pertinent to mention that the proposed project site has been earmarked for Solid Waste Management facility by DDA in Zonal Development Plan of Zone "P1" Narela

The Municipal Corporation of Delhi (MCD), in order to meet the target of 100% solid waste processing and scientific disposal of unprocessed quantities of MSW, has planned to develop this Waste Energy (WIE) Project.

- vi. Detailed information of the ash pond area in terms of the latest notification of Ministry/ CPCB shall be submitted. A detailed note w.r.t. compliance of MoEF&CC notifications dated 31.12.2021 and 30.12.2022 defining the eligibility of thermal power plants for having additional ash pond shall be submitted by the IRO in its compliance report.
- vii. PP shall submit undertaking in affidavit form that 100 % fly ash utilization shall be carried out throughout the operation of the plant.

The proposal is therefore **deferred** on the above lines.

**Agenda Item No. 2.8:**

**1x800 MW (Stage III) North Chennai TPP at Villages Ennore & Puzhuvakkam, Ponneri Taluk, Tiruvallur District, Tamil Nadu by M/s Tamil Nadu Generation and Distribution Corporation (TANGEDCO) – Reconsideration for Amendment in Environmental Clearance (EC) – reg.**

[Proposal No. IA/TN/THE/442379/2023; F. No. J-13012/14/2012-IA.II (T)]

**2.8.1** The proposal is for amendment in Environmental Clearance for 1x800 MW (Stage III) North Chennai TPP at Villages Ennore & Puzhuvakkam, Ponneri Taluk, Tiruvallur District, Tamil Nadu by M/s Tamil Nadu Generation and Distribution Corporation (TANGEDCO).

**2.8.2** The details of the project submitted by project proponent and ascertained from the document submitted are mentioned below:

- i. The Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) was accorded by MoEF&CC vide letter dated 20th January, 2016 to 1x800 MW Supercritical Coal Based Thermal Power Plant Stage III at Villages Ennore & Puzhuvakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu by M/s TANGEDCO. The current proposal is for seeking amendment in the EC and CRZ Clearance granted for the inclusion of proposed Ash slurry pipeline and recovery water pipeline.
- ii. M/s TANGEDCO has established 3x210 MW North Chennai Thermal Power Station Stage I during 1995 and 2 x 600 MW Stage-II during 2014 in NCTPS Complex. An area of 190 acres (76.88 Ha) of barren land is available within the existing North Chennai Thermal Power Station (NCTPS).
- iii. Earlier, the proposal was considered by the EAC in its 46<sup>th</sup> meeting held on 4<sup>th</sup> September, 2023 and sought additional details. The PP vide letter dated 13/10/2023 submitted following details on Parivesh and presented during the meeting:

**Query 1 Submit latest certified compliance report of existing EC.**

**Reply:** The Certified compliance for the existing Environment Clearances of all the three stages including NCTPP III has been obtained vide F. No. EP/12.1/1/2015-16/TN/93 dated 16th January 2023 Certified compliance for the existing Environment Clearances of all the three stages was approved vide diary no 046 dated 13.01.2023 has been submitted.

**Query 2 Proof of payment of Rs. 50 Lakhs imposed by the Hon'ble NGT.**

**Reply:** The Letter received from the Member Secretary/TNPCB for having received environmental compensation has been submitted. Amount paid to TNPCB account through online vide UTR No. IOBAN22087324859 dt 28.03.2022. The receipt of Environment Compensation Fund was acknowledged by TNPCB vide letter No. T2/TNPCB/F.023071/2023 dated 12-10-2023.

**Query 3 Submit marine EIA report with CRZ map duly authenticated of slurry pipeline**

**Reply:** The Rapid EIA Study carried out has covered the Marine Ecology and Marine Environment set up of the study area. CRZ mapping carried out by Institute of Remote Sensing (IRS). The CRZ maps were obtained from the Institute of Remote Sensing (IRS), Anna University. The EIA report enclosing CRZ Maps has been submitted.

**Query 4 Ministry may seek comments of CRZ division for slurry pipeline.**

**Reply:** No comments.

**Query 5 Submit status of construction in of slurry pipeline in CRZ area.**

**Reply:** The EC and CRZ Clearance for the NCTPP Stage III Plant was granted in 2016 and after finalization of contractor, the construction works for the ash slurry pipeline and recovery water pipeline system had been commenced and as a whole about 65% of the construction works have been completed wherein concrete support pedestals covering foot Print of 34 M'has been executed in CRZ IA buffer zone. About 1000 M concrete support pedestals including laying of pipe in the CRZ - II area from west bank of Kosathalayar river to boat canal have been executed. In B' Canal - 14 piles completed out of 18 piles in the both banks upto natural ground level for constructing the bridge to carry the ash slurry pipe lines.

In Kosathalai river - 22 piles completed out of 38 upto bed level of the river for constructing the bridge to carry the ash slurry pipe lines.

Upon the NGT direction, the pipeline system construction activities have been stopped in the CRZ Area including Buckingham Canal and Kosasthalaiyar River and since 07 /2021, no activities have been undertaken. On receipt of the amendment from MoEF& CC only the work will be resumed.

**Query 6 Clarification about laying of pipeline without consent of the Ministry.**

**Reply:** Previously it was proposed to lay the ash slurry pipe lines over the existing ash slurry pipe lines of NCTPS I & II. But due to aged supporting structure, the new ash slurry pipe line was laid parallel to the ash slurry pipe lines of NCTPS - I & II in existing corridor. Hence as per direction of NGT this proposal for amendment in EC & CRZ clearance is submitted.

**Query 7 Comments of CRZ Division in the Ministry may be obtained.**

**Reply:** No comments.

**2.8.3 The EAC during deliberations noted the following:**

The proposal is for amendment in Environmental Clearance for 1x800 MW (Stage III) North Chennai TPP at Villages Ennore & Puzhudiwalkam, Ponneri Taluk, Tiruvallur District, Tamil Nadu by M/s Tamil Nadu Generation and Distribution Corporation (TANGEDCO).

The project/activity is covered under category A of item 1(d) 'Thermal Power Plants' of the Schedule to the Environmental Impact Assessment Notification, 2006 and requires appraisal at Central level by the sectoral EAC in the Ministry.

The EAC noted that about 65 % of the construction activities have been completed, the EAC desired to verify the extent of construction activities at site. The EAC therefore decided to conduct site visit by EAC sub-committee before making any recommendations on proposal.

*The proposal was deferred on the above lines.*

**Agenda Item No. 2.9:**

**Waste to Energy Thermal Power Project (30 MW) at villages Badli, Sub-district Alipur, District North Delhi, Delhi by M/s Jindal Urban Waste Management (Bawana) Limited - Reconsideration for Terms of References (TOR) - reg.**

**[Proposal No. IA/DL/THE/435160/2023; F. No. J-13012/02/2023-IA.I (T)]**

**2.9.1** The proposal is for grant of Terms of Reference to the project for Waste to Energy Thermal Power Project (30 MW) at villages Badli, Sub-district Alipur, District North Delhi, Delhi by M/s Jindal Urban Waste Management (Bawana) Limited.

**2.9.2** The details of the project submitted by project proponent and ascertained from the document submitted are mentioned below:

- i. The proposal was earlier considered by the EAC in its 46<sup>th</sup> meeting held on 4th September, 2023 wherein the proposal was deferred while observing the following:

*\*...The EAC noted that another 24 MW Waste to Energy Plant by M/s Delhi MSW Solutions Ltd. is already under operation just adjacent to the boundary of*



Government of India  
Ministry of Environment, Forest and Climate Change  
IA Division  
(Thermal Projects)  
\*\*\*



Minutes of AGENDA FOR 11TH MEETING OF THE EXPERT APPRAISAL COMMITTEE (EAC) (THERMAL POWER PROJECTS) TO BE HELD ON 27TH - 28TH JUNE, 2024 meeting Thermal Projects held from 27/06/2024 to 28/06/2024 Date: 16/07/2024

**MoM ID:** EC/MOM/EAC/871995/6/2024  
**Agenda ID:** EC/AGENDA/EAC/871995/6/2024  
**Meeting Venue:** N/A  
**Meeting Mode:** Virtual  
**Date & Time:**

27/06/2024	10:30 AM	05:30 PM
28/06/2024	10:30 AM	05:30 PM

**1. Opening remarks**

The 11<sup>th</sup> Meeting of the re-constituted EAC (Thermal Power) organized by the Ministry of Environment, Forest & Climate Change, Indra Paryavaran Bhawan, Aliganj, Jor Bagh Road, New Delhi was held on 27<sup>th</sup> - 28<sup>th</sup> June, 2024 through Virtual Mode under the Chairmanship of Dr. Sharan Singh Negi. At the outset, the Chairman welcomed the Expert members & other participants and requested to start the proceeding as per the agenda adopted for this meeting.

**2. Confirmation of the minutes of previous meeting**

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**3. Details of proposals considered by the committee**

Day 1 -27/06/2024

3.1. Agenda Item No 1:

3.1.1. Details of the proposal

Sipat Super Thermal Power Project Stage-III (1x800 MW) by NTPC LIMITED located at BILASPUR, CHHATTISGARH			
Proposal For		Fresh EC	
Proposal No	File No	Submission Date	Activity

occasion of the World Environment Day to increase forest cover across the Country. This plantation drive is other than Green belt development. An action plan in this regard shall be submitted to concerned RO.

Day 2 -28/06/2024

3.1. Agenda Item No 1:

3.1.1. Details of the proposal

Amendment of Environmental Clearance for 1X800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities at Villages Enmur & Puzhudiavakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu by M/s. Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO), by TANGEDCO located at THIRUVALLUR, TAMIL NADU			
Proposal For		Amendment in EC	
Proposal No	File No	Submission Date	Activity (Schedule Item)
IA/TN/THE/475354/2024	J-13012/14/2012-IA.II(T)	14/06/2024	Thermal Power Plants (I(d))

3.1.2. Project Salient Features

vi. Baseline Environmental Scenario:

Period	From September 2022 to October 2022
AAQ parameters at 9 locations	$PM_{10} = 38.4$ to $120.0 \mu\text{g}/\text{m}^3$ $PM_{2.5} = 16.8$ to $87.5 \mu\text{g}/\text{m}^3$ $SO_2 = 3.3$ to $25.1 \mu\text{g}/\text{m}^3$ $NO_x = 7.6$ to $42.6 \mu\text{g}/\text{m}^3$ $CO = \text{BDL}(\text{DL}:1.15)$ $NH_3 = 7.5$ to $66.0 \mu\text{g}/\text{m}^3$ $Pb = \text{BDL}(\text{DL}:0.1)$ to $0.226 \mu\text{g}/\text{m}^3$ $As = \text{BDL}(\text{DL}:1.0)$ $Ni = \text{BDL}(\text{DL}:5.0)$ to $12.2$
Incremental GLC Level	$PM = \text{Max. GLC}: 96.81 \mu\text{g}/\text{m}^3$ $SO_2 = \text{Max GLC}: 26.18 \mu\text{g}/\text{m}^3$ $NO_x = \text{Max GLC}: 43.68 \mu\text{g}/\text{m}^3$ <i>Remark: Maximum PM value recorded at project site is <math>120 \mu\text{g}/\text{m}^3</math> due to ongoing construction activities hence average maximum value is considered for Air modelling.</i>
River water samples (7 samples)	Not Applicable
Pond water samples quality at 7 locations	

- vii. **Ash Pond area:** The existing ash pond of NCTD complex located 5Kms away from the project site will be utilised for dumping of bottom ash from this proposed power plant at the time of emergency only, since, this power plant is proposed with the 100% disposal of bottom ash also.
- viii. **Water Requirement:** The potable water required for the construction of project will be met from Chennai Metro Water Supply & Sewerage Board (CMWSSB) for about 2 MGD (9092 m<sup>3</sup>). For operation purpose, potable water will be produced from sea water by treating in RO based desalination plant, proposed within the power plant.
- ix. **Details of Coal Linkage:** Environmental Clearance for the project was issued based on the use of Imported coal of 2.09 MTPA which was planned to source from MMTC, New Delhi. FSA/MoU for imported coal was signed between MMTC Limited and TANGEDCO on 25<sup>th</sup> May, 2015 for supply of 2.51 MTPA of coal for the project. Now, TANGEDCO is planning to change from use of 100% imported coal to use of domestic coal as well as Imported coal in the equal proportion. Domestic coal will be made available from the Kalinga block of Talcher, Mahanadhi, IB Valley Coal Fields. Total 2.69 MTPA of mixed coal will be required for the project.
- x. Details of Certified compliance report submitted by RO, MoEF&CC: Certified Copy of EC Compliance is secured Vide Diary No 046 dated 13.01.2023.

### 3.1.3. Deliberations by the committee in previous meetings

N/A

### 3.1.4. Deliberations by the EAC in current meetings

S. n o.	Details	Units	Imported 100%	Imported 50% Indian 50%	Indian coal	
1.	Coal consumption	TPH	280	361	442	
		TPD	6720	8664	10608	
		MTPA	2.09	2.69	3.29	
2.	Ash	%	12	25.5	34	
3.	Sulphur	%	0.80	0.65	0.55	
4.	Gross Calorific Value	Kcal/kg	6000	4654	3800	
Type of coal		Coal quantity (TPH)	Ash content (%)	Total Ash Quantity (TPH)	Fly Ash Quantity (TPH)	Bottom Ash Quantity (TPH)
Imported coal		280	12.0	33.60	23.52	10.08
Mixed coal (Imported 50%, Indian 50%)		361	25.5	92.06	64.44	27.62

Note: Due to change in composition of the coal, the ash quantity will increase

S. No	Particulars	100% Imported Coal		Indian Coal 50% : Imported Coal 50%		Remark
		Capital Cost (Rs. in Crores)	Recurring Cost (Rs. in Crores)	Capital Cost (Rs. in Crores)	Recurring Cost (Rs. in Crores)	
1	Dust Control System	192.00	48.0	192.00	98	No change
	i) ESP	0		3.50		
	ii) Dust suppression system for coal handling	3.50				
2	Chimney	88.90		88.90		Increased
	FGD, De NOx burners etc.	0		615.00		
3	Water treatment plant including clarifier, UF, RO, DM, Electrical and Instrumentation	42.24		42.24		No change
4	Effluent Treatment Plant	3.50		3.50		
5	Dense phase, pneumatic Ash Handling Plant including bottom ash & fly ash silos, conveying compressors and other equipment	106.56		106.56		
6	Development of Greenbelt	3.84		3.84		
7	Sewage System	1.44		1.44		
8	Chemical dosing and Chlorination Plant	9.70		9.70		
9	Pollution monitoring instruments/ equipment	14.16	14.16			
10	Other unforeseen items	14.16	14.16			
	Total	480.00	48.00	1,185.21	98	Increased

### 3.1.5. Recommendation of EAC

## 3.1.6. Details of Environment Conditions

## 3.1.6.1. Specific

Additional Specific Conditions:	
1.	PP shall obtain the amendment in CTO from SPCB as applicable in the instant case for the proposed amendments.
2.	PP shall implement the protective measures proposed in EMP in a time-bound manner. The budget earmarked for the same is Rs 1,185.21 crores (Capital) and Rs 98 crores (recurring) and should be kept in separate accounts and audited annually. The implantation status along with the amount spent with documentary proof shall be submitted to the concerned Regional Office for the activities carried out during the previous year.
3.	Regular monitoring of Fly Ash Pond shall be carried out and inspection should be done to avoid any chance of failure of bunds or leakage from the Ash Pond. The Pipe line carrying the fly ash shall also be inspected for any leakage at regular intervals. In case of any leakage immediate corrective measures needs to be taken and concerned authorities shall be informed. PP shall also keep a record of inspection.
4.	Fly ash handling shall be done strictly as per extant rules/regulations of the Ministry/CPCB issued from time to time including Ministry's Notification No. S.O.5481(E) dated 31st December, 2021. No coal shall be transported through road shall be allowed.
5.	The transportation of Ash from the Thermal Power Plant to other Industries (Cement/brick) shall be through closed bulkers only.
6.	Water Sprinkling on roads shall be done in at regular interval on the roads atleast within 1 km range approaching the plant. A logbook shall be maintained for the activity and be in six monthly compliance report.
7.	PP shall ensure that roads for transportation shall be maintained and keep in good condition to avoid fugitive emissions.
8.	Occupational health surveillance of the workers shall be done on a regular basis and records maintained as per the Factories Act.
9.	PP shall provide regular health monitoring services and health services free of cost to people living in 10 km radius.
10.	PP shall establish an Environment Management Cell and ensure to engage sufficient staff having environment related qualification for its smooth its functioning.
11.	Environment Audit of plant shall be done annually and report shall be submitted to Regional office of the Ministry.
12.	Use of Diesel operated transportation vehicles shall be avoided as far as possible and BS-VI compliant vehicle shall be purchased and preference shall be given to EVCNG/LNG based trucks for transportation raw materials, coal and disposal. Change to EVCNG/LNG be done in a time bound manner
13.	PP shall ensure that all types of plastic waste generated from the plant shall be stored separately in isolated area and disposed of strictly adhering to the Plastic Waste Management Rules 2016 (as amended). In pursuant to the Ministry's OM dated 18/07/2022 PP shall also create awareness among the people working in the project area as well as in its surrounding area on the ban on Single Use Plastic(SUP) in order to ensure compliance of Ministry's Notification published by the Ministry on 12/08/2021. A report along with photograph on the measures taken shall also be included in the six monthly compliance report being submitted by PP.

1 4.	Monitoring for heavy metals and fluoride in groundwater and surface water shall be undertaken along with the regular monitoring and results/findings submitted along with half yearly monitoring report.
1 5.	PP is advised to implement the 'Ek Ped Mao Ke Naam' Campaign which was launched on 5th June 2024 on the occasion of the World Environment Day to increase the forest cover across the Country. This plantation drive is other than Green belt development. An action plan in this regard shall be submitted concerned RO.

### 3.2. Agenda Item No 2:

#### 3.2.1. Details of the proposal

<b>Ongoing 2x660 MW Udangudi Supercritical Thermal Power Project Stage-I at Udangudi Village, Tiruchendur Taluk, Tuticorin District, Tamil Nadu by TANGEDCO located at TUTICORIN,TAMIL NADU</b>			
<b>Proposal For</b>		<b>Fresh ToR</b>	
<b>Proposal No</b>	<b>File No</b>	<b>Submission Date</b>	<b>Activity (Schedule Item)</b>
IA/TN/THE/468592/2024	I-13012/19/2008-IA.II(T)	14/06/2024	Thermal Power Plants (11(d))

#### 3.2.2. Project Salient Features

- i. The proposal is for ToR to the project for Ongoing 2x660 MW Udangudi Supercritical Thermal Power Project Stage-I located at Udangudi Village, Tiruchendur Taluk, Tuticorin District, Tamil Nadu by M/s. Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO).
- ii. The EC had been obtained for the 2 x 800 MW (1600 MW) Udangudi Super Critical with Imported Coal based Thermal Project and amended to 2 x 660 MW MoEF&CC vide MOEF/GOI's Lr.No.13012/199/2008—IA II(T), dt 26.04.2017. The validity of EC was extended through subsequent validity extension and finally all the projects on account of Covid-19 pandemic (vide MoEF&CC OM F.No.22-25/2020-IA.III dated: 18.1.2021), the validity of EC for Udangudi Super Critical Thermal Power Plant is deemed to be valid till 13.10.2024.
- iii. Presently, the physical work progress is completed to the tune of 82.85% for which EC was granted. As the validity of EC is nearing completion, it is planned to obtain fresh EC for the project.
- iv. Further, TANGEDCO had planned to reduce the imported coal according to guidelines issued by MoEF&CC OM's issued vide circular, No. J13012/8/2009-IA, II (T), dt.6.12.2023. which is also planned to be sought in this fresh EC. In view EC nearing to completion, a fresh ToR is proposed to be obtained for ongoing 2 x 660 MW Supercritical Thermal Power Project stage-I at Udangudi village, Thoothukudi District, Tamil Nadu.
- v. The salient features of the project are as under:-

##### EAC Meeting Details:

Date of earlier EAC Meetings	January 11-12, 2010, April 30-May 01, 2010 and May 20-21, 2013 (for issuing Original EC), 4 <sup>th</sup> meeting held on 16.3.2017 (for issuing EC amendment) and meeting on 28.7.2020 (for EC Extn.)
Category of the project	Category A

Kurket river and 53 MCM from Kalma Barrage located on Mahanadi River.

**11.4.4** The EAC after detailed deliberation on the information submitted and as presented during the meeting recommended the proposal for grant of amendment in Environmental Clearance dated 18.03.2011 and its amendment therein to the project 4x600 MW Thermal Power Plant located at Village Tamnar, Taluk Gharghoda, District Raigarh (Chhattisgarh) by M/s Jindal Power Ltd. (JPL) to use utilize existing ash dyke of 4x250 MW for 4x600 MW TPP for 1 year i.e. till 30.06.2025, subject to compliance of the following additional specific environmental safeguard conditions:

- 1) *PP shall expedite the plantation activities and plantation shall be done in this monsoon.*
- 2) *PP shall submit the fresh Certified EC compliance report from RO, MoEF&CC, along with ATR and comments of RO.*
- 3) *PP shall expedite to start construction of nearby roads, geotagged pictures of before and after construction of the road shall be submitted.*
- 4) *PP shall deploy vacuum based vehicle for everyday cleaning of the road in and around plant site at least for 5 KM. Sprinkling on the road side shall be carried out regularly (twice in a day) and data shall be maintained mentioning about its functionality.*
- 5) *All other conditions mentioned in the EC dated 18.03.2011 and its amendment therein shall remain unchanged.*
- 6) *PP is advised to implement the 'Ek Ped Maa Ke Naam' Campaign which was launched on 5th June 2024 on the occasion of the World Environment Day to increase the forest cover across the Country. This plantation drive is other than Green belt development. An action plan in this regard shall be submitted to concerned RO.*

**Agenda Item No. 11.5**

**1X800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities at Villages Ennur & Puzhuvakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu by M/s. Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO) – Amendment in EC - Reg.**

[Proposal No. IATN/THE/475354/2024; F. No. J-13012/14/2012-IA-II (T)]

**11.5.1** The proposal is for grant of amendment in Environmental Clearance to the project 1X800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities at Villages Ennur & Puzhuvakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu by M/s. Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO).

The project/activity is covered under category A of item 1(d) 'Thermal Power Plants' of the Schedule to the Environmental Impact Assessment (EIA) Notification, 2006, as amended as the power generation capacity of the proposed expansion is beyond the threshold capacity of 500MW i.e. 800 MW and requires appraisal at Central level by the sectoral EAC in the Ministry.

**11.5.2** The Project Proponent and the accredited Consultant M/s. Re Sustainability Solutions Pvt. Ltd, Hyderabad, made a detailed presentation on the salient features of the project and informed that:

- i. The Present proposals for Seeking Amendment in Environmental Clearance to the 1X800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities at Villages Ennur & Puzhudiakkam, Taluk Ponneri, District Tiruvallur, Tamil Nadu by M/s. Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO).
- ii. The Ministry had issued EC earlier vide letter no. Vide File No. J-13012/14/2012-IA. II (T) dated 20<sup>th</sup> Jan. 2016 to the existing project in favour of M/s. Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO).
- iii. PP has proposed to develop 1X800 MW supercritical coal based Thermal Power Plant (NCTPP Stage-III) within the available NCTPS complex using the existing infra structure facilities viz., cooling water channel/ coal conveyors for which EC and CRZ Clearance were already secured from Expert Appraisal Committee (EAC-Thermal Power), MoEF&CC, New Delhi based on use of 100% Imported coal.
- iv. **Amendment sought:** Now, TANGEDCO is planning to change from use of 100% Imported coal to use a mix of domestic coal as well as Imported coal in ratio of 50%-50% proportion. In compliance of the MoEF&CC OM dated 6<sup>th</sup> Dec, 2023 related to amendment in EC for change in coal source by Thermal Power Plants; the application for amendment in EC has been submitted by TANGEDCO to MoEF&CC to seek the amendment in EC.
- v. There are no national parks, wildlife sanctuaries, Biosphere Reserves, Tiger/Elephant Reserves, Wildlife Corridors etc. within 10 km distance from the project site. Kosasthalaiyar River is flowing at 218.8 m, Buckingham Canal is at 42.7 m and Boat Canal is at 41.45 m from the project site.
- vi. **Baseline Environmental Scenario:**

Period	From September 2022 to October 2022
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AAQ parameters at 9 locations		<p>PM<sub>10</sub> = 38.4 to 120.0 µg/m<sup>3</sup>          PM<sub>2.5</sub> = 16.8 to 87.5 µg/m<sup>3</sup>          SO<sub>2</sub> = 3.3 to 25.1 µg/m<sup>3</sup>          NO<sub>x</sub> = 7.6 to 42.6 µg/m<sup>3</sup>          CO = BDL(DL:1.15)          NH<sub>3</sub> = 7.5 to 88.0 µg/m<sup>3</sup>          Pb = BDL (DL:0.1) to 0.226 µg/m<sup>3</sup>          As = BDL (DL:1.0)          Ni = BDL (DL:5.0) to 12.2</p>
Incremental Level	GLC	<p>PM = Max. GLC: 96.81 µg/m<sup>3</sup>          SO<sub>2</sub> = Max GLC: 26.18 µg/m<sup>3</sup>          NO<sub>x</sub> = Max GLC: 43.68 µg/m<sup>3</sup>  <i>Remark: Maximum PM value recorded at project site is 120 µg/m<sup>3</sup> due to ongoing construction activities hence average maximum value is considered for Air modelling.</i></p>
River samples (7 samples)	water	Not Applicable
Pond samples quality at 7 locations	water	<p>pH 6.9 to 8.2; Dissolved Oxygen: 5.2 to 6.7 mg/lit; Total Dissolved Solids: 120 to 1160 mg/lit; Total Hardness (as CaCO<sub>3</sub>): 46 to 418 mg/lit &amp; total Alkalinity (asCaCO<sub>3</sub>): 39 to 204 mg/lit; Calcium (as Ca): 12 to 90 mg/lit; Magnesium (as Mg): 4 to 47 mg/lit; Oil and grease: &lt;2 mg/lit; Sulphate (as SO<sub>4</sub>): 8.4 to 102 mg/lit, Nitrate (asNO<sub>3</sub>) : 0.50 to 19.3 mg/lit; Chloride (as Cl) : 22 to 480 mg/lit; Iron (as Fe): BDL(DL:0.01) to 16.5 mg/lit; BOD 2 to 13 mg/lit; Heavy metals like Copper (as Cu): BDL (DL:0.02) to 0.11 mg/lit, Lead (as Pb): BDL (DL:0.005) to 0.11 mg/lit and Manganese (as Mn): BDL(DL:0.01) to 0.38 mg/lit.</p>
Ground samples locations	Water at 9	<p>pH: 7.3 to 8.3; Dissolved Oxygen: 5.6 to 7.2 mg/lit; Total Dissolved Solids: 114 to 1675 mg/lit; total Hardness (as CaCO<sub>3</sub>): 50 to 756 mg/lit; Total Alkalinity (asCaCO<sub>3</sub>): 30 to 403 mg/lit; Calcium (as Ca): 17 to 176 mg/lit; Magnesium (as Mg): 2 to 97 mg/lit; Oil and grease: &lt;2 mg/lit; Sulphate (asSO<sub>4</sub>): 16 to 483 mg/lit, Nitrate (as NO<sub>3</sub>): 1.4 to 32 mg/lit; Chloride (as Cl): 21 to 945 mg/lit; Iron (as Fe): 0.15 to 54.0 mg/lit; Heavy metals like Copper (as Cu): BDL (DL:0.02) to 0.05 mg/lit, Lead (as Pb): BDL (DL:0.005) to 0.08 mg/lit and Manganese (as Mn):</p>

	BDL (DL:0.01) to 0.78 mg/lit.
Noise levels Leq (Day & Night) at 9 locations	The Leq values for day time was observed to be 46.6 to 56.1 dB (A) in residential area, while during night time 37.1 to 44.8 dB (A).
Soil Quality at 8 Locations	Bulk density: 1.42 to 1.56 gm/cm <sup>3</sup> ; pH ranges 7.1 to 9.1; Electrical conductivity (EC); 121 to 1680 µmhos/cm; calcium content: 38 to 400 mg/kg; sodium: 132 to 584 mg/kg; potassium: 98 to 385 mg/kg; Nitrogen: 274 to 870 mg/kg; Phosphorous: 12 to 44 mg/kg; Magnesium: 10 to 110 mg/kg; Sulphur: 32 to 167 mg/kg; Organic Matter: 0.14 to 0.77.
Flora & Fauna	No Schedule-I species sighted in the study area.

- vii. **Ash Pond area:** The existing ash pond of NCTPS complex located 5Kms away from the project site will be utilised for dumping of bottom ash from this proposed power plant at the time of emergency only, since, this power plant is proposed with the 100% disposal of bottom ash also.
- viii. **Water Requirement:** The potable water required for the construction of project will be met from Chennai Metro Water Supply & Sewerage Board (CMWSSB) for about 2 MGD (9092 m<sup>3</sup>). For operation purpose, potable water will be produced from sea water by treating in RO based desalination plant, proposed within the power plant.
- ix. **Details of Coal Linkage:** Environmental Clearance for the project was issued based on the use of Imported coal of 2.09 MTPA which was planned to source from MMTC, New Delhi. FSA/MoU for imported coal was signed between MMTC Limited and TANGEDCO on 25<sup>th</sup> May, 2015 for supply of 2,51 MTPA of coal for the project. Now, TANGEDCO is planning to change from use of 100% imported coal to use of domestic coal as well as Imported coal in the equal proportion. Domestic coal will be made available from the Kalinga block of Talcher, Mahanadi, IB Valley Coal Fields. Total 2.69 MTPA of mixed coal will be required for the project.
- x. Details of Certified compliance report submitted by RO, MoEF&CC: Certified Copy of EC Compliance is secured Vide Diary No 046 dated 13.01.2023.

#### 11.5.3 The EAC during deliberations noted the following:

- 1) The EAC noted that the proposal is for the grant of amendment in Environmental Clearance to the project 1X800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities at Villages Ennur & Puzhuvakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu by M/s. Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO).
- 2) The committee noted that the Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) Clearance were accorded by MoEF&CC Vide File No. J-13012/14/2012-IA, II (T) dated 20th Jan, 2016 with use of Imported coal of 2.09 MTPA sourced through MMTC, New Delhi. The FSA/MoU for Imported coal was signed between MMTC Limited and TANGEDCO on 25th May, 2015. The Consent to Establish (CTE) issued from TNPCC Vide Order No. 170124499798 under Air (Prevention and control of Pollution) Act, 1981, as amended in 1987 and vide order No.170114499798 under Water (Prevention and control of Pollution) Act, 1974, as amended in 1988 on 13th April, 2017.
- 3) Now, PP has submitted the proposal for obtaining amendment in existing EC for change in fuel composition from 100% Imported coal to mixture of 50% Indian coal & 50% Imported coal in compliance of MoEF&CC OM dated 6th Dec, 2023 and previous OM dated 11th Nov, 2020.
- 4) The EAC reviewed the present average ambient air quality data and observed that PM<sub>10</sub> values were on higher side and it was noted that the proposed change in fuel composition from 100% Imported coal to mixture of 50% Indian coal & 50% Imported coal which may increase PM<sub>10</sub> emissions in the environment, PP in this regard submitted that this is a temporary increase due to ongoing construction activities at site.
- 5) The EAC also added that as there is change in fuel, PP shall not ask in the future for additional esth pond and additional water requirement. Further, EAC noted that the total area of plant is 76.88 Ha of which only 18.21 Ha is a green belt area which accounts to 23.7% of the total area. Therefore, PP are advised to conduct power plantation in the upcoming monsoon season.
- 6) The Committee observed that as per OM dated 11.11.2020 & 6.12.2023, proposal of PP is not falling under category (a) to (d) mentioned in para 3 of OM dated 6.12.2023 and hence required amendment in EC. Further, it has mentioned in the same OM that "All the Thermal Power Plants (including Captive Power Plants) having Prior Environmental Clearance and going in for change in the coal source other than those falling in the aforementioned category of change in coal source shall approach the Ministry for amendment in environmental clearance along with a study on additional impact assessment and revised EMP based on the change in Source of coal". The Committee observed that PP has submitted the additional impact assessment and revised EMP report of May 2024, along with this proposal.

- 7) The EAC noted that PP submitted that FSA/MoU for Imported coal was signed between MMTC Limited and TANGEDCO on 25<sup>th</sup> May, 2015. No additional water will be required due to change in coal use. No additional power required due to change in coal. No additional Coal Handling Plant (CHP) will be required and the area of 8.09 Ha is available within the site for stacking of Indian as well as imported coal.
- 8) PP submitted that Coal characteristics & consumption as under:

S. no.	Details	Units	Imported 100%	Imported 50% Indian 50%	Indian coal
1.	Coal consumption	TPH	280	361	442
		TPD	6720	8564	10608
		MTPA	2.09	2.69	3.29
2.	Ash	%	12	25.5	34
3.	Sulphur	%	0.80	0.65	0.55
4.	Gross Calorific Value	Kcal/kg	6000	4654	3800

Type of coal	Coal quantity (TPH)	Ash content (%)	Total Ash Quantity (TPH)	Fly Ash Quantity (TPH)	Bottom Ash Quantity (TPH)
Imported coal	280	12.0	33.60	23.52	10.08
Mixed coal (Imported 50%, Indian 50%)	361	25.5	92.06	64.44	27.62
Note: Due to change in composition of the coal, the ash quantity will increase					

- 9) The committee observed that there is a increase in ash content further as per the EIA the level of pollutant are increasing and on higher side. In this regard PP submitted that
- Particulate matter (PM): PM value: 96.49  $\mu\text{g}/\text{m}^3$ , predicted GLC: 0.32  $\mu\text{g}/\text{m}^3$ , Resultant GLC: 96.81  $\mu\text{g}/\text{m}^3$  which is near the limits as per NAAQ standards. The max. value of PM10 120  $\mu\text{g}/\text{m}^3$  recorded in Ennore SEZ TPP site since the project is proposed over abandoned ash dyke. The contribution of PM from TPPs within NCTPS complex is 1.2  $\mu\text{g}/\text{m}^3$  and the contribution all the TPPs with 10 km radius is 1.6  $\mu\text{g}/\text{m}^3$ . To reduce the PM

emissions ESP's with an efficiency of 99.98% has been installed to limit the PM below 30 mg/Nm<sup>3</sup>.

- Sulphur dioxide (SO<sub>2</sub>): SO<sub>2</sub> value: 25.1 µg/m<sup>3</sup>, predicted GLC: 1.08 µg/m<sup>3</sup>. Resultant GLC: 26.18 µg/m<sup>3</sup> which is well with in the limits as per NAAQ standards. The contribution of SO<sub>2</sub> from TPPs within NCTPS complex is 5.1 µg/m<sup>3</sup> and the contribution all the TPPs with 10 km radius is 7.1 µg/m<sup>3</sup>. Dry FGD has been installed to meet the revised emission norms of MoEF&CC for Sulphur dioxide (SO<sub>2</sub>) i.e. 100 mg/Nm<sup>3</sup>.
- Oxides of nitrogen (NO<sub>x</sub>): NO<sub>x</sub> value: 42.6 µg/m<sup>3</sup>, predicted GLC: 1.08 µg/m<sup>3</sup>. Resultant GLC is 43.68 µg/m<sup>3</sup> which is well with in the limits as per NAAQ standards. The contribution of NO<sub>x</sub> from TPPs within NCTPS complex is 6.4 µg/m<sup>3</sup> and the contribution all the TPPs with 10 km radius is 8.01 µg/m<sup>3</sup>. To reduce the emissions Low NO<sub>x</sub> burner will be provided. SCR will also be installed in future as per requirement to limit the NO<sub>x</sub> emission to as per MoEF&CC norms i.e. 100 mg/Nm<sup>3</sup>.

- 10) The committee observed that for managing the air pollution PP has proposed that i) Dust suppression/ extraction system will be provided to mitigate the dust generated at coal conveying area, transfer points and coal stockyard, ii) Dust collection system will be provided in coal bunkers to evacuate dust and hazardous gases like methane from the coal bunkers, iii) Collected dust would be returned to either the associated belt conveyors or to the coal bunkers. The coal dust from coal transfer points would be restricted to 5 mg/Nm<sup>3</sup>, iv) 100 % dry fly ash extraction, storage and disposal facilities are proposed for utilization of 100 % fly ash. Closed trucks & containers would be used for this purpose, v) ESP with an efficiency of 99.98 % is proposed to control Particulate Matter, vi) To minimize the SO<sub>2</sub> emissions, dry FGD system is proposed and vii) To reduce the NO<sub>x</sub> emissions, Low NO<sub>x</sub> burners has been provided whereas Selective Catalytic Reduction (SCR) system will be installed in future as per requirement.
- 11) Additionally, the committee observed that for managing the ash PP has proposed that i) 100% utilization of fly ash in dry form is envisaged. Closed trucks & containers would be used for this purpose, ii) To reduce the dust nuisance while loading the ash into the open trucks from fly ash silos, the fly ash would be conditioned with water spray, iii) It is proposed to cover the ash in the open trucks with tarpaulin to prevent flying of fine ash during transportation, iv) TANGEDCO would put max efforts and ensure bottom ash utilization. 100% ash utilization will be achieved as per MoEF&CC notification dt. 3<sup>rd</sup> Nov. 2009, v) Proposed to supply entire ash to cement industries that are presently lifting fly ash from NCTPS, since there is huge demand in Tami Nadu for fly ash from thermal stations and vi) MoU between TANGEDCO & M/s. Dalmia Cement (Bharat) Limited was already made on 14<sup>th</sup> Oct. 2015 for

utilization of Fly ash.

- 12) The committee observed that EMP cost propose by the PP is Rs. 1185.21 or and recurring cost is Rs 98 Cr. The details are as under:

S. No	Particulars	100% Imported Coal		Indian Coal 50%: Imported Coal 50%		Remark
		Capital Cost (Rs. in Crores)	Recurring Cost (Rs. in Crores)	Capital Cost (Rs. in Crores)	Recurring Cost (Rs. in Crores)	
1	Dust Control System i) ESP ii) Dust suppression system for coal handling	192.00 3.50	48.0	192.0 3.50	98	No change
2	Chimney	88.90		88.90		
	FGD, De NOx burners etc.	0		615.0		Increased
3	Water treatment plant including clarifier, UF, RO, DM, Electrical and Instrumentation	42.24		42.24		No change
4	Effluent Treatment Plant	3.50		3.50		
5	Dense phase, pneumatic Ash Handling Plant including bottom ash & fly ash silos, conveying compressors and other equipment	106.56		106.56		
6	Development of Greenbelt	3.84		3.84		
7	Sewage System	1.44		1.44		
8	Chemical dosing and Chlorination Plant	9.70		9.70		
9	Pollution monitoring instruments/ equipment	14.16		14.16		
10	Other unforeseen items	14.16	14.16			
	<b>Total</b>	<b>480.0</b>	<b>48.0</b>	<b>1,185.21</b>	<b>98</b>	<b>Increased</b>

- 13) Based on the discussion held the committee recommended that in the para 3 of EC dated 20.01.2016 the phrase "The Imported Coal requirement of 2.09 MTPA will be sourced through MMTC, New Delhi" shall be read as "The coal

*requirement is 2.69 MTPA in the ratio of 50% Imported Coal (1.04 MTPA) and 50% Indian Coal (1.65 MTPA). Imported coal sourced through MMTC, New Delhi and Indian Coal sourced from Kalinga block of Talcher, Mahanadhi, IB Valley Coal Fields."*

**11.5.4** The EAC after detailed deliberation on the information submitted and as presented during the meeting recommended the proposal for grant of Amendment in Environmental Clearance (para 13 above) to the project 1X800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities at Villages Ennur & Puzhudiavakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu by M/s. Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO) for change in the use of Coal from 100% Imported Coal to use of Indian Coal and Imported Coal in equal proportion, subject to compliance of the following additional specific environmental safeguard conditions, in addition to the EC conditions granted on 20.01.2016 :

**Additional Specific Conditions:**

- 1) PP shall obtain the amendment in CTO from SPCB as applicable in the instant case for the proposed amendments.
- 2) PP shall implement the protective measures proposed in EMP in a time-bound manner. The budget earmarked for the same is Rs 1,185.21crores (Capital) and Rs 98 crores(recurring) and should be kept in separate accounts and audited annually. The implantation status along with the amount spent with documentary proof shall be submitted to the concerned Regional Office for the activities carried out during the previous year.
- 3) Regular monitoring of Fly Ash Pond shall be carried out and inspection should be done to avoid any chance of failure of bunds or leakage from the Ash Pond. The Pipe line carrying the fly ash shall also be inspected for any leakage at regular intervals. In case of any leakage immediate corrective measures needs to be taken and concerned authorities shall be informed. PP shall also keep a record of inspection.
- 4) Fly ash handling shall be done strictly as per extent rules/regulations of the Ministry/CPCB issued from time to time including Ministry's Notification No. S.O.5481(E) dated 31st December, 2021. No coal shall be transported through road shall be allowed.
- 5) The transportation of Ash from the Thermal Power Plant to other Industries (Cement/brick) shall be through closed bulkers only.
- 6) Water Sprinkling on roads shall be done in at regular interval on the roads atleast within 1 km range approaching the plant. A logbook shall be maintained for the activity and be in six monthly compliance report.

- 7) PP shall ensure that roads for transportation shall be maintained and keep in good condition to avoid fugitive emissions.
- 8) Occupational health surveillance of the workers shall be done on a regular basis and records maintained as per the Factories Act.
- 9) PP shall provide regular health monitoring services and health services free of cost to people living in 10 km radius.
- 10) PP shall establish an Environment Management Cell and ensure to engage sufficient staff having environment related qualification for its smooth its functioning.
- 11) Environment Audit of plant shall be done annually and report shall be submitted to Regional office of the Ministry.
- 12) Use of Diesel operated transportation vehicles shall be avoided as far as possible and BS-VI complaint vehicle shall be purchased and preference shall be given to EV/CNG/LNG based trucks for transportation raw materials, coal and disposal. Change to EV/CNG/LNG be done in a time bound manner.
- 13) PP shall ensure that all types of plastic waste generated from the plant shall be stored separately in isolated area and disposed of strictly adhering to the Plastic Waste Management Rules 2016 (as amended). In pursuant to the Ministry's OM dated 18/07/2022 PP shall also create awareness among the people working in the project area as well as in its surrounding area on the ban on Single Use Plastic(SUP) in order to ensure compliance of Ministry's Notification published by the Ministry on 12/08/2021. A report along with photograph on the measures taken shall also be included in the six monthly compliance report being submitted by PP.
- 14) Monitoring for heavy metals and fluoride in ground water and surface water shall be undertaken along with the regular monitoring and results/findings submitted along with half yearly monitoring report.
- 9) PP is advised to implement the 'Ek Ped Maa Ke Naam' Campaign which was launched on 5th June 2024 on the occasion of the World Environment Day to increase the forest cover across the Country. This plantation drive is other than Green belt development. An action plan in this regard shall be submitted concerned RO.

**Agenda Item No. 11.5**

**2x660 MW Udangudi Supercritical Thermal Power Project Stage-1, located at Udangudi Village, Tiruchendur Taluk, Tuticorin District, State Tamil Nadu by**

**Additional Agenda:**

**Report of the EAC Sub-Committee for laying of ash slurry and recovery pipelines from NCTPP Stage III to NCTPS Ash dyke (Pipeline system) of 1 x 800 MW NCTPPP Stage III at Villages Ennore & Puzhuvakkam, Ponneri Taluk, Tiruvallur District, Tamil Nadu by M/s TANGEDCO**

The Expert Appraisal Committee (Thermal) in its 2<sup>nd</sup> meeting held on 31.10.2023 to 01.11.2023, suggested to constitute a sub-committee to conduct site visit before making any recommendations on the said proposal. Accordingly, the Ministry vide letter No. J-13012/14/2012-IA II(T), dated 08.03.2024 constituted a Sub-committee comprising of following members as under:

1. Shri. Inder Pal Singh Matharu -- Chairman
2. Shri. Mahi Pal Singh -- Member
3. Shri. Umesh Kahalekar -- Member
4. Dr. Saranya P -- Member

Accordingly, the sub-committee visited the site on 13-14<sup>th</sup> March, 2024 to NCTPP Stage-III plant along with the PP.

*The Sub-Committee of EAC briefed the EAC about the visit report and its recommendation. It was informed to the EAC that initially a report was circulated through email but now the report with revised recommendation are submitted before the EAC. The EAC deliberated on the same and accepted the site visit report with revised recommendations. The Copy of the same is attached herewith as **Annexure-III**.*

The meeting ended with vote of thanks to the Chair.

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**Report of the EAC Sub-Committee for laying of ash slurry and recovery pipelines from NCTPP Stage III to NCTPS Ash dyke (Pipeline system) of 1 x 800 MW NCTPPP Stage III at Villages Ennore & Puzhudiakkam, Ponneri Taluk, Tiruvallur District, Tamil Nadu by M/s TANGEDCO**

The Expert Appraisal Committee (Thermal) in its 2<sup>nd</sup> meeting held on 31.10.2023 to 01.11.2023, suggested to constitute a sub-committee to conduct site visit before making any recommendations on the said proposal. Accordingly, the Ministry vide letter No. J-13012/14/2012-IA II(T), dated 08.03.2024 constituted a Sub-committee comprising of following members as under:

- |                                  |    |          |
|----------------------------------|----|----------|
| 1. Shri. Inder Pal Singh Matharu | -- | Chairman |
| 2. Shri. Mahi Pal Singh          | -- | Member   |
| 3. Shri. Umesh Kahalekar         | -- | Member   |
| 4. Dr. Saranya P                 | -- | Member   |

Accordingly, the sub-committee visited the site on 13-14<sup>th</sup> March, 2024 to NCTPP Stage-III plant along with the PP. The visit report is submitted herewith.

**Background of the project:**

M/s TANGEDCO had obtained environmental clearance from Ministry of Environment, Forest and Climate Change for setting up thermal power plant of capacity 1 X 800 MW on 20.01.2016. Further, MoEF&CC vide letter dated 13.04.2017 has amended the environmental clearance in line with this Ministry's Notification S.O. 3305(E), dated 07.12.2015.

The environmental clearance was issued for following activities in the CRZ area:

- (i) Coal conveyor having length of 3.5 km and elevation of 6 m for coal transportation from Ennore Port to NCTPS Stage III TPP
- (ii) Supporting trestles (steel frames) for coal conveyor at about 6 m/8 m from ground level
- (iii) Sea water intake from forebay of NCTPS Stage II take & outlet pipe to pre cooling channel of NCTPS for discharge with intake pipe length of 3 km and outlet pipe length of 1.5 km
- (iv) GRP (Glass reinforced plastic) pipes on the ground level for cooling water inlet and coolant water outlet

It is pertinent to note that ash slurry pipeline corridor in CRZ area was not part of the environmental & CRZ clearance obtained by M/s TANGEDCO. As informed during the site visit, the pipeline corridor conveyance system (ash slurry) was constructed during 2017-2018, part of which falls within CRZ zone as per approved Coastal Zone Management plan (CZMP) for which prior CRZ clearance was not obtained.

**Direction of Hon'ble NGT order dated 31.01.2022**

As per para 84 of the Hon'ble NGT order dated 31.01.2022 in the O.A.122 of 2021 and O.A.No. 162 of 2021, the case was disposed of as follows:

- i) *The TANDGECO is directed not to proceed with the work of laying the pipeline through the CRZ zone and also in the other area in violation of the Environment Clearance and CRZ Clearance granted to them in 2016, without getting necessary further clearances in this respect by filling afresh application in accordance with law and the same will have to be considered by the authorities strictly in accordance with law and the direction given for this purpose cannot be treated as a direction to the authorities to grant the permission, if it is not otherwise feasible or permissible under law. This must be strictly in compliance with the decision of Hon'ble Supreme Court in Key stone realtors private limited vs. Anil V. Tharthare and ors.*
- ii) *The TANGEDCO is directed to pay an Environmental Compensation of Rs. 4,12,20,000/- fixed by the Joint Committee and approved by this Tribunal to Tamil Nadu Pollution Control Board for the damage caused to environment on account of the deposit of fly ash slurry in the Kasathalayar River region, over and above the compensation already remitted by them as directed by the Pollution Control Board in O.A. No. 08 of 2016 and other connected cases.*
- iii) *The TANDGECO is also directed to pay an additional compensation of Rs. 50 lakh with the Tamil Nadu Pollution Control Board for the violation committed i.e. preparation for constructing the pipeline and making some attempts for that purpose in violation of the Environmental Clearance and CRZ Clearance granted and this is in addition to the compensation already directed to be paid by them for damage caused to the environment on account of deposit of fly ash.*
- iv) *The TANGEDCO is directed to carry out the replacement of the old pipes as undertaken by them and as directed by this Tribunal in O.A. No. 08 of 2016 and other connected cases within the time line fixed by the Tribunal, on the basis of the undertaking given by them to avoid future breaches.*
- v) *The TANDGECO is directed to carry out recommendations made by the Joint Committee in both the cases in its letter and spirit to avoid future breaches of fly ash into the riverine area. The question regarding steps to be taken for remediation process of damage caused to the environment on account of deposit of fly ash in that area for longer period will be considered by this Tribunal including any further compensation to be paid on the basis of the recommendations to be made by Committee already appointed by this Tribunal in O.A. No. 08 of 2016 and other connected cases.*
- vi) *The TANDGECO is also directed to take steps to remove the fly ash already deposited in that area, as directed by the Joint Committee as well as the Pollution Control Board at the earliest possible time to reduce the impact of damage to riverine environment any further.*
- vii) *The TANDGECO is also directed to take necessary steps to avoid leakage through pipes and they must hold vigil by regular inspection of the old pipe lines till such time their replacement is completed and take immediate steps to arrest breaches, if*

any, during the interregnum. The amount of compensation directed to be paid on two counts are to be deposited by TANDGECO with Tamil Nadu Pollution Control Board which they can utilise for the purpose of protecting Kasaathalaiyar River as well Ennore creek in that area to restore the damage caused to environment and also to provide necessary protection to prevent encroachments in that areas in future and avoid further environmental damage as well as riverine damage in that area.

- viii) As regards the action to be taken for violations committed by TANDGECO in violation of Environmental Clearance and CRZ Clearance, the respective regulators, namely, MoEF&CC and State Coastal Zone Management Authority are directed to take necessary action against TANDGECO in accordance with law.
- ix) As regards O.A.No. 122 of 2021 is concerned, since it is filed by a private person in order to protect environment, we feel that TANDGECO can be directed to pay a cost of Rs. 25,000/- to the applicant in that case.
- x) If the above amounts including the compensations and costs are not paid within three months from today, then the Pollution Control Board and the applicant are entitled to initiate proceedings for recovery of the same under Section 25 of the National Green Tribunal Act, 2010 or through District Collector for recovery of the amount invoking Revenue Recovery Act, 1890 in accordance with law.
- xi) The Registry is directed to communicate this order to the official respondents including TANDGECO for their information and necessary compliance.

**Report of the Joint Committee appointed by Hon'ble National Green Tribunal (SZ) in case of O.A. No. 162 of 2021:**

In case of O.A. No.162 of 2021, the Hon'ble National Green Tribunal (SZ) the Hon'ble Tribunal in the order dated 07.06.2021 appointed a joint committee comprising of

- 1) The District Collector, Tiruvallur District
- 2) A senior Officer from Ministry of Environment, Forest and Climate Change (MoEF&CC)
- 3) A senior Officer/Scientist from Central Pollution Control Board (CPCB), Integrated Regional Office, Chennai
- 4) The Superintending Engineer from Public Works Department (PWD) and water Resources Organization (WRO), Chennai
- 5) A senior Officer from Tamil Nadu Coastal Zone Management Authority (TNCZMA), Chennai and
- 6) A Senior Officer from Tamil Nadu Pollution Control Board

as designated by its Chairman to inspect the area in question and submit a factual as well as action taken report if there is any violation found. Accordingly, the committee submitted the report on 14.09.2021. Subsequently, in due compliance of the order of the Hon'ble Tribunal, the joint committee inspected the area in question and convened a meeting with NCTPS Power plants officials on 20.10.2021 and in response to the Hon'ble NGT order dated 24.09.2021, the NCTPS Stage I, II, III and IV (Ennore SEZ) have furnished the following information to the committee as per *Annexure -I*.

### Recommendations of TNCZMA

Tamil Nadu Coastal Zone Management Authority (TNCZMA) had considered the proposal for amendment in the CRZ clearance for the laying of ash slurry and recovery water pipelines from the NCTPS stage III to NCTPS Ash Dyke (pipeline system), based on the recommendations of the DCZMA and recommended the proposal vide letter No.6269/EV.3/2023-1 dated 18.08.2023, with following conditions:

- All the recommendations in the Environmental Management Plan shall be followed
- The project proponent shall ensure that their activity shall have least interference to the Mangroves, that are found in the Buffer Zone
- The project proponent, in consultation with the Forest Department, formulate and implement plans for the conservation and maintenance of the Mangrove in the vicinity of the project
- There should not be any damage to flora and fauna
- Utmost care should be taken to avoid any leakage from the pipeline
- Proper monitoring should be done to detect any leakage in the pipeline including monitoring through CCTV. If any such incident is found unchecked, action will be taken by concerned Authorities in addition to imposing environmental compensation.
- Monthly monitoring report has to be furnished to Tamil Nadu Pollution Control Board
- The Pier structure should not disturb the free flow of water in the Kossthalaier River.

### Observations of the EAC Sub-Committee

#### (i) Ash slurry pipeline Corridor:

For Stage III NCTPS, three ash slurry pipelines are proposed and one water recovery pipeline is proposed. Almost 65% of the construction activities were completed and then stopped as per Hon'ble NGT directions. Thereafter, the project proponent has applied for amendment in the existing EC+CRZ clearance for inclusion of dedicated ash slurry pipeline.

The activities in CRZ area including Buckingham Canal and Kossthalaier River is as under:

CRZ classification	Length (m)	Area (sq.m)	Total length (m)	Total footprint (sq.m)
CRZ 1A ( 50 m buffer from Mangroves)	271.1	34	6813.25	2550
CRZ 1B	141.15	78		
CRZ II	902.45	1250		
CRZ IV B	59.01	65		
Outside CRZ	5439.54	1123		

During the visit, it was informed that in NCTPS Stage- I, 5 Nos of Ash slurry disposal lines are laid from Ash handling pump house to ash dyke. Pipeline 2 & 3 has been replaced due to frequent leakages and puncture of pipelines. For stage II NCTPS plant, 5 Nos (3 ash slurry pipeline and 2 recovery water pipelines) are being used.

**(ii) Present Scenario of Ash Pond:**

Ash dyke consist of primary pond (115 Ha) and secondary pond (15.5 Ha). The capacity of the pond is 57.5 lakh cu.m. The water from ash dyke is being collected in guard pond by gravity and being reused in mixing with bottom ash for disposal to ash pond/dyke. As reported the stock of ash as on date is 26.96 lakh cu.m in ash pond. The project proponent has submitted that 100% dry ash system is envisaged and fly ash will be disposed off in nearby cement plants and other units like brick making etc. It is also proposed to utilize the existing ash dyke of NCTPS for bottom ash disposal in case of emergency only.

**Ash Generation (Stage-III)**

S. No.	Description	Quantity (TPD)	Remarks
1	Fly ash	645.12	Assuming 1.1 tons ash requires 1 cu.m of land, ash dump height assumed to be 5 m. Ash pond area required to achieve 100% utilization is 17 acres (7 Ha)
2	Bottom Ash	161.28	
3	Total ash	806.4	

**(iii) Meeting with local fishermen/villagers on the representation received on the project:**

The Expert Appraisal Committee (Thermal) had received a representation from Fishermen Welfare Association on 28.11.2023 requesting the EAC Sub-Committee to give them an opportunity to submit their concerns.

Accordingly, the sub-committee heard the representatives' viz. Shri. R.L. Srinivasan and Shri. Karunakaran from Kattukuppam village on 14.02.2023 in Stage III NCTPS site office. During the meeting, the major concerns raised were:

- Leakage of ash slurry from ash slurry pipelines (NCTPS Stage I, II) and deposited in the water stream around.
- Air pollution due to the existing thermal plant.
- Adequacy of existing ash dyke to accommodate ash slurry from proposed Stage III NCTPS.
- Employment for local people

The submissions made by the project proponent w.r.t above concerns of the local villagers/fishermen are as under:

- NCTPS Stage- I, 5 Nos of Ash slurry disposal lines are laid from Ash handling pump house to ash dyke. Pipeline 2 & 3 has been replaced due to frequent

leakages and puncture of pipelines. For the remaining pipelines, tenders have been floated for replacement and till then those pipelines are not being used.

- (b) The TANGEDCO has told that regular monitoring is being done regarding this issue and all mitigating measures are being taken from time to time.
- (c) Ash dyke consist of primary pond (115 Ha) and secondary pond (15.5 Ha). The capacity of the pond is 57.5 lakh cu.m. The stock of ash as on date is 26.96 lakh cu.m in ash pond.

(d) During maintenance phase, the tender are being floated with a condition that 10% local people have to be engaged for work as per their skills by the contractors.



### Revised Recommendations of the EAC Sub-Committee

Based on the site inspection, the following recommendations were made by the sub-committee as follows:

The Sub-committee observed that NCTPS stage-III of 1x800 MW has completed constructed and the plant has started its oil synchronization process as informed by concerned authorities.

- a. The first recommendation of the committee appointed by the Hon'ble National Green Tribunal (SZ) during September 2021 reads as 'The TANGEDCO shall resume the activities pertaining to the NCTPS Stage III and Ennore SEZ Power Plants within the CRZ area in Kosasthalaiyar River/Buckingham Canal/Backwaters only after obtaining amendment to the existing CRZ Clearance from MoEF&CC'. Subsequently as per para 84 of the Hon'ble NGT order dated 31.01.2022 in the O.A.122 of 2021 and O.A. No. 162 of 2021, *The TANGEDCO is directed to carry out recommendations made by the Joint Committee in both the cases in its letter and spirit to avoid future breaches of fly ash into the riverine area.*
- b. *Further, the recommendation of the proposal for ash slurry pipeline falling within CRZ area, can be considered as fresh proposal as per directions of Hon'ble NGT vide order dated 31.01.2022 and as per extant norms of the EIA Notification and CRZ Notification.*
- c. *The EIA report including carrying capacity of existing ash pond along with remedial measures to avoid pollution wherein ash from Stage I and Stage II is being disposed and emergency ash disposal of Stage III is proposed shall be prepared.*
- d. *Design report of the ash slurry pipeline corridor for the Stage III NCTPS power plant and exploring the feasibility of using the existing ash slurry pipelines of Stage I and Stage II NCTPS plant for the proposed Stage III shall be prepared by NCTPS.*
- e. *Adequacy report from Competent Authority on existing ash dyke capacity to accommodate the proposed ash slurry from Stage III NCTPS shall be submitted.*
- f. *The conditions of TNCAIA shall be followed.*
- g. *The legal advice on these recommendations can be obtained from MoEF&CC legal wing in the light of NGT order dated 31<sup>st</sup> January 2022 on O.A. No.122 of 2021 and O.A. No.162 of 2021.*

  
( Mahipal Singh )  
EAC Sub-Committee  
Member

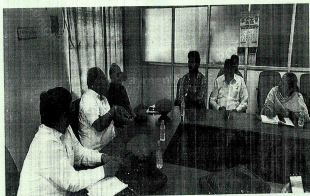
  
( Umesh Kahalekar )  
EAC Sub-Committee  
Member

  
( Dr. Samyaa P. )  
EAC Sub-Committee  
Member

  
( Inder Pal Singh Matharu )  
EAC Sub-Committee  
Chairman

Photographs of the site inspection carried out by the EAC Sub-Committee







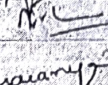
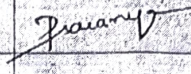


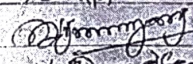

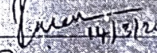



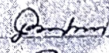
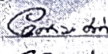




**NORTH CHENNAI THERMAL POWER PROJECT-STAGE III**  
 Meeting with Officials from Ministry of Environment Forest & Climate Change on  
 13.03.2024 at NCTPP-III site conference hall

SL.NO	NAME	DESIGNATION	SIGNATURE
<b>EAC - Sub Committee Officials</b>			
1	Shri Inder Pal Singh Matharu	Chairman	
2	Shri Mahi Pal Singh	Member	
3	Shri Umesh Katalekar	Member	
4	Dr. Saranya P. (RD Chennai)	Member	
<b>TANGEDCO</b>			
1	Er. Parameshwaran	CE/Projects (Vc)	
2	Er. N. Male	CE/NCTPP-III	
3	Er. S. Merimuthu	CE/CUpper TPP	
4	Er. P. Rajadurai	SE/CML	
5	Er. Gurumoorthy	SE/Mech./Commissioning	
6	Er. P. Ramchandran	EE/CMI 3	
7	Er. P. Balasubramanian	EE/CMI	
8	Er. R. Pandithaman	SE/ELV/D&E	
9	Er. C. S. Balakrishnan	EE/C-2	
10	Er. P. Subramanian	EE/M2	
11	S. Sivaanga	NEE/N/D-2	
12			
13			
14			

15	Bhatya S	Chidambaram MS Risk	<i>[Signature]</i>
16	Mangia S	Chidambaram MS Risk	<i>[Signature]</i>
17	C. R. Chandan Kumar	EE/IT/kyada, Mysore	<i>[Signature]</i>
18	N. Srikanth	EE/IT cell / Hw Tamilnadu	<i>[Signature]</i>
19			
20	C. Venkatesh	JRC/NCTPP Stage II	<i>[Signature]</i>
21			
22			
23			
24			
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27			
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29			
30			
		Consultant	
1			
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## NORTH CHENNAI THERMAL POWER PROJECT-STAGE-III

Meeting with Officials from Ministry of Environment Forest & Climate Change on  
14.03.2024 at NCTPP-III site conference hall

SI.NO	NAME	DESIGNATION	SIGNATURE
<b>EAC - Sub Committee Officials</b>			
1	Shri Inder Pal Singh Matharu	Chairman	
2	Shri Mahi Pal Singh	Member	
3	Shri Umesh Kahalekar	Member	
4	Dr. Saranya P. (RO Chennai)	Member	
<b>TANGEDCO</b>			
1	Er. Parameswaran	CE/Projects (I/C)	
2	Er. N. Mala	CE/NCTPP-III	
3	Er. P. Rajadurai	SE/Civil.	
4	Er. V. I. LANGA	EE/A&P/NCTPS-I	
5	P. VIBESHAN	EE/A&P/NCTPS-II	
6	S. Vidyan	Asst. A&P/NER	
7	G. MURUGAN	Asst. A&P/NCTPS-III	
8	V. PHANISHANKAR	Asst. ICHS/NCTPS	
9	S. PANDITHAN	SE/C/E&E	
10	K. SRINIVASAN	EE/C/EMC	
11	T. SENTHILKUMAR	SLK/IO/NCTPP-III	
12	S. BASKARAN	EE/Env/NER/IV	
13	P. S. RAJIVRAMAN	EE/C/NER	
14	S. B. SARKAR	EE/C-2	

15	Sallya S	Chalamandalam Ms Rishi	20-1-5
16	Manojit S	Chalamandalam Ms Rishi	16-1-5
17			
18			
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30			
Representatives from Local Fishermen Community			
1	R. Srinivasan	Kattu Kuppam	S. Srinivasan
2		9962733 450	
3	Kannakann	Kattu Kuppam	H. Kannan
4			



Government of India  
Ministry of Environment, Forest and Climate Change  
IA Division  
(Thermal Projects)



Minutes of 18TH MEETING OF EXPERT APPRAISAL COMMITTEE (THERMAL SECTOR), SCHEDULED TO BE HELD DURING 24TH JANUARY, 2025 TH Date: 03/02/2025  
ROUGH PHYSICAL MODE meeting Thermal Projects held from 24/01/2025 to 24/01/2025

**MoM ID:** EC/MOM/EAC/552572/1/2025  
**Agenda ID:** EC/AGENDA/EAC/552572/1/2025  
**Meeting Venue:** Indus Hall, MOEF&CC, New Delhi  
**Meeting Mode:** Physical  
**Date & Time:**

24/01/2025	10:00 AM	05:05 PM
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#### 1. Opening remarks

The Member Secretary apprised the members of the EAC that consequent to the resignation tendered by Dr. Sharad Singh Negi (I.F.S Retd.), Chairman - Expert Appraisal Committee (Thermal Power & Coal Mining), MoEF&CC vide Order dated 16/01/2025 nominated Shri. Inder Pal Singh Matharu (I.F.S Retd.) as interim Chairman, Expert Appraisal Committee (Thermal Power & Coal Mining) with immediate effect. At the outset, Shri. Inder Pal Singh Matharu (I.F.S Retd.) welcomed the Expert members & other participants and requested to start the proceeding as per the agenda listed for this meeting. The list of members who participated in the meeting is at **Annexure - I**. The Standard/Generic ToR conditions shall be system generated through the PARIVESH Portal.

#### 2. Confirmation of the minutes of previous meeting

Confirmation of the Minutes of the 17<sup>th</sup> Meeting of the EAC (Thermal): The minutes of the 17<sup>th</sup> meeting of the EAC (Thermal) held during 30/12/2024 have been confirmed by the EAC.

**[The main PDF of MoM is enclosed at Page no. 58 - 154]**

#### 3. Details of proposals considered by the committee

Day 1 -24/01/2025

3.1. Agenda Item No 1:

3.1.1. Details of the proposal

Proposed Expansion of Bandhaura Thermal Power Plant under Phase-III by adding 1600 (2x800) MW Ultra Super Critical TPP to Existing 2800 (1200+1600) MW Ph-I & Ph-II within the existing plant boundary of Thermal

	shall be formulated. The company shall engage fully qualified doctors who are trained in occupational health. Health monitoring of the workers shall be conducted at periodic intervals and health records maintained. Awareness programme for workers due to likely adverse impact on their health due to working in non-conductive environment shall be carried out and precautionary measures like use of personal equipments etc. shall be provided. Review of impact of various health measures undertaken at intervals of two to three years shall be conducted with an excellent follow up plan of action wherever required.
7.	Assessment of occupational health and endemic diseases of environmental origin in the study area shall be carried out and Action Plan to mitigate the same shall be prepared.
8.	Socio-economic study of the study area comprising of 10 km from the plant site shall be carried out through a reputed institute / agency which shall consist of detail assessment of the impact on livelihood of the local communities.
<b>Statutory compliance</b>	
1.	The proposed project shall be given a unique name in consonance with the name submitted to other Government Departments etc. for its better identification and reference.
2.	Vision document specifying prospective long term plan of the project shall be formulated and submitted.

#### 3.4. Agenda Item No 4:

##### 3.4.1. Details of the proposal

Amendment of Environmental Clearance for 1x800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities at Villages Ennur & Puzhudiavakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu by M/s. Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO), by TANGEDCO located at THIRUVALLUR, TAMIL NADU			
Proposal For		Amendment in EC	
Proposal No	File No	Submission Date	Activity (Schedule Item)
IA/TN/THE/475354/2024	J-13012/14/2012-IA.II(T)	14/06/2024	Thermal Power Plants (1(d))

##### 3.4.2. Project Salient Features

<p><b>Agenda No 18.4</b></p> <p><b>18.4</b> 1x800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities by M/s. Tamil Nadu Generation &amp; Distribution Corporation Ltd. (TANGEDCO) at NCTPS Complex, Villages Ennur &amp; Puzhudiavakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu – Amendment in EC &amp; CRZ regarding change of coal source from 100% Imported coal to use a mix of domestic coal as well as Imported coal in ratio of 50%-50% proportion – reg.</p> <p>[Proposal No. IA/TN/THE/475354/2024; F. No. J-13012/14/2012-IA.II (T)]</p> <p><b>18.4.1:</b> The above proposal was originally considered by the EAC – Thermal in its 11<sup>th</sup> meeting held on 27-28<sup>th</sup> June, 2024 and the proposal was recommended for amendment in EC &amp; CRZ dated 20/01/2016 for change of coal source from use of 100% Imported coal to use a mix of domestic coal as well as Imported coal in ratio of 50%-50% proportion subject to stipulation of additional specific conditions.</p>
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18.4.2: The above proposal was referred back by Ministry to the EAC for examining the following additional information submitted by the proponent post recommendations of EAC – Thermal.

S.No.	Additional information sought	Reply submitted by the project proponent
i.	Concrete figures about the quantity of additional fly ash likely to be generated per year over and above that already approved under the previous EC	<p>A) <b>Ash content for 100% Foreign coal</b> - 12% Ash quantity -806.9 TPD</p> <p>Already Proposed Silo - 3nos (2 No for fly ash , 1 No for bottom ash)</p> <p>B) <b>Ash content for Foreign (50%) &amp; domestic coal (50%)</b> - 25.5 %</p> <p>Total Ash quantity generated- 2209.32 TPD</p> <p><b>Excess Ash generated- 1402.42 TPD</b></p>
ii.	Ash management plan	<p>The existing ash handling system could cater to the enhanced ash generation quantity as detailed below.</p> <p><b>A. Ash handling</b></p> <p>Now constructed Silos- 3 Nos (2 Nos for fly ash , 1 No for bottom ash)</p> <p>i) Fly Ash Silo capacity- 2 x 2520=5040 MT</p> <p>Fly ash evacuation is through vacuum system from ESP hopper and will be stored in fly ash silos of capacity (2x2520=5040MT) which will be having capacity for 24 hours storage each.</p> <p>ii) Bottom Ash Silo capacity-1 x 1800=1800 MT</p> <p>Bottom ash evacuation is dry type initially through closed conveyor system up to intermediate silo and from there up to bottom ash silo of capacity (1x1800=1800 MT ) is by pipe line.</p> <p><b>B. Ash utilization</b></p> <p>The ash will be sold to cement / brick industries through Evacuation as being followed in NCTPS Stage 1&amp;2. The fly ash will be loaded in closed trucks / bulkers through telescopic spout assembly of Fly ash Silo and transported to cement/ Brick companies. The bottom ash will be conditioned by quenching with water (18m<sup>3</sup>/hour) and will be loaded in truck and covered with tarpaulin for transporting. Hence, 100% ash Utilization will be achieved as per MOEF &amp;CC Notification 31.12.2021.</p> <p><b>C. Ash disposal in case of emergency</b></p> <p>In case of emergency, both fly and bottom ash will be made as slurry and transported to existing NCTPS ash dyke through existing ash pipelines of NCTPS. Water required for making slurry will be around 8082 m<sup>3</sup>/day , which will be sourced from CT blow down pump and guard pond water (reject sea water). 12 Nos piezometric wells are already available in and around the existing ash dyke of NCTPS. It is assured that the ash slurry pipelines will be monitored to avoid any leakages to protect the nearby area.</p>

S.No.	Additional information sought	102 Reply submitted by the project proponent
<b>Compliance to the recommendations of the site visit report of the sub-committee of EAC relevant to the proposal under consideration</b>		
iii.	The EIA report including carrying capacity of existing ash pond along with remedial measures to avoid pollution wherein ash from Stage I and Stage II is being disposed and emergency ash disposal of Stage I II is proposed shall be prepared.	The EIA report, including details of the carrying capacity of the existing ash pond, has been submitted to MOEF&CC. The report was prepared by M/s Cholamandalam M S Risk Services Ltd, Chennai. The proposed pipelines will transfer ash slurry from Stage III to the designated ash dyke pond of NCTPS. The ash dyke pond covers ~133 hectares (328 acres), representing a permanent land footprint. The pond falls within the NCTPS land area and is already used for ash disposal by Stage I & II plants.
iv.	Design report of the ash slurry pipeline corridor for the Stage III NCTPS power plant and exploring the feasibility of using the existing ash slurry pipelines of Stage I and Stage II NCTPS plant for the proposed Stage III shall be prepared by NCTPS.	The design report for the ash slurry pipeline of NCTPS Stage III is submitted. It has been decided to use the existing ash slurry pipelines of NCTPS Stage I & II instead of constructing new pipelines. This decision was made to minimize environmental impact. NCTPS Stage III will dispose of ash slurry only in emergencies, as both fly ash and bottom ash are disposed of in dry form.
v.	Adequacy report from Competent Authority on existing ash dyke capacity to accommodate the proposed ash slurry from stage III NCTPS shall be submitted.	The existing ash pond of NCTPS is sufficient as wet ash will be disposed of promptly to brick industries and other works. Details of the ash pond: Area: 328 acres. (133 Ha) Capacity: 57.5 lakh m <sup>3</sup> (at a height of 5m). Current stock: 29 lakh m <sup>3</sup> . Remaining capacity: 28.5 lakh m <sup>3</sup> .

The above additional information was presented by the proponent along with their EIA consultant M/s. Re Sustainability Solutions Private Limited, Hyderabad [NABET Certificate No.: NABET/EIA/2225/RA 0278, Valid up to 26/09/2025]. In addition to the above, proponent informed that Hon'ble NGT(SZ) in Original Application No.122 of 2021 (SZ) with Original Application No.162 of 2021 (SZ) vide its judgement dated 31/01/2022 directed the proponent not to proceed with the work of laying the pipeline through the CRZ zone and also in the other area in violation of the Environment Clearance and CRZ Clearance granted to them in 20/01/2016, without getting necessary further clearances in this respect by filing afresh application in accordance with law. Besides, the Hon'ble NGT also imposed a compensation of Rs. 50 lakhs which has been paid by them to TNPCB on 30/3/2022. In compliance to the said judgment, proponent filed another amendment proposal bearing No: 1A/TN/THE/442379/2023 was submitted to the Ministry seeking for amendment in the EC & CRZ dated 20/01/2016 for the ash slurry pipeline for stage III project. The proposal was considered by the EAC in its meeting held on 04/09/2023 and 31/10/2023 wherein the proposal was deferred and EAC recommended for site visit by a sub-committee. During the site visit, it was informed by M/s. TANGEDCO that they have decided to utilize the existing spare lines of NCTPS Stage - I & II to reduce the environment impact. In view of this, PP informed the EAC that no new ash slurry pipelines are envisaged for the stage III project and the

proposal no. IA/TN/THE/442379/2023 is being withdrawn by them.

Furthermore, the proponent informed that there is another matter namely, OA No 8 of 2016 titled as R.Ravimaran (Died) & Ors. vs Union of India & Ors. tagged with OA No 198 of 2016 titled as Meenava Thanthai K.R. Selvaraj Kumar vs The Chief Secretary Government of Tamil Nadu, Chennai & Ors., filed before the Hon'ble Tribunal (SZ), Chennai regarding illegal dumping of ash slurry and violation of conditions of Environmental Clearance and CRZ Clearance granted by dumping fly ash and draining the wastewater into the Buckingham Canal and Kossasthalaiyar River respectively.

In this regard, the Hon'ble Tribunal vide its judgment dated 05/07/2022 passed the following directions for compliance by the PP:

- i. To carry on their activities strictly in accordance with law and complying with the conditions imposed in the Environmental Clearance and the Consent granted by the State Pollution Control Board.
- ii. To replace the old ash slurry carrying pipes as undertaken by them within the time frame fixed and also take all necessary precautions of providing necessary sensor system to detect the leak immediately and also the mechanism by which production and pumping of ash slurry through the damaged pipeline can be stopped immediately, so that further pumping can be avoided so as to minimize the leak if at all it happens in future.
- iii. To pay the compensation already assessed by the State Pollution Control Board on various occasions for the violations noticed by them and also compensation directed to be paid by this Tribunal in other related connected matters viz., Original Application Nos.122 of 2021 (SZ) and 162 of 2021 (SZ) which were already disposed of this Tribunal by giving certain directions.
- iv. To pay environmental compensation which is likely to be assessed on the basis of the study to be conducted by the agency which is going to conduct study for remediation process, apart from the compensation already imposed by various proceedings of the Tamil Nadu Pollution Control Board and directed to be paid by this Tribunal.
- v. To bear the expenses for conducting the study through the agency to be identified for preparation of DPR and also the expenses for remediation.
- vi. To undertake the remediation process and complete the same at the earliest possible time, as delay in implementation will result in further damage to the environment.
- vii. To carry out the recommendations made by the Joint Expert Committee regarding creating green cover, including plantation of mangroves and other species suggested which are conducive to environment and that will not affect the riverine and coastal zone ecology.
- viii. To take immediate steps to remove the fly ash already deposited in that area due to the breach of fly ash slurry carrying pipes without delay and after removal of the same, soil analysis will have to be conducted by the CPCB and SPCB and if further remediation will have to be conducted or further steps are required for removal of further fly ash deposit found in that area, then that also will have to be carried out by the PP.

On the above, the PP has informed that the compliance of the aforesaid order is under process.

The representatives have requested to amend the EC & CRZ dated 20/01/2016 for change of change of coal source from 100% Imported coal to use a mix of domestic coal as well as Imported coal in ratio of 50%-50% proportion as the 1x800 MW is ready for commissioning and trial runs have been completed.

#### 3.4.3. Deliberations by the committee in previous meetings

Date of EAC 1 :28/06/2024

S. n o.	Details	Units	Imported 100%	Imported 50% Indian 50%	Indian coal	
1.	Coal consumption	TPH	280	361	442	
		TPD	6720	8664	10608	
		MTPA	2.09	2.69	3.29	
2.	Ash	%	12	25.5	34	
3.	Sulphur	%	0.80	0.65	0.55	
4.	Gross Calorific Value	Kcal/kg	6000	4654	3800	
Type of coal		Coal quantity (TPH)	Ash content (%)	Total Ash Quantity (TPH)	Fly Ash Quantity (TPH)	Bottom Ash Quantity (TPH)
Imported coal		280	12.0	33.60	23.52	10.08
Mixed coal (Imported 50%, Indian 50%)		361	25.5	92.06	64.44	27.62
Note: Due to change in composition of the coal, the ash quantity will increase						
S. No	Particulars	100% Imported Coal		Indian Coal 50%: Imported Coal 50%		Remark
		Capital Cost (Rs. in Crores)	Recurring Cost (Rs. in Crores)	Capital Cost (Rs. in Crores)	Recurring Cost (Rs. in Crores)	
1	Dust Control System i) ESP	192.0	0	192.0	3.50	No change
	ii) Dust suppression system for coal handling	3.50				
2	Chimney	88.90		88.90		98 Increased
	FGD, De NOx burners etc.	0		615.0		
3	Water treatment plant including clarifier, UF.	42.24		42.24		No c

	RO, DM, Electrical and Instrumentation	105				change
4	Effluent Treatment Plant	3.50		3.50		
5	Dense phase, pneumatic Ash Handling Plant including bottom ash & fly ash silos, conveying compressors and other equipment	106.56		106.56		
6	Development of Greenbelt	3.84		3.84		
7	Sewage System	1.44		1.44		
8	Chemical dosing and Chlorination Plant	9.70		9.70		
9	Pollution monitoring instruments/ equipment	14.16		14.16		
10	Other unforeseen items	14.16		14.16		
	Total	480.0	48.0	1,185.21	98	Increased

#### 3.4.4. Deliberations by the EAC in current meetings

##### Observations and deliberation of the EAC

18.4.3: The Committee observed and noted the following:

- Present proposal is for seeking amendment in EC & CRZ regarding change of coal source from 100% Imported coal to use a mix of domestic coal as well as Imported coal in ratio of 50%-50% proportion.
- Proposal was earlier recommended by the EAC in its meeting held on 11<sup>th</sup> meeting held on 27-28<sup>th</sup> June, 2024 and the same was recommended by the EAC subject to stipulation of additional specific conditions.
- Proposal was referred back by the Ministry for examining the additional information submitted by the proponent as mentioned at para no. 18.4.2. Committee deliberated on the same and found it satisfactory.
- Committee noted that proposal no. IA/TN/THE/442379/2023 of M/s. TANGEDCO is being withdrawn by the project proponent.

#### 3.4.5. Recommendation of EAC

Recommended

#### 3.4.6. Details of Environment Conditions

##### 3.4.6.1. Specific

## Additional specific condition

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1. Project proponent shall comply with all the directions passed by the Hon'ble National Green Tribunal vide its judgement dated 05/07/2022 in OA No 8 of 2016 titled as R.Ravivaran (Died) & Ors. vs Union of India & Ors. tagged with OA No 198 of 2016 titled as Meenava Thanthai K.R. Selvaraj Kumar vs The Chief Secretary Government of Tamil Nadu, Chennai & Ors. Compliance status in this regard shall be submitted to the concerned Regional Office of the MoEF&CC along with the six monthly compliance report.

## 4. Any Other Item(s)

N/A

## 5. List of Attendees

Sr. No.	Name	Designation	Email ID	Remarks
1	Dr Sharad Singh Negi	Chairman, EAC	sha*****@gmail.com	Present
2	Dr Santoshkumar Hampannavar	Member (EAC)	san*****@yahoo.com	Present
3	Dr Umesh Jagannathrao Kahalekar	Member (EAC)	uka*****@rediffmail.com	Present
4	Sitri K B Biswas	Member (EAC)	bis*****@gmail.com	Present
5	Dr Nazimuddin	Member (EAC)	naz*****@nic.in	Present
6	Shri Mahi Pal Singh	Member (EAC)	mps*****@nic.in	Present
7	Sandar Ramanathan	Scientist E	rs*****@nic.in	Present
8	Sh Inder Pal Singh Matharu IFS	Member (EAC)	mat*****@gmail.com	Present
9	Sh Lalit Kapur	Member (EAC)	lka*****@yahoo.com	Present
10	Sh Savaige Chandrasekhar	Member (EAC)	sav*****@gmail.com	Present
11	Prof Shyam Shanker Singh	Member (EAC)	sin*****@gmail.com	Present
12	Dr Vinod Agrawal	Member (EAC)	via*****@yahoo.com	Present
13	Shri Harmeet Sahoney	Member (EAC)	har*****@jmd.gov.in	Present
14	Prof R M Bhattacharjee	Member (EAC)	rmb*****@iisim.ac.in	Present

- viii. PP should submit the year-wise, activity wise and time-bound budget earmarked for EMP, occupational health surveillance, and activities proposed to address the issues raised during Public Hearing. The capital and recurring expenditure to be incurred needs to be submitted.
- ix. Activities shall be prepared based on the issues arise during public hearing conducted and fresh written submission with defined timeline and budgetary provisions.
- x. Aerial view video of project site and transportation route proposed for this project shall be recorded through drone and be submitted.
- xi. The PP should ensure that only NABET-accredited consultants shall be engaged for the preparation of EIA/EMP Reports. PP shall ensure that the accreditation of the consultant is valid during the collection of baseline data, preparation of EIA/EMP report and the appraisal process. The PP and consultant should submit an undertaking the information and data provided in the EIA Report and submitted to the Ministry are factually correct and the PP and consultant are fully accountable for the same.
- xii. PP should provide in the EIA Report details of the statutory clearances, permissions, no objection certificates, consents etc. required for this project under various Acts, Rules and regulations and their status or estimated timeline after the grant of EC.
- xiii. The budget to be earmarked for the various activities shall be decided after perusal of the Standard EC Conditions published by the Ministry.
- xiv. All the certificates viz. Involvement of Forestland, distance from the protected area, and list of flora & fauna should be duly authenticated by the Forest Department. The Certificate should bear the name, designation, official seal of the person signing the certificate and dispatch number.

#### **Agenda No 18.4**

- 18.4** 1x800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities by M/s. **Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO)** at NCTPS Complex, Villages Ennur & Puzhudiavakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu – **Amendment in EC & CRZ regarding change of coal source from 100% Imported coal to use a mix of domestic coal as well as Imported coal in ratio of 50%-50% proportion – reg.**

**[Proposal No. IA/TN/THE/475354/2024; F. No. J-13012/14/2012-IA.II (T)]**

**18.4.1:** The above proposal was originally considered by the EAC – Thermal in its 11<sup>th</sup> meeting held on 27-28<sup>th</sup> June, 2024 and the proposal was recommended for amendment in EC & CRZ dated 20/01/2016 for change of coal source from use of 100% Imported coal to use a mix of domestic coal as well as Imported coal in ratio of 50%-50% proportion subject to stipulation of additional specific conditions.

**18.4.2:** The above proposal was referred back by the Ministry to the EAC for examining the following additional information submitted by the proponent post recommendations of EAC – Thermal.

S.No.	Additional information sought	Reply submitted by the project proponent
i.	Concrete figures about the quantum of additional fly ash likely to be generated per year over and above that already approved under the previous EC	<p>A) <b>Ash content for 100% Foreign coal - 12%</b> Ash quantity -806.9 TPD Already Proposed Silo - 3nos (2 No for fly ash , 1 No for bottom ash)</p> <p>B) <b>Ash content for Foreign (50%) &amp; domestic coal (50%) - 25.5%</b> Total Ash quantity generated- 2209.32 TPD <b><u>Excess Ash generated- 1402.42 TPD</u></b></p>
ii.	Ash management plan	<p>The existing ash handling system could cater to the enhanced ash generation quantity as detailed below.</p> <p><b><u>A. Ash handling</u></b></p> <p>Now constructed Silos- 3 Nos (2 Nos for fly ash , 1 No for bottom ash)</p> <p>i) Fly Ash Silo capacity- 2 x 2520=5040 MT Fly ash evacuation is through vacuum system from ESP hopper and will be stored in fly ash silos of capacity (2x2520=5040MT) which will be having capacity for 24 hours storage each.</p> <p>ii) Bottom Ash Silo capacity-1 x 1800=1800 MT Bottom ash evacuation is dry type initially through closed conveyor system up to intermediate silo and from there up to bottom ash silo of capacity (1x1800=1800 MT ) is by pipe line.</p> <p><b><u>B. Ash utilization</u></b> The ash will be sold to cement / brick industries through E-auction as being followed in NCTPS Stage 1&amp;2. The fly ash will be loaded in closed trucks / bulkers through telescopic spout assembly of Fly ash Silo and transported to cement/Brick companies. The bottom ash will be conditioned by quenching with water (18m<sup>3</sup>/hour) and will be loaded in truck and covered with tarpaulin for transporting. Hence, 100% ash Utilization will be</p>

S.No.	Additional information sought	Reply submitted by the project proponent
		<p>achieved as per MOEF &amp;CC Notification 31.12.2021.</p> <p><b>C. Ash disposal in case of emergency</b>                      In case of emergency, both fly and bottom ash will be made as slurry and transported to existing NCTPS ash dyke through existing ash pipelines of NCTPS. Water required for making slurry will be around 8082 m<sup>3</sup>/day, which will be sourced from CT blow down pump and guard pond water (reject sea water). 12 Nos piezometric wells are already available in and around the existing ash dyke of NCTPS. It is assured that the ash slurry pipelines will be monitored to avoid any leakages to protect the nearby area.</p>
<p><b>Compliance to the recommendations of the site visit report of the sub-committee of EAC relevant to the proposal under consideration</b></p>		
iii.	<p>The EIA report including carrying capacity of existing ash pond along with remedial measures to avoid pollution wherein ash from Stage I and Stage II is being disposed and emergency ash disposal of Stage III is proposed shall be prepared.</p>	<p>The EIA report, including details of the carrying capacity of the existing ash pond, has been submitted to MOEF&amp;CC.</p> <p>The report was prepared by M/s Cholamandalam MS Risk Services Ltd, Chennai.</p> <p>The proposed pipelines will transfer ash slurry from Stage III to the designated ash dyke pond of NCTPS.</p> <p>The ash dyke pond covers ~133 hectares (328 acres), representing a permanent land footprint.</p> <p>The pond falls within the NCTPS land area and is already used for ash disposal by Stage I &amp; II plants.</p>
iv.	<p>Design report of the ash slurry pipeline corridor for the Stage III NCTPS power plant and exploring the feasibility of using the existing ash slurry pipelines of Stage I and Stage II NCTPS plant for the proposed</p>	<p>The design report for the ash slurry pipeline of NCTPP Stage III is submitted.</p> <p>It has been decided to use the existing ash slurry pipelines of NCTPS Stage I &amp; II instead of constructing new pipelines.</p>

S.No.	Additional information sought	Reply submitted by the project proponent
	Stage III shall be prepared by NCTPS.	This decision was made to minimize environmental impact.  NCTPP Stage III will dispose of ash slurry only in emergencies, as both fly ash and bottom ash are disposed of in dry form.
v.	Adequacy report from Competent Authority on existing ash dyke capacity to accommodate the proposed ash slurry from stage III NCTPS shall be submitted.	The existing ash pond of NCTPS is sufficient as wet ash will be disposed of promptly to brick industries and other works.  Details of the ash pond: Area: 328 acres. (133 Ha) Capacity: 57.5 lakh m <sup>3</sup> (at a height of 5m). Current stock: 29 lakh m <sup>3</sup> . Remaining capacity: 28.5 lakh m <sup>3</sup> .

The above additional information was presented by the proponent along with their EIA consultant M/s. Re Sustainability Solutions Private Limited, Hyderabad [NABET Certificate No.; NABET/EIA/2225/RA 0278, Valid up to 26/09/2025]. In addition to the above, proponent informed that Hon'ble NGT(SZ) in Original Application No.122 of 2021 (SZ) with Original Application No.162 of 2021 (SZ) vide its judgement dated 31/01/2022 directed the proponent not to proceed with the work of laying the pipeline through the CRZ zone and also in the other area in violation of the Environment Clearance and CRZ Clearance granted to them in 20/01/2016, without getting necessary further clearances in this respect by filing afresh application in accordance with law. Besides, the Hon'ble NGT also imposed a compensation of Rs. 50 lakhs which has been paid by them to TNPCB on 30/3/2022. In compliance to the said judgment, proponent filed another amendment proposal bearing No: IA/TN/THE/442379/2023 was submitted to the Ministry seeking for amendment in the EC & CRZ dated 20/01/2016 for the ash slurry pipeline for stage III project. The proposal was considered by the EAC in its meeting held on 04/09/2023 and 31/10/2023 wherein the proposal was deferred and EAC recommended for site visit by a sub-committee. During the site visit, it was informed by M/s. TANGEDCO that they have decided to utilize the existing spare lines of NCTPS Stage – I & II to reduce the environment impact. In view of this, PP informed the EAC that no new ash slurry pipelines are envisaged for the stage III project and the proposal no. IA/TN/THE/442379/2023 is being withdrawn by them.

Furthermore, the proponent informed that there is another matter namely, OA No 8 of 2016 titled as R.Ravimaran (Died) & Ors. vs Union of India & Ors. tagged with OA No 198 of 2016 titled as Meenava Thanthai K.R. Selvaraj Kumar vs The Chief Secretary Government of Tamil Nadu,

Chennai & Ors., filed before the Hon'ble Tribunal (SZ), Chennai regarding illegal dumping of ash slurry and violation of conditions of Environmental Clearance and CRZ Clearance granted by dumping fly ash and draining the wastewater into the Buckingham Canal and Kosasthalaiyar River respectively.

In this regard, the Hon'ble Tribunal vide its judgment dated 05/07/2022 passed the following directions for compliance by the PP:

- i. To carry on their activities strictly in accordance with law and complying with the conditions imposed in the Environmental Clearance and the Consent granted by the State Pollution Control Board.
- ii. To replace the old ash slurry carrying pipes as undertaken by them within the time frame fixed and also take all necessary precautions of providing necessary sensor system to detect the leak immediately and also the mechanism by which production and pumping of ash slurry through the damaged pipeline can be stopped immediately, so that further pumping can be avoided so as to minimize the leak if at all it happens in future.
- iii. To pay the compensation already assessed by the State Pollution Control Board on various occasions for the violations noticed by them and also compensation directed to be paid by this Tribunal in other related connected matters viz., Original Application Nos.122 of 2021 (SZ) and 162 of 2021 (SZ) which were already disposed of this Tribunal by giving certain directions.
- iv. To pay environmental compensation which is likely to be assessed on the basis of the study to be conducted by the agency which is going to conduct study for remediation process, apart from the compensation already imposed by various proceedings of the Tamil Nadu Pollution Control Board and directed to be paid by this Tribunal.
- v. To bear the expenses for conducting the study through the agency to be identified for preparation of DPR and also the expenses for remediation.
- vi. To undertake the remediation process and complete the same at the earliest possible time, as delay in implementation will result in further damage to the environment.
- vii. To carry out the recommendations made by the Joint Expert Committee regarding creating green cover, including plantation of mangroves and other species suggested which are conducive to environment and that will not affect the riverine and coastal zone ecology.
- viii. To take immediate steps to remove the fly ash already deposited in that area due to the breach of fly ash slurry carrying pipes without delay and after removal of the same, soil analysis will have to be conducted by the CPCB and SPCB and if further remediation will have to be conducted or further steps are required for removal of further fly ash deposit found in that area, then that also will have to be carried out by the PP.

On the above, the PP has informed that the compliance of the aforesaid order is under process.

The representatives have requested to amend the EC & CRZ dated 20/01/2016 for change of change of coal source from 100% Imported coal to use a mix of domestic coal as well as Imported coal in ratio of 50%-50% proportion as the 1x800 MW is ready for commissioning and trial runs have been completed.

**Observations and deliberation of the EAC**

**18.4.3:** The Committee observed and noted the following:

- i. Present proposal is for seeking amendment in EC & CRZ regarding change of coal source from 100% Imported coal to use a mix of domestic coal as well as Imported coal in ratio of 50%-50% proportion.
- ii. Proposal was earlier recommended by the EAC in its meeting held on 11<sup>th</sup> meeting held on 27-28<sup>th</sup> June, 2024 and the same was recommended by the EAC subject to stipulation of additional specific conditions.
- iii. Proposal was referred back by the Ministry for examining the additional information submitted by the proponent as mentioned at para no. 18.4.2. Committee deliberated on the same and found it satisfactory.
- iv. Committee noted that proposal no. IA/TN/THE/442379/2023 of M/s. TANGEDCO is being withdrawn by the project proponent.

**Recommendations of the Committee**

**18.4.4:** In view of the foregoing and after detailed deliberations, the EAC again **recommended** the proposal for amendment in the EC&CRZ dated 20/01/2016 for change of coal source from 100% Imported coal to use a mix of domestic coal as well as Imported coal in ratio of 50%-50% proportion as per the 11<sup>th</sup> meeting held on 27-28<sup>th</sup> June, 2024 subject to withdrawal of the proposal no. IA/TN/THE/442379/2023 of M/s. TANGEDCO and stipulation of following additional specific condition.

- i. Project proponent shall comply with all the directions passed by the Hon'ble National Green Tribunal vide its judgement dated 05/07/2022 in OA No 8 of 2016 titled as R.Ravimaran (Died) & Ors. vs Union of India & Ors. tagged with OA No 198 of 2016 titled as Meenava Thanthai K.R. Selvaraj Kumar vs The Chief Secretary Government of Tamil Nadu, Chennai & Ors. Compliance status in this regard shall be submitted to the concerned Regional Office of the MoEF&CC along with the six monthly compliance report.

**18.5: Additional Agenda with the permission of the Chair:** It was apprised to the EAC that the sub-committee of EAC has submitted the following site visit reports for consideration by the EAC:

S. No.	Name of the proposal and its number	Sub-committee composition	Details of site visit report
1.	Expansion in capacity of Indian coal based ultra-supercritical thermal power plant from 1200 MW to 2800 MW by adding 1600 MW (2x800 MW) by Essar Power Gujarat Limited (EPGL)	1. Shri Inder Pal Singh Matharu 2. Dr. Umesh Jagannathrao Kahalekar 3. Prof Santosh Kumar	Site visit was conducted on 27-28 <sup>th</sup> Dec. 2024. Site visit report Submitted and enclosed as Annexure III

S. No.	Name of the proposal and its number	Sub-committee composition	Details of site visit report
	Proposal No. IA/GJ/THE/471719/2024		
2.	4x600 MW unit Coal based Thermal Power Plant by M/s Jindal Power Limited (JPL) located at Village Tamnar, Taluk Gbarghoda, District Raigarh, Chhattisgarh Proposal No. IA/CG/THE/472414/2024	1. Prof. Shyam Shanker Singh 2. Dr. Lalit Kapur 3. Representative of MoEF&CC	Site visit was conducted on 2-4 <sup>th</sup> January, 2025. Site visit report Submitted and enclosed as Annexure III
3.	Expansion in capacity of Sipat Super Thermal Power Project from 2980 MW (Stage-I & Stage-II) to 3780 MW by adding Stage-III (1x800 MW) Proposal No. IA/CG/THE/463369/2024	1. Prof. Shyam Shanker Singh. 2. Dr. Lalit Kapur. 3. Representative of MoEF&CC	Site visit was conducted on 5-7 January, 2025. Site visit report Submitted and enclosed as Annexure III
4.	Expansion of Kawai Thermal Power Plant by addition of 3200 (4x800) MW Ultra Super Critical Thermal Power Plant to Existing 1320 (2x660) MW Proposal No. IA/RJ/THE/467570/2024	1. Shri Inder Pal Singh Matharu 2. Dr. Vinod Agrawal 3. Dr. Umesh Jagannathrao Kahalekar	Site visit was conducted on 6-7 <sup>th</sup> January, 2025. Site visit report Submitted and enclosed as Annexure III
5.	Expansion of Kalisindh Ultra Super critical (1 X 800 MW) Coal based Thermal Power Project from 2x600 MW in an area of 555 Ha (Existing) at Village Nimoda, Tehsil Jhalara Patan, District Jhalawar (Rajasthan) by M/s Rajasthan Rajya Vidhyut Utpadan Nigam Ltd. Proposal No. IA/RJ/THE/406137/2022	1. Shri Inder Pal Singh Matharu 2. Dr. Vinod Agrawal 3. Dr. Umesh Jagannathrao Kahalekar	Site visit was conducted on 8 <sup>th</sup> January, 2025. Site visit report Submitted and enclosed as Annexure III

The site visit report of the above projects have been duly circulated to all the members of EAC. The EAC deliberated on the same and accepted the site visit report. Further, it was advised that the said site visit report shall be sent to the concerned project proponent for records and for ensuring compliance to the recommendations of the site visit report.

The meeting ended with vote of thanks to the Chair.

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Government of India  
Ministry of Environment, Forest and Climate Change  
IA Division  
(Thermal Projects)  
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Minutes of AGENDA FOR 19TH MEETING OF THE EXPERT APPRAISAL COMMITTEE (EAC) (THERMAL POWER PROJECTS) TO BE HELD ON 11TH FEBRUARY, 2025 DURING 10:30 AM – 03:00 PM THROUGH VIRTUAL MODE. Date: 19/02/2025  
meeting Thermal Projects held from 11/02/2025 to 11/02/2025

MoM ID: EC/MOM/EAC/922158/2/2025  
Agenda ID: EC/AGENDA/EAC/922158/2/2025  
Meeting Venue: N/A  
Meeting Mode: Virtual  
Date & Time:

11/02/2025	10:00 AM	03:00 PM
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#### 1. Opening remarks

At the outset, Shri. Inder Pal Singh Matharu (I.F.S Retd.), Chairman, Expert Appraisal Committee (Thermal Power & Coal Mining) welcomed the Expert members & other participants and requested to start the proceeding as per the agenda listed for this meeting. The list of members who participated in the meeting is at **Annexure – I**. The Standard/Generic ToR conditions shall be system generated through the PARIVESH Portal.

**[The main PDF of MoM is enclosed at Page no. 85 - 188]**

#### 2. Confirmation of the minutes of previous meeting

Confirmation of the Minutes of the 18<sup>th</sup> Meeting of the EAC (Thermal): The minutes of the 18<sup>th</sup> meeting of the EAC (Thermal) held during 24/01/2025 have been confirmed by the EAC as uploaded on Parivesh along with following corrections:

Minutes uploaded on PARIVESH	To be read as
Para No. 18.3.18. After s.no. xii Nil	Para No. 18.3.18; s.no. xiii shall be inserted as given below: EAC opined that a site visit shall be conducted by the Sub-committee of EAC to see the various issues pertaining to the instant project before consideration of EC proposal. The findings of the subcommittee report shall be incorporated in the final EIA/EMP report and the same shall be reported along with the ToR compliance.
Para No. 18.3.19; Para A. After specific ToR No. xxxiii Nil	Para No. 18.3.19; Para A. Specific ToR No. xxix shall be inserted as given below: A site visit of the EAC sub committee shall be conducted and its recommendations will form part of the TOR.

pollutants level namely; PM (PM10& PM2.5)in accordance with Ambient AAQ), SO2, NOx (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the projects and display the same at a convenient location for disclosure to the public and put on the website of the company; f. submit six monthly reports on the status of the compliance of the stipulated environmental conditions including results of monitored data (both in hard copies as well as by e-mail) to the Regional Office of MoEF&CC, the respective Zonal Office of CPCB and the SPCB; g. submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company; h. inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project and the date of commencement of the land development work.
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#### Corporate Environmental Responsibility (CER) activities

1.	CER activities will be carried out as per Ministry's OM F.No.22- 65/2017- IA,III dated 30th September, 2020 and 22-65/2017- IA,III dated 25.02.2021 or as proposed by the PP in reference to Public Hearing or as earmarked in the EIA/EMP report along with the detailed schedule of implementation with appropriate budgeting. Statement on the commitments (activity-wise) made during public hearing to facilitate the discussion on the CER in compliance of the shall be submitted.
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### 3.2. Agenda Item No 2:

#### 3.2.1. Details of the proposal

EC & CRZ amendment for laying of ash slurry and recovery water pipelines from NCTPP Stage III to NCTPS Ash Dyke (Pipeline System) of 1x 800 MW NCTPP Stage III at Villages Ennore & Puzhudiakkam, Ponneri Taluk, Tiruvallur District, Tamil Nadu, by TANGEDCO located at THIRUVALLUR, TAMIL NADU			
Proposal For		Amendment in EC	
Proposal No	File No	Submission Date	Activity (Schedule Item)
IA/TN/THE/442379/2023	J-13012/14/2012-IA.II (T)	29/08/2023	Thermal Power Plants (1(d))

#### 3.2.2. Project Salient Features

<p><b>19.2 EC &amp; CRZ clearance amendment for laying of ash slurry and recovery water pipelines from NCTPP Stage III to NCTPS Ash Dyke (Pipeline System) for 1x800 MW North Chennai TPP (Stage III) by M/s. Tamil Nadu Generation and Distribution Corporation (TANGEDCO) at Villages Ennore &amp; Puzhudiakkam, Ponneri Taluk, District Thiruvallur, Tamil Nadu - Amendment in Environmental Clearance - reg.</b></p> <p><b>[Proposal No. IA/TN/THE/442379/2023; F. No. J-13012/14/2012-IA.II (T)]</b>  <b>Name of the EIA Consultant:</b> M/s. Cholamandalam MS Risk Services Ltd., Chennai, [NABET Accreditation No.: NABETEIA/23-26/RA/0330; Valid up to: 26/05/2026].</p> <p><b>19.2.2:</b> The project proponent along with their EIA consultant made a presentation before the EAC stating the following:</p> <ul style="list-style-type: none"> <li>Ø Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) Clearance was obtained from MoEF&amp;CC Vide File No. J-13012/14/2012-IA. II (T) dated 20/01/2016</li> <li>Ø Consent to Establish (CTE) issued from TNPCB Vide Order No. 170124499798_under Air (Prevention and control of Pollution) Act, 1981, as amended in 1987 and 170114499798 under Water (Prevention and control of Pollution) Act, 1974, as amended in 1988 on 13<sup>th</sup> Apr. 2017 and extension of CTE obtained on 05/11/2024.</li> </ul>
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- Ø As per the directions issued in NGT order 11-6-31.1.2022, necessary application for amendment in EC&CRZ clearance was filed with MoEF&CC for laying ash slurry pipeline of NCTPP stage III after conducting EIA/EMP study and recommendations of SCZMA.
- Ø After hearing the above proposal on 1.11.2023, Expert Appraisal committee has proposed to send a subcommittee for site visit to NCTPS III for further recommendation
- Ø TANGEDCO now decided to connect the ash slurry pipelines of NCTPP Stage – III to the existing ash slurry pipelines of NCTPS Stage – II. The work has been completed. Hence, the TANGEDCO has proposed to withdraw amendment application already submitted under proposal number IA/TN/THE/442379/2023.
- Ø Photographs collecting the ash slurry pipelines of NCTPS Stage – III to the existing ash slurry pipelines of NCTPS Stage – II have also been presented.

### 3.2.3. Deliberations by the committee in previous meetings

**Date of EAC 1 :** 04/09/2023

**Deliberations of EAC 1 :**

The proposal is for grant of Amendment in Environmental Clearance to 1x800 MW (Stage III) North Chennai TPP at Villages Ennore & Puzhudiavakkam, Ponneri Taluk, Tiruvallur District, Tamil Nadu by M/s Tamil Nadu Generation and Distribution Corporation (TANGEDCO).

The project/activity is covered under category A of item 1(d) 'Thermal Power Plants' of the Schedule to the Environmental Impact Assessment Notification, 2006 and requires appraisal at Central level by the sectoral EAC in the Ministry.

Earlier, the Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) was accorded by MoEF&CC vide letter dated 20th January, 2016 to 1x800 MW Supercritical Coal Based Thermal Power Plant Stage III at Villages Ennore & Puzhudiavakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu by M/s TANGEDCO.

The Hon'ble NGT in the matter Original Application No.122 of 2021 (SZ) with Original Application No.162 of 2021 (SZ) directed to stop the construction activities of ash slurry pipeline and directed to obtain amendment in the EC and CRZ from MoEF&CC to resume the ash slurry pipeline work. Hon'ble NGT imposed additional environmental compensation of Rs. 50 Lakhs.

The project proponent has not submitted the latest certified compliance report. Also, the project proponent need to submit the proof of payment of Rs. 50 Lakhs imposed by the Hon'ble NGT. Also, the project proponent need to submit marine EIA report with CRZ map duly authenticated of slurry pipeline.

The EAC after detailed deliberation on the information submitted and as presented during the meeting *deferred* the proposal for want of additional information:

- i. Submit latest certified compliance report of existing EC.
- ii. Proof of payment of Rs. 50 Lakhs imposed by the Hon'ble NGT.
- iii. Submit marine EIA report with CRZ map duly authenticated of slurry pipeline.
- iv. Ministry may seek comments of CRZ division for slurry pipeline.
- v. Submit status of construction in of slurry pipeline in CRZ area.
- vi. Clarification about laying of pipeline without consent of the Ministry.
- vii. Comments of CRZ Division in the Ministry may be obtained.

The proposal is therefore deferred.

Date of EAC 2 :01/11/2023

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Deliberations of EAC 2 :

2.8.3 The EAC during deliberations noted the following:

The proposal is for amendment in Environmental Clearance for 1x800 MW (Stage III) North Chennai TPP at Villages Ennoor & Puzhudiakkam, Ponneri Taluk, Tiruvallur District, Tamil Nadu by M/s Tamil Nadu Generation and Distribution Corporation (TANGEDCO).

The project/activity is covered under category A of item 1(d) "Thermal Power Plants" of the Schedule to the Environmental Impact Assessment Notification, 2006 and requires appraisal at Central level by the sectoral EAC in the Ministry.

The EAC noted the about 65 % of the construction activities have been completed, the EAC desired to verify the extent of construction activities at site. The EAC therefore decided to conduct site visit by EAC sub-committee before making any recommendations on proposal.

*The proposal was deferred on the above lines.*

### 3.2.4. Deliberations by the EAC in current meetings

Recommendations of the Committee:

### 3.2.5. Recommendation of EAC

Returned in present form

### 3.3. Agenda Item No 3:

#### 3.3.1. Details of the proposal

Regassified Liquefied Natural Gas (RLNG) Based Combined Cycle Power Plant (900 MW (750 MW + 150 MW)) by Chennai Power Generation Limited at Kalanji, Kattupalli Village, Ponneri Taluk, Tiruvallur District, Tamil Nadu by Chennai power generation limited located at THIRUVALLUR, TAMIL NADU

Proposal For		Fresh ToR	
Proposal No	File No	Submission Date	Activity (Schedule Item)
IA/TN/THE/493740/2024	J-13012/09/2020-IA.I(T)	08/10/2024	Thermal Power Plants 1(d)

#### 3.3.2. Project Salient Features

##### Agenda No: 19.3

19.3: Regassified Liquefied Natural Gas (Based Combined Cycle Power Plant [900 MW (750 MW + 150 MW)] by M/s. Chennai Power Generation Limited at Villages Kalanji Kattupalli, Taluk Ponneri, District Tiruvallur, Tamil Nadu – Reconsideration for Terms of Reference for composite clearance (EC & CRZ) based on ADS reply – reg.

[Proposal No. IA/TN/THE/493740/2024; F. No. J-13012/09/2020-IA.I(T)]

19.3.1: M/s Chennai Power Generation Limited (CPGL) has made an application vide online proposal

parameters, indicated for the projects and display the same at a convenient location for disclosure to the public and put on the website of the company;

- f. submit six monthly reports on the status of the compliance of the stipulated environmental conditions including results of monitored data (both in hard copies as well as by e-mail) to the Regional Office of MoEF&CC, the respective Zonal Office of CPCB and the SPCB;
- g. submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company;
- h. inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project and the date of commencement of the land development work.

**K. Corporate Environmental Responsibility (CER) activities:**

1. CER activities will be carried out as per Ministry's OM F.No.22- 65/2017- IA.III dated 30<sup>th</sup> September, 2020 and 22-65/2017- IA.III dated 25.02.2021 or as proposed by the PP in reference to Public Hearing or as earmarked in the EIA/EMP report along with the detailed scheduled of implementation with appropriate budgeting. Statement on the commitments (activity-wise) made during public hearing to facilitate the discussion on the CER in compliance of the shall be submitted.

**Agenda No 19.2**

**19.2** EC & CRZ clearance amendment for laying of ash slurry and recovery water pipelines from NCTPP Stage III to NCTPS Ash Dyke (Pipeline System) for 1x800 MW North Chennai TPP (Stage III) by **M/s. Tamil Nadu Generation and Distribution Corporation (TANGEDCO)** at Villages Ennore & Puzhudiavakkam, Ponneri Taluk, District Thiruvallur, Tamil Nadu – **Amendment in Environmental Clearance – reg.**

**[Proposal No. IA/TN/THE/442379/2023; F. No. J-13012/14/2012-IA.II (T)]**

**19.2.1:** The above proposal was originally considered by the EAC – Thermal in its 02<sup>nd</sup> meeting held on 31<sup>st</sup> October 2023 - 01<sup>st</sup> November, 2023 wherein the proposal was deferred and EAC recommended for site visit by a sub-committee. Accordingly, sub-committee visited the project site on 13-14<sup>th</sup> March, 2024. Meanwhile, the project proponent has requested to withdraw the instant EC amendment proposal

**Name of the EIA Consultant:** M/s. Cholamandalam MS Risk Services Ltd., Chennai, [NABET Accreditation No.: NABET/EIA/23-26/RA0330; Valid up to: 26/05/2026].

**19.2.2:** The project proponent along with their EIA consultant made a presentation before the EAC stating the following:

- Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) Clearance was obtained from MoEF&CC Vide File No. J-13012/14/2012-IA. II (T) dated 20/01/2016

- Consent to Establish (CTE) issued from TNPCB Vide Order No. 170124499798 under Air (Prevention and control of Pollution) Act, 1981, as amended in 1987 and 170114499798 under Water (Prevention and control of Pollution) Act, 1974, as amended in 1988 on 13<sup>th</sup> Apr. 2017 and extension of CTE obtained on 05/11/2024.
- As per the directions issued in NGT order dated 31.1.2022, necessary application for amendment in EC&CRZ clearance was filed with MOEF&CC for laying ash slurry pipeline of NCTPP stage III after conducting EIA/EMP study and recommendations of SCZMA.
- After hearing the above proposal on 1.11.2023, Expert Appraisal committee has proposed to send a subcommittee for site visit to NCTPS III for further recommendation
- TANGEDCO now decided to connect the ash slurry pipelines of NCTPP Stage – III to the existing ash slurry pipelines of NCTPS Stage – II. The work has been completed. Hence, the TANGEDCO has proposed to withdraw amendment application already submitted under proposal number IA/TN/THE/442379/2023.
- Photographs collecting the ash slurry pipelines of NCTPS Stage – III to the existing ash slurry pipelines of NCTPS Stage – II have also been presented.

**Recommendations of the Committee:**

**19.2.3:** In view of the foregoing and after detailed deliberations, the Committee recommended for the withdrawal of the above-mentioned proposal.

**Agenda No: 19.3**

**19.3:** Regassified Liquefied Natural Gas (Based Combined Cycle Power Plant [900 MW (750 MW + 150 MW)] by M/s. **Chennai Power Generation Limited** at Villages Kalanji Kattupalli, Taluk Ponneri, **District Tiruvallur, Tamil Nadu – Reconsideration for Terms of Reference for composite clearance (EC & CRZ) based on ADS reply – reg.**

[Proposal No. IA/TN/THE/493740/2024; F. No. J-13012/09/2020-IA.I(T)]

**19.3.1:** M/s Chennai Power Generation Limited (CPGL) has made an application vide online proposal no. IA/TN/THE/493740/2024 dated 08/10/2024 along with the application in prescribed format (CAF, Form – I Part A & B), copy of pre-feasibility report and proposed ToRs for undertaking detailed EIA study as per the EIA Notification, 2006 for the project mentioned above. The proposed project activity is listed under category A of item I(d) 'Thermal Power Plants' of EIA Notification 2006 (as amended) and requires appraisal at Central level.

**Name of the EIA consultant:** M/s. Cholamandalam MS Risk Services Limited, Chennai; [NABET Certificate No.: NABET/EIA/23-26/RA0330, valid up to 29/05/2026].

**Details of the proposal, as ascertained from the proposal documents and as revealed from the discussion held during the meeting, are given as under:**

**19.3.2:** The instant proposal is for grant of Terms of Reference for Proposed Regassified Liquefied Natural Gas based Combined Cycle Power Plant 900 MW (750 MW + 150 MW)] at Kalanji Kattupalli Villages, Ponneri Taluk, Tiruvallur District, Tamil Nadu, by M/s Chennai Power Generation Limited.



सत्यमेव जयते

File No.: J-13012/14/2012-IA.II(T)

Government of India

Ministry of Environment, Forest and Climate Change

IA Division

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Dated 08/03/2025

To,

Sh. Gnanapalan Packiadhas  
M/s Tamil Nadu Generation & Distribution Corporation Ltd (TANGEDCO)  
144, Anna Salai, Chennai, Tamil Nadu, Near LIC, Anna Salai, 600002  
E-mail: cepe@tnebnct.org

Subject: 1x800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities by M/s. Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO) at NCTPS Complex, Villages Ennur & Puzhudiavakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu – Grant of Amendment in EC & CRZ regarding change of coal source from 100% Imported coal to use a mix of domestic coal as well as Imported coal in ratio of 50%-50% proportion – regarding.

Sir/Madam,

This is in reference to your application submitted to MoEF&CC vide proposal number IA/TN/THE/475354/2024 dated 14/06/2024 and subsequent reply to the additional information uploaded on Parivesh on 19/10/2024 for grant of amendment in prior Environmental Clearance (EC) accorded by the Ministry vide letter no. J-13012/14/2012-IA. II (T) dated 20<sup>th</sup> Jan. 2016, under the provisions of the EIA Notification, 2006 for the project mentioned above.

2. The particulars of the proposal are as below :

(i) EC Identification No.	EC24A0601TN5388860A
(ii) File No.	J-13012/14/2012-IA.II(T)
(iii) Clearance Type	Amendment in EC
(iv) Category	A
(v) Schedule No./ Project Activity	1(d) Thermal Power Plants
(vi) Sector	Thermal Projects Amendment of Environmental Clearance for 1X800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities at Villages Ennur & Puzhudiavakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu by M/s. Tamil Nadu Generation & Distribution Corporation Ltd.
(vii) Name of Project	

(viii) Location of Project (District, State)	(TANGEDCO). THIRUVALLUR, TAMIL NADU
(ix) Issuing Authority	MoEF&CC
(x) EC Date	20/01/2016
(xi) Applicability of General Conditions	NO
(xiii) Status of implementation of the project	

3. M/s Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO) has made an online application vide proposal no. IA/TN/THE/475354/2024 dated 14.06.2024 along with the application in prescribed format - Form 4 (CAF, Form - I Part A, B and C) and sought for amendment in Environment Clearance accorded by the Ministry vide P.No. J-13012/14/2012-1A, II (T) dated 20th Jan. 2016 for the project titled "1x800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities by M/s. Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO) at NCTPS Complex, Villages Ennur & Puzhuvakkam, Taluk Pommeri, District Thiruvallur, Tamil Nadu".

4. The instant proposal was considered during the 11<sup>th</sup> meeting of the EAC (Thermal) held during 27-28<sup>th</sup> June 2024 and further reconsidered in its 18<sup>th</sup> meeting held on 24/01/2025. The project/activity is covered under category A of item 1(d) 'Thermal Power Plants' of the Schedule to the Environmental Impact Assessment (EIA) Notification, 2006, as amended as the power generation capacity of the proposed expansion is beyond the threshold capacity of 500MW i.e. 800 MW and requires appraisal at Central level by the sectoral EAC in the Ministry. The minutes of the meeting and all the project documents are available on PARIVESH portal which can be accessed at <https://parivesh.nic.in>.

5. The amendment sought in the EC&CRZ clearance dated 20/01/2016 is detailed as below:

Para of EC issued by MoEF&CC	Details as per the EC	To be revised/ read as	Justification/ reasons
Point no. 3	The Imported Coal requirement of 2.09 MTPA will be sourced through MMTC, New Delhi.	The coal requirement is 2.69 MTPA in the ratio of Imported Coal 1.04 MTPA and domestic coal 1.65 MTPA. The Imported and domestic coal will be sourced from MMTC, New Delhi and Kalanga block of Talcher, Mahanadi, IB Valley Coal Fields, respectively.	TANGEDCO is planning to change from use of 100% Imported coal to use a mix of domestic coal and Imported coal in the ratio of 50%-50% proportion, which is in compliance of MoEF&CC OM dated 6 <sup>th</sup> Dec. 2023 and previous OM dated 11 <sup>th</sup> Nov. 2020 regarding Amendment in Environmental Clearance for change in coal source by Thermal Power Plants.

6. Protected Area: The PP reported that there are no national parks, wildlife sanctuaries, Biosphere Reserves, Tiger/Elephant Reserves, Wildlife Corridors etc. within 10 km distance from the project site. Kosasthalaiyar River is flowing at 218.8 m, Buckingham Canal is at 42.7 m and Boat Canal is at 41.45 m from the project site. No Schedule-I species sighted in the study area.

7. Ash Pond area: The existing ash pond of NCTPS complex located 5Kms away from the project site will be utilised for dumping of bottom ash from this proposed power plant at the time of emergency only, since, this power plant is proposed with the 100% disposal of bottom ash also.

8. Water Requirement: The potable water required for the construction of project will be met from Chennai Metro Water Supply & Sewerage Board (CMWSSB) for about 2 MGD (9092 m3). For operation purpose, potable water will be produced from sea water by treating in RO based desalination plant, proposed within the power plant.

9. Details of Coal Linkage: Environmental Clearance for the project was issued based on the use of Imported coal of 2.09 MTPA which was planned to source from MMTC, New Delhi. FSA/MoU for imported coal was signed between MMTC Limited and TANGEDCO on 25th May, 2015 for supply of 2.51 MTPA of coal for the project. Now, TANGEDCO is planning to change from use of 100% imported coal to use of domestic coal as well as Imported coal in the equal proportion. Domestic coal will be made available from the Kalanga block of Talcher, Mahanadi, IB Valley Coal Fields.

Total 2.69 MTPA of mixed coal will be required for the project

10. Details of CCR: Details of Certified compliance report submitted by RO, MoEF&CC: Certified Copy of EC Compliance is secured Vide Diary No 046 dated 13.01.2023.

11. Ash management details:

S.No.	Information sought	Details
i.	Concrete figures about the quantum of additional fly ash likely to be generated per year over and above that already approved under the previous EC	<p>A) Ash content for 100% Foreign coal - 12% Ash quantity -806.9 TPD Already Proposed Silo - 3nos (2 No for fly ash , 1 No for bottom ash)</p> <p>B) Ash content for Foreign (50%) &amp; domestic coal (50%) - 25.5% Total Ash quantity generated- 2209.32 TPD <b>Excess Ash generated- 1402.42 TPD</b></p>
ii.	Ash management plan	<p>The existing ash handling system could cater to the enhanced ash generation quantity as detailed below.</p> <p><b>A. Ash handling</b> Now constructed Silos- 3 Nos (2 Nos for fly ash , 1 No for bottom ash)</p> <p>i) Fly Ash Silo capacity- 2 x 2520=5040 MT Fly ash evacuation is through vacuum system from ESP hopper and will be stored in fly ash silos of capacity (2x2520=5040MT) which will be having capacity for 24 hours storage each.</p> <p>ii) Bottom Ash Silo capacity-1 x 1800=1800 MT Bottom ash evacuation is dry type initially through closed conveyor system up to intermediate silo and from there up to bottom ash silo of capacity (1x1800=1800 MT ) is by pipe line.</p> <p><b>B. Ash utilization</b> The ash will be sold to cement / brick industries through E-auction as being followed in NCTPS Stage 1&amp;2. The fly ash will be loaded in closed trucks / bulkers through telescopic spout assembly of Fly ash Silo and transported to cement/Brick companies. The bottom ash will be conditioned by quenching with water (18m<sup>3</sup>/hour) and will be loaded in truck and covered with tarpaulin for transporting. Hence, 100% ash Utilization will be achieved as per MOEF &amp;CC Notification 31.12.2021.</p> <p><b>C. Ash disposal in case of emergency</b> In case of emergency, both fly and bottom ash will be made as slurry and transported to existing NCTPS ash dyke through existing ash pipelines of NCTPS. Water required for making slurry will be around 8082 m<sup>3</sup>/day , which will be sourced from CT blow down pump and guard pond water (reject sea water). 12 Nos piezometric wells are already available in and around the existing ash dyke of NCTPS. It is assured that the ash slurry pipelines will be monitored to avoid any leakages to protect the nearby area.</p>

12. The Ennore project site of M/s. TANGEDCO inter-alia project site of instant proposal under consideration was inspected by the sub-committee of EAC during 13-14th March, 2024. The recommendations of the site visit report of the sub-committee of EAC relevant to the proposal under consideration and its compliance status is furnished as below:

S.No.	Recommendations of the sub-committee of EAC	Compliance by the project proponent
i.	The EIA report including carrying capacity of existing ash	The EIA report, including details of the carrying capacity of the existing ash pond, has been submitted to MOEF&CC.

S.No.	Recommendations of the sub-committee of EAC	123 Compliance by the project proponent
	pond along with remedial measures to avoid pollution wherein ash from Stage I and Stage II is being disposed and emergency ash disposal of Stage III is proposed shall be prepared.	The report was prepared by M/s Cholamandalam MS Risk Services Ltd, Chennai. The pipelines will transfer ash slurry from Stage III to the designated ash dyke pond of NCTPS. The ash dyke pond covers ~133 hectares (328 acres), representing a permanent land footprint. The pond falls within the NCTPS land area and is already used for ash disposal by Stage I & II plants.
ii.	Design report of the ash slurry pipeline corridor for the Stage III NCTPS power plant and exploring the feasibility of using the existing ash slurry pipelines of Stage I and Stage II NCTPS plant for the proposed Stage III shall be prepared by NCTPS.	The design report for the ash slurry pipeline of NCTPP Stage III is submitted. It has been decided to use the existing ash slurry pipelines of NCTPS Stage I & II instead of constructing new pipelines. This decision was made to minimize environmental impact. NCTPP Stage III will dispose of ash slurry only in emergencies, as both fly ash and bottom ash are disposed of in dry form.
iii.	Adequacy report from Competent Authority on existing ash dyke capacity to accommodate the proposed ash slurry from stage III NCTPS shall be submitted.	The existing ash pond of NCTPS is sufficient as wet ash will be disposed of promptly to brick industries and other works. Details of the ash pond: Area: 328 acres. (133 Ha) Capacity: 57.5 lakh m <sup>3</sup> (at a height of 5m). Current stock: 29 lakh m <sup>3</sup> . Remaining capacity: 28.5 lakh m <sup>3</sup> .

### 13. Court cases:

#### A. Original Application No.122 of 2021 (SZ) with Original Application No.162 of 2021 (SZ)

The Hon'ble NGT(SZ) in Original Application No.122 of 2021 (SZ) with Original Application No.162 of 2021 (SZ) vide its judgement dated 31/01/2022 directed the proponent not to proceed with the work of laying the pipeline through the CRZ zone and also in the other area in violation of the Environment Clearance and CRZ Clearance granted to them in 20/01/2016, without getting necessary further clearances in this respect by filing afresh application in accordance with law. Besides, the Hon'ble NGT also imposed a compensation of Rs. 50 lakhs which has been paid by them to TNPCB on 30/3/2022. In compliance to the said judgment, proponent filed amendment proposal bearing No: IA/TN/THE/442379/2023 was submitted to the Ministry seeking for amendment in the EC & CRZ dated 20/01/2016 for the ash slurry pipeline for stage III project. The proposal was considered by the EAC in its meeting held on 04/09/2023 and 31/10/2023 wherein the proposal was deferred and EAC recommended for site visit by a sub-committee. During the site visit, it was informed by M/s. TANGEDCO that they have decided to utilize the existing spare lines of NCTPS Stage - I & II to reduce the environment impact. In view of this, PP informed the EAC that no new ash slurry pipelines are envisaged for the stage III project and the proposal no. IA/TN/THE/442379/2023 has already been withdrawn by the project proponent.

#### B. OA No 8 of 2016 titled as R.Ravimaran (Died) & Ors. vs Union of India & Ors. tagged with OA No 198 of 2016 titled as Meenava Thanthai K.R. Selvaraj Kumar vs The Chief Secretary Government of Tamil Nadu

An OA No 8 of 2016 titled as R.Ravimaran (Died) & Ors. vs Union of India & Ors. tagged with OA No 198 of 2016 titled as Meenava Thanthai K.R. Selvaraj Kumar vs The Chief Secretary Government of Tamil Nadu, Chennai & Ors. was filed before the Hon'ble Tribunal (SZ), Chennai regarding illegal dumping of ash slurry and violation of conditions of Environmental Clearance and CRZ Clearance granted by dumping fly ash and draining the wastewater into the Buckingham Canal and Kosasthalaiyar River respectively. In this regard, the Hon'ble Tribunal vide its judgment dated 05/07/2022 passed the following directions for compliance by the PP:

- To carry on their activities strictly in accordance with law and complying with the conditions imposed in the

Environmental Clearance and the Consent granted by the State Pollution Control Board.

- ii. To replace the old ash slurry carrying pipes as undertaken by them within the time frame fixed and also take all necessary precautions of providing necessary sensor system to detect the leak immediately and also the mechanism by which production and pumping of ash slurry through the damaged pipeline can be stopped immediately, so that further pumping can be avoided so as to minimize the leak if at all it happens in future.
- iii. To pay the compensation already assessed by the State Pollution Control Board on various occasions for the violations noticed by them and also compensation directed to be paid by this Tribunal in other related connected matters viz., Original Application Nos.122 of 2021 (SZ) and 162 of 2021 (SZ) which were already disposed of this Tribunal by giving certain directions.
- iv. To pay environmental compensation which is likely to be assessed on the basis of the study to be conducted by the agency which is going to conduct study for remediation process, apart from the compensation already imposed by various proceedings of the Tamil Nadu Pollution Control Board and directed to be paid by this Tribunal.
- v. To bear the expenses for conducting the study through the agency to be identified for preparation of DPR and also the expenses for remediation.
- vi. To undertake the remediation process and complete the same at the earliest possible time, as delay in implementation will result in further damage to the environment.
- vii. To carry out the recommendations made by the Joint Expert Committee regarding creating green cover, including plantation of mangroves and other species suggested which are conducive to environment and that will not affect the riverine and coastal zone ecology.
- viii. To take immediate steps to remove the fly ash already deposited in that area due to the breach of fly ash slurry carrying pipes without delay and after removal of the same, soil analysis will have to be conducted by the CPCB and SPCB and if further remediation will have to be conducted or further steps are required for removal of further fly ash deposit found in that area, then that also will have to be carried out by the PP.

On the above, the PP has informed that the compliance of the aforesaid order is under process.

#### **Deliberations of the Committee**

14. The EAC noted the following:

- i. The EAC noted that the proposal is for the grant of amendment in Environmental Clearance to the project 1X800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities at Villages Ennur & Puzhuvakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu by M/s. Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO).
- ii. The committee noted that the Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) Clearance were accorded by MoEF&CC Vide File No. J-13012/14/2012-IA, II (T) dated 20th January, 2016 with use of Imported coal of 2.09 MTPA sourced through MMTC, New Delhi. The FSA/MoU for Imported coal was signed between MMTC Limited and TANGEDCO on 25th May, 2015. The Consent to Establish (CTE) issued from TNPCB Vide Order No. 170124499798 under Air (Prevention and control of Pollution) Act, 1981, as amended in 1987 and vide order No.170114499798 under Water (Prevention and control of Pollution) Act, 1974, as amended in 1988 on 13th April, 2017.
- iii. Now, PP has submitted the proposal for obtaining amendment in existing EC for change in fuel composition from 100% Imported coal to mixture of 50% Indian coal & 50% Imported coal in compliance of MoEF&CC OM dated 6th Dec, 2023 and previous OM dated 11th Nov, 2020.
- iv. The EAC reviewed the present average ambient air quality data and observed that PM10 values were on higher side and it was noted that the proposed change in fuel composition from 100% Imported coal to mixture of 50% Indian coal &

50% Imported coal which may increase PM10 emissions in the environment. PP in this regard submitted that this is a temporary increase due to ongoing construction activities at site.

v. The EAC also added that as there is change in fuel, PP shall not ask in the future for additional ash pond and additional water requirement. Further, EAC noted that the total area of plant is 76.88 Ha of which only 18.21 Ha is a green belt area which accounts to 23.7% of the total area. Therefore, PP are advised to conduct power plantation in the upcoming monsoon season.

vi. The Committee observed that as per OM dated 11.11.2020 & 06.12.2023, proposal of PP is not falling under category (a) to (d) mentioned in para 3 of OM dated 6.12.2023 and hence required amendment in EC. Further, it has mentioned in the same OM that "All the Thermal Power Plants (including Captive Power Plants) having Prior Environmental Clearance and going in for change in the coal source other than those falling in the aforementioned category of change in coal source shall approach the Ministry for amendment in environmental clearance along with a study on additional impact assessment and revised EMP based on the change in Source of coal". The Committee observed that PP has submitted the additional impact assessment and revised EMP report of May 2024, along with this proposal.

vii. The EAC noted that PP submitted that FSA/MoU for Imported coal was signed between MMTC Limited and TANGEDCO on 25th May, 2015. No additional water will be required due to change in coal use. No additional power required due to change in coal. No additional Coal Handling Plant (CHP) will be required and the area of 8.09 Ha is available within the site for stacking of Indian as well as imported coal.

viii. PP submitted that Coal characteristics & consumption as under:

S. no.	Details	Units	Imported 100%	Imported 50% Indian 50%	Indian coal
1.	Coal consumption	TPH	280	361	442
		TPD	6720	8664	10608
		MTPA	2.09	2.69	3.29
2.	Ash	%	12	25.5	34
3.	Sulphur	%	0.80	0.65	0.55
4.	Gross Calorific Value	Kcal/kg	6000	4654	3800

Type of coal	Coal quantity (TPH)	Ash content (%)	Total Ash Quantity (TPH)	Fly Ash Quantity (TPH)	Bottom Ash Quantity (TPH)
Imported coal	280	12.0	33.60	23.52	10.08
Mixed coal (Imported 50%, Indian 50%)	361	25.5	92.06	64.44	27.62

**Note:** Due to change in composition of the coal, the ash quantity will increase

ix. The committee observed that there is an increase in ash content further as per the EIA the level of pollutants are increasing and on the higher side. In this regard PP submitted that-

- Particulate matter (PM): PM value: 96.49  $\mu\text{g}/\text{m}^3$ , predicted GLC: 0.32  $\mu\text{g}/\text{m}^3$ . Resultant GLC: 96.81  $\mu\text{g}/\text{m}^3$  which is near the limits as per NAAQ standards. The max. value of PM10 120  $\mu\text{g}/\text{m}^3$  recorded in Ennore SEZ TPP site since the project is proposed over abandoned ash dyke. The contribution of PM from TPPs within NCTPS complex is 1.2  $\mu\text{g}/\text{m}^3$  and the contribution all the TPPs with 10 km radius is 1.6  $\mu\text{g}/\text{m}^3$ . To reduce the PM emissions ESP's with an efficiency of 99.98% has been installed to limit the PM below 30  $\text{mg}/\text{Nm}^3$ .

- Sulphur dioxide (SO<sub>2</sub>): SO<sub>2</sub> value: 25.1  $\mu\text{g}/\text{m}^3$ , predicted GLC: 1.08  $\mu\text{g}/\text{m}^3$ . Resultant GLC: 26.18  $\mu\text{g}/\text{m}^3$  which is well within the limits as per NAAQ standards. The contribution of SO<sub>2</sub> from TPPs within NCTPS complex is 5.1  $\mu\text{g}/\text{m}^3$  and the contribution all the TPPs with 10 km radius is 7.1  $\mu\text{g}/\text{m}^3$ . Dry FGD has been installed to meet the revised emission norms of MoEF&CC for Sulphur dioxide (SO<sub>2</sub>) i.e. 100  $\text{mg}/\text{Nm}^3$ .

- Oxides of nitrogen (NO<sub>x</sub>): NO<sub>x</sub> value: 42.6  $\mu\text{g}/\text{m}^3$

<sup>3</sup>, predicted GLC: 1.08 g/m<sup>3</sup>. Resultant GLC is 43.68 g/m<sup>3</sup> which is well within the limits as per NAAQ standards. The contribution of NOx from TPPs within NCTPS complex is 6.4 g/m<sup>3</sup> and the contribution all the TPPs with 10 km radius is 8.01 ug/m3. To reduce the emissions Low NOx burner will be provided. SCR will also be installed in future as per requirement to limit the NOx emission to as per MoEF&CC norms i.e. 100 mg/Nm<sup>3</sup>.

x. The committee observed that for managing the air pollution PP has proposed that i) Dust suppression/ extraction system will be provided to mitigate the dust generated at coal conveying area, transfer points and coal stockyard, ii) Dust collection system will be provided in coal bunkers to evacuate dust and hazardous gases like methane from the coal bunkers, iii) Collected dust would be returned to either the associated belt conveyors or to the coal bunkers. The coal dust from coal transfer points would be restricted to 5 mg/Nm3, iv) 100 % dry fly ash extraction, storage and disposal facilities are proposed for utilization of 100 % fly ash. Closed trucks & containers would be used for this purpose, v) ESP with an efficiency of 99.98 % is proposed to control Particulate Matter, vi) To minimize the SO2 emissions, dry FGD system is proposed and vii) To reduce the NOx emissions, Low NOx burners has been provided whereas Selective Catalytic Reduction (SCR) system will be installed in future as per requirement.

xi. Additionally, the committee observed that for managing the ash PP has proposed that i) 100% utilization of fly ash in dry form is envisaged. Closed trucks & containers would be used for this purpose, ii) To reduce the dust nuisance while loading the ash into the open trucks from fly ash silos, the fly ash would be conditioned with water spray, iii) It is proposed to cover the ash in the open trucks with tarpaulin to prevent flying of fine ash during transportation, iv) TANGEDCO would put max efforts and ensure bottom ash utilization. 100% ash utilization will be achieved as per MoEF&CC notification dt. 3rd Nov. 2009, v) Proposed to supply entire ash to cement industries that are presently lifting fly ash from NCTPS, since there is huge demand in Tamil Nadu for fly ash from thermal stations and vi) MoU between TANGEDCO & M/s. Dalmia Cement (Bharat) Limited was already made on 14th Oct. 2015 for utilization of Fly ash.

xii. The committee observed that EMP cost proposed by the PP is Rs. 1185.21 cr and recurring cost is Rs 98 Cr. The details are as under:

S. No	Particulars	100% Imported Coal		Indian Coal 50%: Imported		Remark	
		Capital Cost (Rs. Crores)	Recurring Cost (Rs. in Crores)	Capital Cost (Rs. Crores)	Recurring Cost (Rs. in Crores)		
1	Dust Control System	192.00	48.0	192.0	98	No change	
	i) ESP	3.50		3.50			
2	ii) Dust suppression system for coal handling	88.90		88.90		Increased	
	Chimney	0		615.0			
3	Water treatment plant including clarifier, UF, RO, DM, Electrical and Instrumentation	42.24		42.24		No change	
4	Effluent Treatment Plant	3.50		3.50			
5	Dense phase, pneumatic Ash Handling Plant including bottom ash & fly ash silos, conveying compressors and other equipment	106.56		106.56			
6	Development of Greenbelt	3.84		3.84			
7	Sewage System	1.44		1.44			
8	Chemical dosing and Chlorination Plant	9.70		9.70			
9	Pollution monitoring instruments/ equipment	14.16	14.16				
10	Other unforeseen items	14.16	14.16				
<b>Total</b>		<b>480.0</b>	<b>48.0</b>	<b>1,185.21</b>	<b>98</b>		<b>Increased</b>

xiii. Based on the discussion held the committee recommended that in the para 3 of EC dated 20.01.2016 the phrase "The Imported Coal requirement of 2.09 MTPA will be sourced through MMTC, New Delhi" shall be read as "The coal requirement is 2.69 MTPA in the ratio of 50% Imported Coal (1.04 MTPA) and 50% Indian Coal (1.65 MTPA). Imported coal sourced through MMTC, New Delhi and Indian Coal sourced from Kalinga block of Talcher, Mahanadhi, IB Valley Coal Fields."

xiv. The Committee also noted that there are two court cases with respect to existing project of NCTPS and the proposal no. IA/TN/THE/442379/2023 of M/s. TANGEDCO has been withdrawn by the project proponent.

#### Recommendations of the Committee

15. The EAC after detailed deliberation on the information submitted and as presented during the meeting recommended the proposal for grant of amendment in Environmental Clearance dated 20th January 2016 to the project 1X800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities at Villages Ennur & Puzhuvakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu by M/s. Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO) for change in the use of Coal from 100% Imported Coal to use of Indian Coal and Imported Coal in equal proportion as mentioned at above Para 5, subject to compliance of the additional specific environmental safeguard conditions (Annexure-I), in addition to the conditions in the EC letter dated 20.01.2016.

#### Decision of MoEF&CC

16. The undersigned is directed to inform that Ministry of Environment, Forest and Climate Change has examined the proposal in accordance with the Environment Impact Assessment (EIA) Notification, 2006 & further amendments thereto and after accepting the recommendations of the Expert Appraisal Committee (Thermal) hereby decided for amendment in Environment Clearance accorded by the Ministry vide F. no. J-13012/14/2012-IA.II (T) dated 20.01.2016 to the project 1X800 MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities at Villages Ennur & Puzhuvakkam, Taluk Ponneri, District Thiruvallur, Tamil Nadu by M/s. Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO) for change in the use of Coal from 100% Imported Coal to use of Indian Coal and Imported Coal in equal proportion as mentioned at above Para 5, subject to compliance of the additional specific environmental safeguard conditions (Annexure-I).

17. All other terms and conditions mentioned in the EC & CRZ letter number J-13012/14/2012-IA.II (T) dated 20.01.2016 shall remain unchanged.

18. The project proponent shall obtain fresh Environment Clearance in case of change in scope of the project, if any.

19. This issues with the approval of the Competent Authority.

Yours faithfully,

(Sundar Ramanathan)  
Scientist 'F'  
Tel: 011- 20819378  
Email- r.sundar@nic.in

#### Copy To

1. The Secretary, Ministry of Power, Shriya Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
3. Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office (SEZ), 1st and 11nd Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai - 34.
4. Member Secretary, Central Ground Water Authority, Jamnagar House, 18/11, Man Singh Road Area, New Delhi, Delhi 110001

5. Member Secretary, Tamil Nadu Pollution Control Board, 128 Mount Salai, Guindy, Chennai- 600 032, Tamil Nadu.  
 6. The District Collector, Thiruvallur, State Government of Tamil Nadu.  
 7. Guard file/Monitoring file/PARIVESH Portal

**Annexure 1**

**Specific EC Conditions for (Thermal Power Plants)**

**1. Additional Specific Condition**

S. No	EC Conditions
1.1	Project proponent shall comply with all the directions passed by the Hon'ble National Green Tribunal vide its judgement dated 05/07/2022 in OA No 8 of 2016 titled as R.Ravimaran (Died) & Ors. vs Union of India & Ors. tagged with OA No 198 of 2016 titled as Meenava Thanthai K.R. Selvaraj Kumar vs The Chief Secretary Government of Tamil Nadu, Chennai & Ors. Compliance status in this regard shall be submitted to the concerned Regional Office of the MoEF&CC along with the six monthly compliance report.
1.2	PP shall obtain the amendment in CTO from SPCB as applicable in the instant case for the proposed amendments
1.3	PP shall implement the protective measures proposed in EMP in a time-bound manner. The budget earmarked for the same is Rs 1,185.21crores (Capital) and Rs 98 crores(recurring) and should be kept in separate accounts and audited annually. The implantation status along with the amount spent with documentary proof shall be submitted in the concerned Regional Office for the activities carried out during the previous year.
1.4	Regular monitoring of Fly Ash Pond shall be carried out and inspection should be done to avoid any chance of failure of bunds or leakage from the Ash Pond. The Pipe line carrying the fly ash shall also be inspected for any leakage at regular intervals. In case of any leakage immediate corrective measures needs to be taken and concerned authorities shall be informed. PP shall also keep a record of inspection.
1.5	Fly ash handling shall be done strictly as per extant rules/regulations of the Ministry/CPCB issued from time to time including Ministry's Notification No. S.O.5481(E) dated 31st December, 2021. No coal shall be transported through road shall be allowed.
1.6	The transportation of Ash from the Thermal Power Plant to other Industries (Cement/brick) shall be through closed bulkers only.
1.7	Water Sprinkling on roads shall be done in at regular interval on the roads atleast within 1 km range approaching the plant. A logbook shall be maintained for the activity and be in six monthly compliance report.
1.8	PP shall ensure that roads for transportation shall be maintained and keep in good condition to avoid fugitive emissions.
1.9	Occupational health surveillance of the workers shall be done on a regular basis and records maintained as per the Factories Act.
1.10	PP shall provide regular health monitoring services and health services free of cost to people living

S. No	129 EC Conditions
	in 10 km radius.
1.11	PP shall establish an Environment Management Cell and ensure to engage sufficient staff having environment related qualification for its smooth its functioning.
1.12	Environment Audit of plant shall be done annually and report shall be submitted to Regional office of the Ministry.
1.13	Use of Diesel operated transportation vehicles shall be avoided as far as possible and BS-VI complaint vehicle shall be purchased and preference shall be given to EV/CNG/LNG based trucks for transportation raw materials, coal and disposal. Change to EV/CNG/LNG be done in a time bound manner.
1.14	PP shall ensure that all types of plastic waste generated from the plant shall be stored separately in isolated area and disposed of strictly adhering to the Plastic Waste Management Rules 2016 (as amended). In pursuant to the Ministry's OM dated 18/07/2022 PP shall also create awareness among the people working in the project area as well as in its surrounding area on the ban on Single Use Plastic(SUP) in order to ensure compliance of Ministry's Notification published by the Ministry on 12/08/2021. A report along with photograph on the measures taken shall also be included in the six monthly compliance report being submitted by PP.
1.15	Monitoring for heavy metals and fluoride in ground water and surface water shall be undertaken along with the regular monitoring and results/findings submitted along with half yearly monitoring report.
1.16	PP is advised to implement the 'Ek Ped Maa Ke Naam' Campaign which was launched on 5th June 2024 on the occasion of the World Environment Day to increase the forest cover across the Country. This plantation drive is other than Green belt development. An action plan in this regard shall be submitted to the concerned Regional Office of the Ministry.

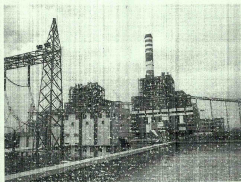
Signature Not Verified

Digitally Signed by : Sundar Ramanathan  
Member Secretary, MEFCC (EC)

Date: 08/03/2025

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**Rapid Environmental Impact Assessment Report**  
*for*  
**Proposed NCTPS (1x800 MW) Thermal Power Project**  
at  
**Villages Ennore & Puzhuvakkam, Ponneri Taluk, Thiruvallur**  
**District, Tamil Nadu.**  
***Final Report***



ॐ नमो भगवते वासुदेवाय ।  
ॐ नमो भगवते वासुदेवाय ॥

Submitted To:  
**Ministry of Environment & Forests,**  
**Paryavaran Bhawan, CGO Complex, Lodhi Road,**  
**New Delhi-110003**



Submitted By  
**TANGEDCO (TNEB Limited)**  
**3rd Floor Eastern Wing, NPKRR Maallai,**  
**144, Anna Salai, Chennai-2**



Prepared By  
**Ramky Enviro Engineers Ltd.,**  
**Ramky House, Somajiguda, Hyderabad-500082**  
*(GC/NABET Approved - Certificate No. NABET/E/A/1013/016)*

**May 2015**



avoiding expensive maintenance cost. The connection between the substation to the generator transformer and the station transformer will be through gas insulated bus bars.

## **2.7 Ash Handling Plant**

The ash handling system envisages dry extraction and disposal of bottom ash and fly ash. Provision shall be kept to extract entire bottom ash in wet form for disposal in ash dyke as an emergency measure.

### **2.7.1 Bottom Ash Handling System**

Dry type bottom ash hoppers shall be used in case of the submerged scraper chain conveyor system.

In case of emergency conditions bottom ash extraction system involving submerged scrapper chain conveyors, the bottom ash is led to an adjacent bottom ash slurry transportation pump house, from where it is transported to the slurry sump of the combined ash slurry disposal pump house using centrifugal slurry duty pumps and pipelines.

In case of the intermittently operating jet pump system, the jet pumps would convey the bottom ash slurry from water impounded bottom ash hoppers to the slurry sump of the combined ash slurry disposal pump house. Bottom ash hopper in this case shall be of inkpot shape to avoid placement of equipment below +0.00 m level.

### **2.7.2 Fly ash Handling System**

Pneumatic conveying system either vacuum or pressure system shall be employed for extraction of fly ash from the electrostatic precipitator hoppers in dry form. This dry ash is usually sent to buffer hoppers or to the wetting head/collector tank units. The dry ash buffer hoppers and wetting head collector tank units shall be located adjacent to ESPs. Dry ash from buffer hoppers shall be transported to maintain storage silos to be located near the plant boundary. Silo area shall be provided with fencing, office block, gate complex and passage for entry/ exit of vehicles. There shall be two numbers of ash silos. The storage capacity of each silo shall be provided for 24 hrs production of fly ash based on the performance coal analysis of unit. The user industries shall take the dry fly ash from these silos either in closed tankers or in open tankers. For wet disposal of dry ash extracted from various ESP hoppers, the same shall be diverted to wetting head/collector tank units (by passing buffer hoppers meant for handling ash in dry form).



**Table 4.7.2.2**  
**Noise Standards for Occupational Exposure**

Total Time of Exposure per day in hours (continuous or short term Exposure)	Sound Pressure level in dB(A)
8	90
6	92
4	95
3	97
2	100
3/2	102
1	105
3/4	107

*For any period of exposure falling in between any figure and the next higher or lower figure as indicated in Column (1), the permissible level is to be determined by extrapolation on a proportionate scale*

*Source: Occupational Safety and Health Administration standards (OSHA) USA*

#### 4.8 SOLID WASTE GENERATION AND IMPACT

Fly ash and bottom ash will be the main solid waste being generated from the TPP. Fly ash would be collected in dry form and stored in the silos and bottom ash will be collected in a water impounded bottom ash hopper. The ash from the bottom ash hopper would be passed through clinker grinders and the slurry would be pumped to disposal area using jet pumps.

Fly ash would be evacuated through pressurized pneumatic system. Fly ash will be disposed from the silo in dry form. Fly ash and bottom ash will be given to end users for manufacturing cement, bricks, land filling, etc.

Fly ash disposal system will also contain a provision for wet disposal to ash pond in slurry form.

Ash generation particulars from proposed project are given in **Table 4.8.1**. The details of the fly ash utilization, MoEF notification is given as **Table 4.8.2**.

**Table 4.8.1**  
**Ash generation**

S. No.	Description	Quantity TPD	Remarks
1	Fly ash	645.12	Ash pond will be provided to meet the MOEF guidelines, Efforts will be made to utilize 100% of the fly ash
2	Bottom ash	161.28	
3	Total ash	806.4	

**Table 4.8.2**  
**Fly Ash Utilization – New Coal & Lignite based TPPs**

S.No	Fly ash utilization level	Target date
1	At least 50% of fly ash generation	One year from the date of commissioning
2	At least 70% of fly ash generation	Two years from the date of commissioning
3	90% of fly ash generation	Three years from the date of commissioning
4	100% of fly ash generation	Four years from the date of commissioning

Source: MoEF Notification S.O.2804, dated 3.11.2009, as per notification fly ash means all ash generated such as ESP ash, dry fly ash, bottom ash, pond ash, and mound ash

#### 4.8.1 Solid Waste Management

To meet the MoEF guidelines of 100% fly ash utilization all necessary efforts will be made to utilize the fly ash generated. Necessary industries will be identified in and around the proposed project area for utilization of the fly ash.

#### 4.9 IMPACT ON ECOLOGY

The proposed site is located near to the Stage-1, within the NCTPS Complex. The major amount of the wastewater generated is from coolant water will be discharged in the NCTPS precooling channel outlet, and rest of the treated wastewater coming from domestic and plant services are treated and reused within plant premises for greenbelt development, make up for fire, dust suppression, etc. The discharge into the sea will be as per the marine studies report, hence the impact on marine ecology will be minimum due to the proposed project

#### 4.10 DEMOGRAPHY AND SOCIO-ECONOMICS

The impacts of the proposed power plant during operation of power plant on demography and socio economic conditions would be both positive and negative some of them are as follows.



**Table 9.4.1.1**  
**Permissible Noise Levels**

Exposure Duration/ Day	Sound Level dB(A)
8	90
6	92
4	95
3	97
2	100
1.5	102
1	105
0.5	110
0.25	115

In order to mitigate the impacts on health of workers due to long term exposure to high noise, ear plugs will be provided for workers working near high noise generating machinery. Separate cabins will be provided for workers/operators working near boilers, compressors, etc. Also thick green belt will be provided along the plant boundary and in between various facilities to isolate the noise to the working area.

## 9.5 SOLID WASTE MANAGEMENT

### 9.5.1 Fly Ash Dust Particles from Ash Silos and Ash Disposal Area

Fly ash evacuated from the ESP collecting hoppers would be transported in closed pipelines by pneumatic means. At the time of unloading fly ash to the silos, some ash laden air would get vented out. In order to restrict the fly ash dust particles to the limits of 100 mg/Nm<sup>3</sup>, a vent filter would be installed on top of each of the fly ash silos at the vents. The following pollution control measures would be installed for ash disposal:

- 100% utilization of fly ash in dry form is envisaged. Closed trucks & containers would be used for this purpose, as far as possible.
- To reduce the dust nuisance while loading the ash into the open trucks from fly ash silos, the fly ash would be conditioned with water spray.
- It is proposed to cover the ash in the open trucks with tarpaulin to prevent flying of fine ash during transportation.

Fly ash and bottom ash would be collected and stored in the silos and given to end users for manufacturing cement and bricks. TANGEDCO would put maximum efforts and ensure bottom ash utilization. 100% ash utilization will be achieved as per MoE&F new notification dated 03-11-2009 in the phased manner as follows.



**Table 9.5.1.1**  
**Year Wise Ash Generation and Utilization**

S.No	Year	Generation TPA	Utilization TPA	Ash Pond (Max) TPA	%
1	1st Year	250186	125092.8	125093	50%
2	2nd year	250186	175129.9	75056	70%
3	3rd Year	250186	225167	25019	90%
4	4th Year	250186	250185.6	0	100%
<b>Total</b>		<b>1000742</b>	<b>775575.4</b>	<b>225167</b>	

**Table 9.5.1.2**  
**Ash Pond Area Calculation**

Days in a Year	Days	8	Assuming 1.1 Ton ash requires 1 m <sup>3</sup> of land, ash dump height assumed to be 5 m.
Life time of the Plant	Years	25	
Total days Assumed	Days	200	
Ash Generated During Emergency Period	Tons	161280	
Total Ash to Pond	Tons	386447	
Area Required	Ha	7	
Area Required	Acres	17	

It is proposed to supply the entire ash to the cement industries that are presently lifting fly ash from NCTPS, since there is huge demand in Tamil Nadu for fly ash from thermal stations.

#### 9.5.2 Commercial Utilization of Ash

It is proposed to supply the entire ash to the cement industries that are presently lifting fly ash from NCTPS, since there is huge demand in Tamil Nadu for fly ash from thermal stations.

Problems of disposal of ash, both bottom ash and fly ash from the solid fossil fuel fired boilers are attracting attention of environmentalists as well as technologists all over the globe. Bottom ash which has a relatively large size, finds a ready use in construction of roads, embankments in rural areas, land filling etc. Considerable research and development work under taken during the past decades throughout the world, resulted in opening various avenues of commercial utilization of fly ash.

Fly ash is an amorphous ferro-alumina silicate compound of spherical crystalline shape with particle sizes ranging between 2 to 50 microns. Fly ash has good pozzolonic property, good flow ability and low permeability, which facilitate myriad utilization of fly ash. Ash generated from the station would have sizable quantum of inert oxides and carbonates of silica, alumina, magnesium, etc. Some of the



commercially viable uses of such fly ash are as follows:-

- a) Fill material in cement
- b) Mine fill
- c) Building blocks
- d) Light Weight aggregates
- e) Partial cement replacement
- f) Road sub base
- g) Grouting material
- h) Filler in asphalt mix for roads
- i) Partial replacement of lime aggregate in concrete work
- j) Road embankment
- k) Land filling material
- l) Recovery of minerals namely Aluminum and Iron

Review of the various application areas of fly ash reveals that some usage of ash generated in the proposed station can be explored as mentioned below:

- a) As fill materials in cement plant
- b) For construction of village roads
- c) As land fill in lower lying areas and for dyke/ bund construction. Ash would also be utilized in filling of ditches.

The Total ash generated from the power plant will be about 806.4 TPD for each unit considering worst coal having ash content of 12% in Imported Coal. The quantum of bottom ash generated and fly ash generated will be 161.28 and 645.12 TPD respectively considering calorific value of 6000 Kcal/Kg and unit heat rate of 2100 Kcal/kWh. 100% dry ash system is envisaged and fly ash will be disposed of to nearby cement plants and it is proposed to utilize the existing ash dyke of NCTPS for bottom ash disposal in case of emergency only.

Necessary ash management plan would be adopted in an environment friendly manner to contain the fugitive ash emission in the nearby areas to minimum. An extensive green belt development plan around the ash dump area would be undertaken to contain ash dust induced pollution to the neighboring areas.



**List of industries in  
the locality**

EPL,I.O.C, H.O.C.L, India Cements Ltd., NTECL,  
Container Yard etc.,

**Table 10.2.2**  
**Technical Details of the Proposed Coal Based TPP**

Equipment	Description
No. of Units	1 x 800
Boiler type	Pulverized coal fired 1 nos
Steam parameters	Pressure upto 256 kg/cm <sup>2</sup> (a), temp 568° - 595°C
Cooling water system	Natural draft cooling tower 1 nos
Electrostatic Precipitator	99.9% efficiency (8 fields + 1 stand by field)
Ash handling system	<b>Fly ash:</b> Vacuum cum pressure type/pressure cum pressure type up to silo further disposal through trucks to cement/Brick industries  <b>Bottom Ash:</b> Dry bottom ash handling system or wet system upto bottom ash slurry sump and bottom ash slurry sump ash pond by slurry pumps
Coal Consumption	2.09 MTPA at 85% PLF
Water Requirement	<b>Sea water Requirement:</b> Daily requirement: 165600 m <sup>3</sup> /day One time requirement: 4720320 m <sup>3</sup> /day <b>Sweet Requirement:</b> 9000 m <sup>3</sup> /day
Ash Generation	806.4 TPD
Total Project cost	Rs.4800 Crores
EMP Cost	Rs.480 Crores

### 10.3 BASIC REQUIREMENTS

#### 10.3.1 Land

The total land required for the proposed power plant is 190 acres. The detailed break up of the land for various activities proposed in the Thermal Power project is given as **Table 10.3.1.1**

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**ENVIRONMENTAL IMPACT ASSESSMENT REPORT SEEKING EC &  
CRZ AMENDMENT FOR**

**LAYING OF ASH SLURRY AND RECOVERY WATER PIPELINES  
FROM NCTPP STAGE III TO NCTPS ASH DYKE**

**AT**

**Villages Ennore & Puzhuvakkam, Ponneri Taluk, Tiruvallur District,  
Tamil Nadu.**

**PROJECT PROPONENT**



**Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO)**

**(A Successor entity of TNEB)**

**5<sup>th</sup> floor, Western Wing, NPKRR Maaligai,  
144, Anna Salai, Chennai - 600 002**

*Prepared By,*



**Cholamandalam MS Risk Services Limited**

An ISO 9001: 2015 Certified Organization

A QCI/NABET Accredited EIA Consultant Organization

Gee Gee Universal, 6<sup>th</sup> Floor, Mc Nichols Road,

Chetpet, Chennai - 600 031

*Certificate No. NABET/EIA/2023/SA 01/50. Valid Upto - May 29, 2023; Sector 1(d)*

**March 2023**



### **Executive Summary**

Tamil Nadu Electricity Board (TNEB) owned by the Government of Tamil Nadu, established on 1<sup>st</sup> July 1957 has remained the energy provider and distributor throughout the years. During 2008, the Tamil Nadu government agreed in principle for reorganizing TNEB through the formation of a holding company TNEB Ltd (a state-owned Public Sector) and two subsidiary companies, namely Tamil Nadu Generation and Distribution Corporation Ltd (TANGEDCO) and Tamil Nadu Transmission Corporation Ltd (TANTRANSCO).

In order to meet the power demand of Tamil Nadu, TANGEDCO proposed to set up a coal based 1 x 800 MW super critical thermal power plant, Stage III within the NCTPS complex in an area of 76.9 ha (190 acre) by using the existing infrastructure facilities viz., Cooling water channel and coal handling system at Villages Ennore & Puzhuvakkam, Ponneri Taluk, Tiruvallur District, Tamil Nadu. The Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) Clearance was accorded by MoEF&CC vide Letter No. J-13012/14/2012-IA.II(T), dated 20<sup>th</sup> January, 2016 for the development of 1x800 MW Supercritical Coal Based Thermal Power Plant Stage III at Villages Ennore & Puzhuvakkam, Taluk Ponneri, District Tiruvallur, Tamil Nadu by TANGEDCO. As part of the Stage III plant for the transfer of ash slurry from the plant (during its operation) to the existing ash dyke pond of NCTPS and carry the recovery water from the dyke to the plant, ash slurry pipelines and recovery water pipeline system were being laid which was though part of the earlier proposal's approved EC, was not highlighted particularly. Considering the technical feasibility and integrity of the existing structure, the pipeline alignment is designed in such a way that the system will be developed and installed majorly parallel to the existing pipelines of Stage I and Stage II plants rather than above them in deck structures, as per details submitted to MoEF&CC in 2015. At present about 65 % of the construction activities have been completed. During the construction/installation of the ash pipelines, applications (Original Application No.122 of 2021 (SZ) With Original Application No.162 of 2021 (SZ)) were filed in Hon'ble NGT (SZ) against the same for stopping the laying of pipelines. In this regard, as per the recommendations of the committee constituted by NGT (SZ), TANGEDCO has submitted a proposal No. IA/TN/THE/237995/2021 dated 15<sup>th</sup> November, 2021 seeking amendment in the EC and CRZ clearance of the project for inclusion of laying the ash slurry pipelines and recovery water pipeline. The EAC during their 17<sup>th</sup> Meeting of Thermal Power Project has appraised the proposal of TANGEDCO seeking amendment in the EC & CRZ Clearance granted by MoEF&CC vide Letter No. J-



13012/14/2012-4A.II(T), dated 20<sup>th</sup> January, 2016. After assessment of the proposal, the EAC had deferred the same seeking additional studies and recommendations of State and Central CRZ Division for the proposed pipelines. Hence the current proposal is for seeking amendment in the EC and CRZ Clearance granted for the inclusion of proposed Ash slurry pipeline and recovery water pipeline. The ash handling unit of the under construction NCTPP Stage III plant is designed with dry form of ash collection and the collected ash will be stored in silos. The total of ~3,608 TPD of dry ash (in worst case scenario of utilizing 100% Indian coal) will be supplied to cement / brick industries for manufacturing cement and bricks in the worst-case scenario of utilizing 100% Indian coal. An MOU has been executed with M/s. Dalmia Cements Ltd, Dalmiapuram in this regard, other vendors will also be identified via e-auction in line to existing practice of NCTPS. Additionally, the ash disposal system also has the provision to handle wet ash which will be disposed in the form of slurry to the existing ash dyke pond adjacent to NCTPS Ennore SEZ STPP. The water that will be recovered from Ash dyke will be collected, pumped, and reused for slurry making in the Stage III Plant through recovery water line.

The 100% Fly Ash collected will be utilized completely from the 4<sup>th</sup> year of operation of the NCTPS Stage 3 Plant and it will be achieved in a phased manner as detailed below:

S.No	Fly ash utilization level	Target date
1	At least 50% of fly ash collected	One year from the date of commissioning
2	At least 70% of fly ash collected	Two years from the date of commissioning
3	90% of fly ash collected	Three years from the date of commissioning
4	100% of fly ash collected	Four years from the date of commissioning

Bottom and Fly ash will be handled over to vendors, who will be identified inline to the disposal process of other NCTPS Plants via e-auction. Even after fourth year of operation, when contingency situation arises (such as Truck strikes, non-lifting of ash by off takers, etc.), the ash slurry has to be disposed of to the Dyke, for which laying of the pipelines are necessary

The ash slurry pipelines will be laid from the NCTPP Stage III to NCTPS Ash Dyke and vice-versa for the recovery water pipeline.

- ❖ The proposed ash slurry Pipelines originates from the NCTPP Stage-III, travels along the compound wall of Stage-III plant and
- ❖ Enter into NCTPS Stage-I travelling alongside the Stage-I compound wall and
- ❖ Enters the NCTPS Stage-II plant adjacent to the main gate of Stage-II plant.



## 1 INTRODUCTION

### 1.1 Overview of the Project

In order to balance the power demand of Tamil Nadu, TANGEDCO has proposed to set up a coal based 1 x 800 MW super critical thermal power plant, Stage III within the NCTPS complex in an area of 76.9 ha (190 acre) by using the existing infrastructure facilities viz., Cooling water channel and coal handling system at Villages Ennore & Puzhuvakkam, Ponneri Taluk, Tiruvallur District, Tamil Nadu.

The Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) Clearance was accorded by MoEF&CC vide Letter No. J-13012/14/2012-IA.II(T), dated 20<sup>th</sup> January, 2016 (**Annexure 1**) for the development of 1x800 MW Supercritical Coal Based Thermal Power Plant Stage III at Villages Ennore & Puzhuvakkam, Taluk Ponneri, District Tiruvallur, Tamil Nadu by TANGEDCO.

As part of the Stage III plant for the transfer of ash slurry from the plant (during its operation) to the existing ash dyke pond of NCTPS and carry the recovery water from the dyke to the plant, ash slurry pipelines and recovery water pipeline system were being laid which was though part of the earlier proposal approved EC was not highlighted particularly. Hence, during the construction/installation of the ash pipelines, applications (Original Application No.122 of 2021 (SZ) With Original Application No.162 of 2021 (SZ)) were filed in Hon'ble NGT (SZ) against the same for stopping the laying of ash slurry pipelines. In this regard, as per the recommendations of the committee constituted by NGT (SZ), TANGEDCO has submitted a proposal No. 1A/TN/THE/237995/2021 dated 15<sup>th</sup> November, 2021 seeking amendment in the EC and CRZ clearance of the project for inclusion of laying the ash slurry pipelines and recovery water pipeline.

The EAC during their 17<sup>th</sup> Meeting of Thermal Power Project has appraised the proposal of TANGEDCO seeking amendment in the EC & CRZ Clearance granted by MoEF&CC vide Letter No. J-13012/14/2012-IA.II(T), dated 20<sup>th</sup> January, 2016. After assessment of the proposal, the EAC had deferred the same seeking additional studies and recommendations of State and Central CRZ Division for the proposed pipelines.

The Details sought by MoEF&CC are as follows,

- i. Recommendations of the SCZMA and CRZ division in the Ministry.



- ii. Impact Assessment plan and mitigation measures shall be prepared for all along the route for laying ash pipeline shall be submitted.
- iii. Impact Assessment report on Mangrove forests and plan to conserve Mangrove forest shall be submitted.
- iv. Complete plan and time line to install FGD's for all of Stages of NCTPS shall be submitted.
- v. Ash generation and its utilization status in last 5 years of Stage-I and Stage-II along with its utilization plan for next five years shall be submitted.
- vi. Implementation status of findings of NGT order shall be submitted.
- vii. Certified compliance report from Ministry's Regional office of previous ECs of Stage-I and Stage -II.
- viii. Disaster management plan especially in terms of leakage of ash slurry pipelined.
- ix. Necessary local permission for laying as slurry pipeline need to be obtained and shall be submitted.
- x. Quality of waste water dumping into the water and impact on pisciculture in river stream need to assess and its mitigation measure shall be submitted.

Hence, the current proposal is for seeking amendment in the EC and CRZ Clearance granted to 1 x 800 MW super critical thermal power plant, NCTPP Stage III for inclusion of the Ash Slurry Pipelines and recovery water pipeline.

### 1.2 About the Project Proponent

Tamil Nadu Electricity Board (TNEB) owned by the Government of Tamil Nadu, established on 1<sup>st</sup> July 1957 has remained the energy provider and distributor throughout the years. Later, the government has extended the electrical network throughout the state. During 2008, the Tamil Nadu government agreed in principle for reorganizing TNEB through the formation of a holding company TNEB Ltd (a state-owned Public Sector) and two subsidiary companies, namely Tamil Nadu Generation and Distribution Corporation Ltd (TANGEDCO) and Tamil Nadu Transmission Corporation Ltd (TANTRANSCO).

### 1.3 About the Proposed Project

Tamil Nadu Generation and Distribution Corporation (TANGEDCO) is developing 1 x 800 MW super critical thermal power plant, NCTPP Stage III with installation of an Ash slurry



Pipelines and recovery water pipeline system from the NCTPP Stage III plant to the existing ash dyke pond of TANGEDCO located at ~4.5 km away. The ash handling unit of the under construction NCTPP Stage III plant is designed with dry form of ash collection and the collected ash will be stored in silos (3 Nos - 2 Nos for fly ash of capacity 2520 MT each and 1 No for Bottom Ash of capacity 1800 MT) at distance of ~25m located towards south east direction of Ash slurry pump and sump house. The total of ~3,608 TPD of dry ash (in worst case scenario of utilizing 100% Indian coal) will be supplied to cement / brick industries for manufacturing cement and bricks in the worst-case scenario of utilizing 100% Indian coal. An MOU has been executed with M/s. Dalmia Cements Ltd, Dalmiapuram in this regard (**Annexure 2**). Additionally, the ash disposal system also has the provision to handle wet ash which will be disposed in the form of slurry to the existing ash dyke pond adjacent to NCTPS Ennore SEZ STPP. The water that will be recovered from Ash pond will be collected, pumped, and reused for slurry making in the Stage III Plant through recovery water line. The ash slurry pipelines will be laid from the NCTPP Stage III to NCTPS Ash Dyke and vice-versa for the recovery water pipeline.

As discussed earlier, the current proposal is to obtain amendment in the Environmental and CRZ Clearance of NCTPP Stage III for the inclusion of proposed ash slurry pipelines and recovery water pipeline. While executing the Ash slurry pipeline work, a case was filed in Hon'ble NGT(SZ) by an applicant and after hearing, Hon'ble NGT(SZ) has directed TANGEDCO to obtain necessary amendment in EC&CRZ clearance for laying the ash slurry and recovery water pipeline in the CRZ area to recommence the work in CRZ area. About 65% of the construction works for the pipelines had been completed at the time of NGT Judgement. As per the direction of the Hon'ble NGT and MoEF&CC the construction works are stopped and will continue after obtaining necessary regulatory clearances. Also, in compliance to NGT directions, TANGEDCO has deposited INR. 50 lakhs towards Environmental Compensation via online to the TNPCB account.[vide UTR No.IOBAN22087324859 dt.28.3.22] and INR. 25,000/- to the petitioner.

#### **1.4 Need for the Project**

The proposed ash slurry pipelines are to be laid from the under construction 1 x 800 MW NCTPP Stage III supercritical powerplant to the existing ash dyke pond of NCTPS is being developed as a contingency plan from 5<sup>th</sup> year of plant operation.





of the proposed project. Detailed assessment of the construction phase and operation phase for various environmental components are discussed quantitatively and qualitatively with the assistance of scientific tools and references. Suitable mitigation procedures have been recommended based on the nature and magnitude of impact predicted.

The impacts due to proposed plant on the environment are classified into two phases and possible impacts are assessed.

- During Construction phase
- During Operation phase

#### 4.1 Impact on Land Environment

##### 4.1.1 Construction phase - Land Environment

- The proposed project site and alignment of the Pipelines route majorly falls in TANGEDCO owned land. The total land area required for laying of the Pipelines is 32.189 acres.
- For the utilization of 7.12 Acres of KPL land and NOC has been obtained further for the 0.269 acres of area of land in water bodies i.e the ash slurry pipe lines crossing water bodies such as Kosasthalaiyar river and Buckingham canal, for which necessary permission (Right of way) from the State Public Works Department (PWD) has been obtained. All other lands to the extent of 24.80 acres belong to TANGEDCO. Hence, no other land conversion is envisaged. The ash pond for disposal of ash slurry also belong to TANGEDCO.
- Land requirement for the pipe laying activities, construction machinery and support facilities which are temporary in nature and will be cleared at the end of construction period. The permanent footprint will be only in the foundation area of 2,550 Sq.m. (0.63 Acres), where a total of 2638 nos. of pillars will be required for the pipelines conveyance of 6.8 Km.

##### 4.1.2 Operation Phase - Land Environment

The operation phase impacts of Pipelines system development w.r.t the land environment are as follows,



- The major activity/purpose of the proposed Pipelines is to transfer the ash generated from the Stage III plant in slurry form, to the designated ash dyke pond of NCTPS. This ash dyke pond covers an area of ~ 133 Hectares (328 Acres), which is a permanent loss of land area footprint. However, this ash dyke falls within the NCTPS land area and is currently being used by other power plants of NCTPS i.e Stage I & II for disposing the ash in the form of slurry, approves as part of the earlier NCTPS developments. Hence this will not increase any more project footprint w.r.t. the ash disposal area.

#### Mitigations measure:

1. It will be ensured that the boundary of the ash dyke ponds are well maintained and periodical inspection of bunds shall be undertaken to ensure the slurry does not overflow or enter into adjacent areas.
2. The footprint of the Pipelines will be minimized by laying them on tie beams, pillars and footings.
3. During and post construction period, the maintenance and repair activities will be undertaken in periodical and phased manners to avoid improper land maintenance and utilization.
4. The design of the Pipelines conveyance system is designed with minimal footprint area against the conventional bottom laying or submerged/buried pipelines and use of precast structures.

#### 4.2 Impact on Air Environment

The primary source of air quality impact arising from the construction of the proposed project is from dust generation. The dust is measurable as Total Suspended Particulate Matter and Respirable Suspended Particulates, which a by-product of any construction activity. The construction activities of the projects shall begin after obtaining applicable statutory clearances.

The primary dust sources associated with construction activities are loading and unloading of the construction materials, top soil removal, vehicle movement over unpaved roads and wind erosion etc. The construction activities related to the proposed project are given below.

- Site development, levelling and foundation work.
- Dust generation due to vehicles movement
- Unloading of raw materials, removal of unwanted waste material from site

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**Additional Impact Assessment & Revised EMP**  
for  
**Change of Coal - NCTPP 1X800 MW (Stage III) at NCTPS  
Complex, Villages Ennur & Puzhuvakkam Taluk Ponneri,  
Tiruvallur District, Tamil Nadu by TANGEDCO**

EC Issued Date: 20<sup>th</sup> January, 2016  
File No. J-13012/14/2012-IA. II (T)



**Project Proponent**



**Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO)**  
144, Annasalai, Chennai 600002, Tamil Nadu, India

**Consultant**

**Re Sustainability Solutions Private Limited**  
118, Level 11, Galaxy by Aurubindo, Hitech City Rd, Gachibowli, Hyderabad, Telangana 500081  
NABET Certificate No: NABET/EIA/2325/RA 0276

Submission Month: May-2024



from the flue gases. One of the significant advantages of dry FGD systems is their lower water usage. Unlike wet FGD systems that require a substantial amount of water for the sorbent reaction, dry FGD systems operate without the need for a liquid sorbent, significantly reducing water consumption. This not only conserves water resources but also eliminates the need for wastewater treatment and disposal, making dry FGD environmentally friendly. Additionally, dry FGD systems offer reduced waste generation. Wet FGD systems produce a wet slurry as a byproduct, which requires proper handling and disposal. In contrast, dry FGD systems generate dry solid byproducts, reducing the amount of waste and simplifying disposal procedures.

#### e) Oxides of nitrogen

The NO<sub>x</sub> emissions would be checked for ground level concentrations as per Indian emission standards i.e. 100 mg/Nm<sup>3</sup>. In order to reduce the NO<sub>x</sub> emissions, Low NO<sub>x</sub> burner will be provided. FGD also provided which is also capable to control the NO<sub>x</sub> emission. SCR is also in proposal and will be installed in future as per requirement.

Table 4.9: Thermal power plants with wet flue gas desulphurization (FGD)– stack heights

Generation Capacity	Stack Height (meters)
100MW and above	$H=6.902(QX0.277)^{0.555}$ or 100 m minimum
Less than 100MW	$H=6.902(QX0.277)^{0.555}$ or 30 m whichever is the more

Q=Emission rate of SO<sub>2</sub> in Kg/hr\*, H=Physical stack height in meter  
 \*total of all connected to stack  
 Source: MoEF&CC Notification: GSR 593€ date 28-07-2018

#### f) Control measures – coal handling area

The coal dust is generated generally at the conveyor transfer points, coal unloading area and coal stockpile area. To mitigate the dust generation, coal transfer points and coal stockyard would be provided with dust suppression/ dust extraction facilities. In order to arrest the coal dust generation, all conveyors would be provided with enclosed galleries. The bottom portion of all the conveyor galleries would be provided with seal plates within the power plant area and at road crossings.

Dust collection system is also provided in coal bunkers to evacuate dust and hazardous gases like methane from the coal bunkers. Collected dust would be returned to either the associated belt conveyor or to the coal bunker. The dust collector outlet emission would be restricted to 5mg/Nm<sup>3</sup>.

#### g) Control measures – ash handling area

To control fly ash generation at ash handling areas, fly ash evacuation from the ESP collecting hoppers would be done in closed pipelines by pneumatic means. At the time of unloading fly ash to the silos, some ash laden air would get vented out. In order to restrict the fly ash dust





of each of the fly ash silos at the vents. The following pollution control measures would be installed for ash disposal.

100% utilization of fly ash in dry form is envisaged. Closed trucks & containers would be used for this purpose, as far as possible to reduce the dust nuisance while loading the ash into the open trucks from fly ash silos, the fly ash would be conditioned with water spray. It is proposed to cover the ash in the open trucks with tarpaulin to prevent flying of fine ash during transportation.

#### Ash Utilization plan

Fly ash and bottom ash would be collected and stored in the silos and given to end users for manufacturing cement and bricks. TANGEDCO would put maximum efforts and ensure bottom ash utilization. 100% ash utilization will be achieved as per MoEF&CC new notification dated 03-11-2009. There will be increase in the quantity of bottom ash as well as fly ash generation due to change in the use type and quantity of Coal which will be managed through pre planned measures.

#### 4.3 Solid & Hazardous Waste management

Fly ash and bottom ash will be the main solid waste being generated from the TPP. The ash handling system envisages dry extraction and disposal of bottom ash and fly ash. Provision shall be kept to extract entire bottom ash in wet form for disposal in ash dyke as an emergency measure. Quantity of fly ash as well as bottom ash is given in following Table 2.4.

Table 2.4: Ash quantity

S. no.	Type of coal	Coal quantity (TPH)	% of Ash content	Total Ash Quantity (TPH)	Total Fly Ash Quantity (TPH)	Total Bottom Ash Quantity (TPH)	Remark
1	Imported Coal	280	12	33.6	23.5	10.08	Ash content is increased due to change in fuel mix
2	Mixed Coal (Imported 50%, Indian 50%)	361	25.5	92.06	64.44	27.62	

##### 4.3.1 Fly ash Handling System

Pneumatic conveying system either vacuum or pressure system shall be employed for extraction of fly ash from the ESP hoppers in dry form. This dry ash is usually sent to buffer hoppers or to the wetting head/ collector tank units. The dry ash buffer hoppers and wetting head collector tank units shall be located adjacent to ESPs. Dry ash from buffer hoppers shall be transported to maintain storage silos to be located near the plant boundary. Silo area shall be provided with fencing, office block, gate complex and passage for entry/ exit of vehicles. There shall be three numbers of ash silos. The storage capacity of



for 24 hrs production of fly ash based on the performance coal analysis of unit. The user industries shall take the dry fly ash from these silos either in closed tankers or in open tankers. For wet disposal of dry ash extracted from various ESP hoppers, the same shall be diverted to wetting head/collector tank units (by passing buffer hoppers meant for handling ash in dry form). To meet the MoEF&CC guidelines of 100% fly ash utilization all necessary efforts will be made to utilize the fly ash generated. Necessary industries will be identified in and around the proposed project area for utilization of the fly ash.

#### **4.3.2 Bottom Ash Handling System**

Dry type bottom ash hoppers shall be used in case of the submerged scraper chain conveyor system. In case of emergency conditions bottom ash extraction system involving submerged scraper chain conveyors, the bottom ash is led to an adjacent bottom ash slurry transportation pump house, from where it is transported to the existing ash dyke of NCTPS.



## 5.1 ENVIRONMENTAL MANAGEMENT PLAN

The industrial development needs to be intertwined with utilization of natural resources within the limits of permissible assimilative capacity. The Environmental Management Plan (EMP) is required to ensure sustainable development in the area of the proposed Power Plant site. Hence, it needs proper EMP to meet these objectives.

The management action plan aims at controlling pollution at the source level to maximum possible extent with the available and affordable technology followed by treatment measures before they are discharged. It encompasses the mitigation measures that are proposed in order to synchronize the economic development of the study area with the environmental protection of the region.

The following mitigation measures and management plan are proposed based on the change in use of coal from 100% imported coal to use of Indian coal and Imported coal in equal proportion. The previous section already discussed about the components will be impacted due to change in use of coal i.e. impact on the Air quality and Ground Level Concentration (GLC) as well as increase in the generation of Ash content.

Revised EMP has been prepared as a supplementary management plan in addition to other management plan proposed in the previous EIA/EMP prepared for securing Environmental Clearance for proposed 1X800 MW (Stage III) at NCTPS Complex Villages Ennore & Puzhuvakkam by TANGEDCO.

## 5.2 ENVIRONMENTAL MANAGEMENT DURING CONSTRUCTION

The impact during construction phase has been already addressed in the EIA report for the project during EC considering each relevant environmental component. As part of additional impact assessment and revised EMP; Air Quality Impacts Mitigation and Management Plan and Solid & Hazardous Waste management plan have been addressed considering the proposed change in the configuration of coal use.

### 5.2.1 Air Quality Mitigation Measures

To accommodate the increased quantity of coal, an area of 8.09 Ha area has been identified which is readily available within the total plan premises.

Most of the construction dust will be generated from the movement of construction vehicles on unpaved roads. Unloading and removal of soil material shall also act as a potential source for dust nuisance. The control measures proposed to be taken up are given below.

Regular water sprinkling on main haul roads in the project area will be carried out at least twice a day, if need arises frequency will be increased on windy days. In this way around 50% reduction on the dust contribution from the exposed surface will be achieved.



1. The duration of stockpiling will be as short as possible as most of the material will be used as backfill material for the open cut trenches for road development.
2. Temporary tin sheets of sufficient height (3 m) will be erected around the site of dust generation or all around the project site as barrier for dust.
3. Tree plantations around the project boundary will be initiated at the early stages by plantation of 2 to 3 years old saplings using drip irrigation so that the area will be moist for most part of the day.
4. All the vehicles carrying raw materials will be covered with tarpaulin/ plastic sheet, unloading and loading activity will be stopped during windy period.
5. To reduce the dust movement from civil construction site to the neighbourhood the external part of the building will be covered by plastic sheets.

Given the implementation of proper control measures for dust suppression, no adverse impacts are expected and compliance with the Ambient Air Quality is achieved at ASR's (Air pollution Sensitive Receivers) at all time.

#### 5.2.2 Solid Waste Mitigation Measures

Construction and demolition waste does not create chemical or biochemical pollution. Hence maximum effort would be made to reuse and recycle them. The most of the solid waste material can be used for filling/ levelling of low-lying areas. All attempts will be made to stick to the following measures.

1. All the construction waste shall be stored within the site itself. A proper screen will be provided so that the waste does not get scattered.
2. Attempts will be made to keep the waste segregated into different heaps as far as possible so that their further gradation and reuse is facilitated.
3. Materials, which can be reused for purpose of construction, levelling, making roads/ pavement will also be kept in separate heaps from those which are to be sold or land filled.
4. The local body or a private company will be arranged to provide appropriate number of skip containers/ trolleys on hire.

The use of the construction material basically depends on their separation and conditions of the separated material. A majority of these materials are durable and therefore, have a high potential for reuse. It would, however, be desirable to have quality standards for the recycled materials. Construction waste can be used in the following manner.

1. Reuse of bricks, tiles, stone slabs, timber, piping railings etc. to the extent possible and depending upon their conditions.
2. Sale/ auction of materials which cannot be used at the site due to design constraint.
3. Plastics, broken glass, scrap metal etc. can be sent for recycling in the industries.
4. Rubble/ brick bats can be used for building activity, such as levelling, under coat of



- lanes where the traffic does not constitute heavy moving loads.
5. Larger unusable pieces can be sent for filling up low laying areas.
6. Fine material such as sand, dust, etc. can be used as cover material.
7. The unearthed soil can be used for levelling as well as for lawn development.
8. The broken pieces of the flooring material can be used for levelling in the building or can be given to authorized waste management agency.
9. The unused or remaining paints/ varnishes/ wood can either be reused or can be authorized waste management agency to authorized waste management agency.

### 5.3 ENVIRONMENTAL MANAGEMENT DURING OPERATION

All the environmental components have been addressed in the existing EIA/EMP prepared for the project to secured the Environmental Clearance comprising Air Pollution Management, Water & Waste Water management, Noise pollution management, Solid & Hazardous waste management including Ash management system, Greenbelt Development Plan, Drainage management plan and Rain water harvesting plan, Risk assessment and Disaster Management Plan as well as community development plan (Corporate Environmental Responsibility).

As the present proposal is only for seeking amendment in EC for changing in the use of Coal from 100% Imported coal to use of Indian as well as Imported coal in the equal proportion (50%:50%). The change in coal use may impact on the two main components during operation phase of the project i.e. change in the Air quality and Ground Level Concentration (GLC) as well as increase in the Ash generation. Both the issues are addressed in the following section.

#### 5.3.1 Air Quality Management

##### a) Reduction of emissions at source

The following elements which are generated from the Thermal Power Plant which cause air pollution are as follows:

- Dust particulates in flue gas from Chimney
- Nitrogen oxide in flue gas
- Sulphur-di-oxide in the flue gas
- Coal dust particles due to handling of coal
- Fly ash dust particles from ash silos and ash disposal area

The increased GLC due to change in the coal configuration will be within the emission norms as well as NAAQS. Whereas following methods of abatement will be employed for the air pollution control.

- To control & limit Particulate matter to 30 mg/Nm<sup>3</sup> in the flue gas, highly efficient (99.98%) ESPs are proposed.
- Dry FGD is proposed to limit the SO<sub>2</sub> emissions to less than 100 mg/Nm<sup>3</sup>
- Chimney of 275 m height will be provided for proper dispersion of sulphur dioxide and oxides of nitrogen.



- To reduce NO<sub>x</sub> emission to less than 100 mg/Nm<sup>3</sup>, Low NO<sub>x</sub> burner will be provided. The NO<sub>x</sub> emissions would be checked for Ground Level Concentrations (GLC's) as per Indian Emission Regulations.
- Coal dust would be generated generally at the conveyor transfer points, coal unloading area and coal stock pile area. Hence, coal transfer points and coal stock yard would be provided with dust suppression/dust extraction facilities. Further, in order to arrest the coal dust generation, all conveyors would be provided with enclosed galleries. The bottom portion of all the conveyor galleries would be provided with seal plates within the power plant area and at road crossings.
- Dust collection system would also be provided in coal bunkers to evacuate dust and hazardous gases like Methane from the coal bunkers. Collected dust would be returned to either the associated belt conveyor or to the coal bunker. The dust collector outlet emission would be restricted to 150 mg/Nm<sup>3</sup>.
- Regular water sprinkling will be carried in coal storage yard to suppress the coal dust.
- Internal roads will be concreted/ asphalted to reduce fugitive emissions.
- 100% fly ash utilization will be carried as MoEF&CC guidelines.
- 100% dry fly ash will be collected in dry form in silos and will be given to the industrial use like in Cement industries.
- Regular Air Quality monitoring will be done as per Monitoring plan.
- 33% of total plant area will be developed under Greenbelt.

#### **b) Pollution Monitoring and Surveillance Systems**

The emission and gas monitoring systems proposed for this project consist of the following:

##### **i) Flue Gas O<sub>2</sub> and CO Monitoring**

These would be measured at the economizer outlet. In addition, O<sub>2</sub> would be monitored at the air pre heater outlet. For this purpose, CO and O<sub>2</sub> monitor probes and analyzers would be installed separately.

##### **ii) Stack Emissions**

Flue gas exiting into the atmosphere would be monitored for CO<sub>2</sub>, NO<sub>x</sub>, SO<sub>2</sub> and Opacity. Stack emission readings would be sent to the DCS for monitoring. For this purpose, probes, associated gas analyzers and support equipment, sample lines and Opacity sensor/transmitters would be installed. The opacity sensors would be equipped with a blower to protect the optics from coating by flue gas particles.

The system operation would be continuous. Stack gas analysis for SO<sub>2</sub>, CO<sub>2</sub>, and NO<sub>x</sub> would be performed by extracting a gas sample from the following stream in the stack, filtering to remove particulate droplets, diluting with scrubbed instrument air and conveying the sample to the analyzers. One sampling system per unit would be provided.

The Laboratory attached to the Power Plant will be equipped with the necessary instruments for carrying out air quality monitoring. It is also proposed to monitor the particulate emission



at the stack to keep a continuous check on the performance of the ESP. Adequate sampling openings will be provided in the stack.

Air Monitoring Stations (AMS) would be set up to monitor the air quality in the neighboring villages. The parameters to be monitored are suspended Particulate Matter (SPM), Respirable Particulate Matter (PM<sub>10</sub> & PM<sub>2.5</sub>), Sulphur dioxide (SO<sub>2</sub>), Nitrogen Oxide (NO<sub>x</sub>), Carbon Monoxide (CO) and Hydro Carbons (HC). The air quality monitoring would be carried out continuously.

### iii) Meteorological Observations

The dry bulb temperature, wet bulb temperature, wind speed, wind direction, cloud cover, rainfall and solar radiation will be recorded daily.

### 5.3.2 Solid Waste Management

#### Fly Ash Dust Particles from Ash Silos and Ash Disposal Area

Fly ash evacuated from the ESP collecting hoppers would be transported in closed pipelines by pneumatic means. At the time of unloading fly ash to the silos, some ash laden air would get vented out. In order to restrict the fly ash dust particles to the limits of 100 mg/Nm<sup>3</sup>, a vent filter would be installed on top of each of the fly ash silos at the vents. The following pollution control measures would be installed for ash disposal:

- 100% utilization of fly ash in dry form is envisaged. Closed trucks & containers would be used for this purpose, as far as possible.
- To reduce the dust nuisance while loading the ash into the open trucks from fly ash silos, the fly ash would be conditioned with water spray.
- It is proposed to cover the ash in the open trucks with tarpaulin to prevent flying of fine ash during transportation.

Fly ash and bottom ash would be collected and stored in the silos and given to end users for manufacturing cement and bricks. TANGEDCO would put maximum efforts and ensure bottom ash utilization. 100% ash utilization will be achieved as per MoEF&CC notification dated 03-11-2009. Comparison table for utilization of 100% Ash in both the combination of use of Coal is given below in Table 5.1 & 5.2. Ash pond area calculation is given in Table 5.3.

Table 5.1: Year Wise Ash Generation and Utilization (as per 100% Imported coal)

S. no	Year	Generation TPA	Utilization TPA	Ash Pond (Max) TPA	%
1	1 <sup>st</sup> Year	250186	125092.8	125093	50%
2	2 <sup>nd</sup> year	250186	175129.9	75056	70%
3	3 <sup>rd</sup> Year	250186	225167	25019	90%
4	4 <sup>th</sup> Year	250186	250185.6	0	100%
<b>Total</b>		<b>1000742</b>	<b>775575.4</b>	<b>225167</b>	



**Table 5.2: Year Wise Ash Generation and Utilization (as per 50%:50% Coal proportion)**

S. No	Year	Generation TPA	Utilization TPA	Ash Pond (Max) TPA	%
1	1 <sup>st</sup> Year	685422	342711	342711	50%
2	2 <sup>nd</sup> year	685422	479795.4	205626.6	70%
3	3 <sup>rd</sup> Year	685422	616879.8	68542.2	90%
4	4 <sup>th</sup> Year	685422	685422	0	100%
<b>Total</b>		<b>2741688</b>	<b>2124808.2</b>	<b>616879.8</b>	-

Considering 220 days/year operation

**Table 5.3: Ash Pond Area Calculation**

Particular	Unit	Indian Coal 50%:		Remark
		100% Imported Coal	Imported Coal 50%	
Days in a Year	Days	8	8	Assuming 1.1 Ton ash requires 1 m <sup>3</sup> of land, ash dump height assumed to be 5 m.
Life time of the Plant	Years	25	25	
Total days Assumed	Days	200	200	
Ash Generated During Emergency Period	Tons	161280	441864	
Total Ash to Pond	Tons	386447	1058739	
Area Required	Ha	7	19.25	
Area Required	Acres	17	48	

It is proposed to supply the entire ash to the cement industries that are presently lifting fly ash from NCTPS, since there is huge demand in Tami Nadu for fly ash from thermal stations.

#### Commercial Utilization of Ash

It is proposed to supply the entire ash to the cement industries that are presently lifting fly ash from NCTPS, since there is huge demand in Tami Nadu for fly ash from thermal stations. Problems of disposal of ash, both bottom ash and fly ash from the solid fossil fuel fired boilers are attracting attention of environmentalists as well as technologists all over the globe. Bottom ash which has a relatively large size, finds a ready use in construction of roads, embankments in rural areas, land filling etc. Considerable research and development work under taken during the past decades throughout the world, resulted in opening various avenues of commercial utilization of fly ash.

Fly ash is an amorphous ferro-alumina silicate compound of spherical crystalline shape with particle sizes ranging between 2 to 50 microns. Fly ash has good pozzolonic property, good flow ability and low permeability, which facilitate myriad utilization of fly ash. Ash generated from the station would have sizable quantum of inert oxides and carbonates of silica, alumina, magnesium, etc. Some of the commercially viable uses of such fly ash are as follows:

- a) Fill material in cement



- b) Mine fill
- c) Building blocks
- d) Light Weight aggregates
- e) Partial cement replacement
- f) Road sub base
- g) Grouting material
- h) Filler in asphalt mix for roads
- i) Partial replacement of lime aggregate in concrete work
- j) Road embankment
- k) Land filling material
- l) Recovery of minerals namely Aluminum and Iron

Review of the various application areas of fly ash reveals that some usage of ash generated in the proposed station can be explored as mentioned below:

- a) As fill materials in cement plant.
- b) For construction of village roads.
- c) As land fill in lower lying areas and for dyke/ bund construction.

100% dry ash system is envisaged and fly ash will be disposed-off to the nearby cement plants and it is proposed to utilize the existing ash dyke of NCTPS for bottom ash disposal in case of emergency only.

Necessary ash management plan would be adopted in an environment friendly manner to contain the fugitive ash emission in the nearby areas to minimum. An extensive green belt development plan around the ash dump area would be undertaken to contain ash dust induced pollution to the neighboring areas.

### 5.3.3 Risk management Plan

- Adequate number of fire detectors and toxic gas detectors will be put in place for early warning at all potential locations where accidents can occur, with the provision for alarms.
- A coal dust explosion may occur if the coal dust is present in the concentration between Upper Explosive Limit & Lower Explosive Limits i.e., 30-2000 gm/m<sup>3</sup> of air and also a source of ignition like sparks caused by friction or static electricity. However, measures are adopted to prevent the chances of explosion in the design state itself. To prevent the accumulation of the same, dust suppression and dust extraction systems are proposing at strategic locations.
- For protection against fire, all yard equipment and plant equipment will be protected by a combination of hydrant system; automatic sprinkler spray system (emulsifier system); fixed foam system for oil handling areas; automatic high velocity and medium velocity sprinkler spray system; auto-modular inert gas based system for control rooms apart from

## NCTPP Stage-Ib- Trial Operation- Coal and Ash Details

Sl.No	Coal Consumption (From the date of Trial Production started) in MT	Quantity of Ash Generated		Quantity of Ash Disposed		Mode of Disposal		Other Waste Generated if Any & its Mode of Disposal
		Fly Ash (MT)	Bottom Ash (MT)	Fly Ash (MT)	Bottom Ash (MT)	Fly Ash (MT)	Bottom Ash (MT)	
1	16,08,467.13	195199.31	59867.64	194887.34	50097.46	Disposed by selling Fly Ash and transported by road through Closed Bulkers	Disposed by selling Bottom Ash - Dry Bottom ash transported by road through covered lorries	1. Clinkers and Mill reject Stored in separate place for resale. 2. Reject Water from BO DM Plant is let into see through NCTPS pre Cooling Channel. Other water Wastes neutralized in neutralization pit and disposed. 3. Temporary septic tanks are provided for sewage and digested with bio-enzymes.

1 Date of Trial Operation Started	17.03.2024
2 Ash utilization Percentage	98.70%

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ASH LIFTED DETAILS - 100 to MT

MONTH	COAL CONSUMPTION			Ash Generation		Total Ash Generation	Fly Ash Used	Bottom Ash Used	Bottom ash waste/ choker	Total Bottom ash & Chokers Used	Total Ash Lifted	% of Ash Utilization	MS Subject
	INDIAN	IMPORTED	Total	Fly Ash	Bottom Ash								
	A	B	C										
Mar-24	20894.435	801.581	21496.046	8210	999	9240	7886	740	740	8620	93.4		
Apr-24	4830.915	18372.829	14493.085	3800	1310	3350	3880.22	1819.74		1819.74	2899.88	86.5	
May-24	4738.545	36007.855	40746.4	3748.81	1300	5048.81	3259.22	3023.38		3023.38	4271.38	84.6	
Jun-24	0	118085.304	118085.184	5253.79	960	6255.79	4804.24	406.48		406.48	5214.82	84.7	
Jul-24	0	108847.841	108847.841	4852.34	940.35	5792.69	4395.94	642.84		642.84	8037.88	87.0	
Aug-24	0	234715.432	234715.432	9425.27	1400	10825.27	5222.24	941.84		941.84	9763.88	90.2	
Sep-24	0	39577.771	39577.771	1465.26	1000	2465.26	2240.94	999.78		999.78	1840.72	74.7	
Oct-24	0.00	0.00	0.00			0	0.00	0.00		0	0	0.0	
Nov-24	0.00	0.00	0.00			0	0.00	0.00		0	0	0.0	
Dec-24	0.00	211.00	211.00	30.00	28.00	58	0.00	0.00		0	0	0.0	
Jan-25	48204.63	37086.20	85210.72	14625.85	4144.61	18670.160	12031.11	4748.32	32.76	4780.88	38810.18	186.1	102.42
Feb-25	0.00	0.00	0.00	0.00	0.00	0	139.80	0.00	0.00	0	139.80	0.0	0.00
Mar-25	66223.85	17657.80	83880.85	14468.25	4180.40	18628.65	14070.84	4206.90	82.94	4289.84	18279.18	97.8	26.94
Apr-25	180210.00	60994.00	223827.00	33236.21	9688.19	43024.403	33981.348	9694.980	29.08	9724.86	43226.1	180.7	218.96
May-25	41892.30	23767.08	65659.08	9706.91	3879.82	13586.73	18770.700	2985.990	85.18	3076.17	13849.87	111.8	128.40
June-25	141735.30	115535.96	257271.66	41517.86	11337.98	52855.84	41263.228	11894.814	1271.25	12126.164	53999.384	101.4	381.43
Jul-25	111824.08	55183.00	167007.08	26419.76	9284.02	35703.78	26096.448	7155.260	2684.62	8839.87	36506.75	121.3	343.21
Aug-25	28130.80	29881.80	48012.60	7152.75	3865.47	10218.22	7488.968	2801.748	663.84	3415.62	10804.88	106.7	96.20
Sep-25	0.00	0.00	0.00	0.00	0.00	0	0.00	0.00	0.00	0	0	0.0	0.00
Oct-25	8281.08	37296.00	18017.80	13126.94	3325.29	16452.23	13222.670	2586.280	677.82	3273.3	16489.97	99.2	233.67
<b>Total Qty In MT</b>	<b>6,88,309.48</b>	<b>8,19,187.65</b>	<b>16,08,467.13</b>	<b>1,96,199.32</b>	<b>55,867.64</b>	<b>2,51,066.84</b>	<b>1,94,687.34</b>	<b>50,867.46</b>	<b>5,445.08</b>	<b>55542.54</b>	<b>2,60,220.88</b>	<b>89.7</b>	<b>1,492</b>

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ANNEXURE - J

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13/03/1995 (A.M.T.)

TO :  
Telephone : PANDYAVARAN,  
NEW DELHI  
FAX : 4300470  
Telenote :  
डिजिटल (डिजिटल) ;  
Telex : (bi-lingual) : W-56135 ODE IN  
FAX : 4300470

भारत सरकार  
सर्वोच्च एवं जन स्वास्थ्य  
GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT & FORESTS  
सर्वोच्च एवं जन स्वास्थ्य  
PANDYAVARAN BHAVAN, C.G.O. COMPLEX  
सीटी-रोड, नई दिल्ली-110001  
LODH ROAD, NEW DELHI-110001

July 10, 1996

OFFICE MEMORANDUM

Subject : North Madras Thermal Power Project Stage-II (2x325 MW), Tamilnadu  
by M/s Videocon Power Ltd. - Environmental clearance.

Reference is invited to the communication No.VP/1/DHK/MOEF/96 dated  
May 10, 1996 from M/s Videocon Power Limited regarding the above subject.

The proposal regarding setting up of 2 x 325 MW Thermal Power Project was  
granted and clearance from environmental angle is accorded subject to effective  
implementation of the following mitigative measures:

- (i) All the designs of the plant and other project related activities should  
be duly approved by the competent State authorities.
- (ii) The conditions stipulated by the Tamil Nadu State Pollution Control  
Board vide their letter No.TM/TNPCB/TNSEC/292/CMN/95 dated 16th  
August, 1995 should be strictly implemented.
- (iii) For ensuring dispersal of sulphur dioxide stacks of 275 M height should  
be provided for the boilers and gaseous emissions from the plant should  
conform to the Air Quality Standards prescribed by the Tamilnadu Pollu-  
tion Control Board.
- (iv) Adequate space should be earmarked for installation of flue gas desulphur-  
isation plant in future for control of sulphur dioxide.
- (v) A greenbelt should be created all along the plant between the cooling  
water channel and boundaries of the existing plants, around the gas dis-  
posal area etc. A norm of 1500-2000 trees/ha should be accepted and  
 requisite infrastructure such as nursery, seedling, tubes etc. should  
be ensured. For filling up of vacant spaces in the existing plant area,  
a phased joint programme involving the Tamil Nadu Electricity Board  
should be worked out and submitted to the Ministry within three months  
i.e. by June, 1996.

original clearance & documents  
sent for NCTPS (TWLB)  
30/6/97

- (vii) As proposed, closed Cycle circulating Water System cooling towers should be incorporated in the project and only process water be drawn from the existing cooling water channel. The process water requirements of 2.9 MLD, should be drawn from the Schemes which will be established by Madras Sewerage Corporation and Improvement Projects by June, 1979. No ground water should be used for any project work.
- (viii) Noise levels should be controlled and persons working close to the sources should be provided with adequate protection against noise in the form of ear-plugs, ear muffs etc.
- (ix) Dust Suppression system should be installed at the coal handling plant area to control fugitive emissions.
- (x) All the plant effluents should be brought to central guard pond for dilution and necessary treatment to bring the pollution load to specified standards before final discharge.
- (xi) Continuous monitoring of ambient air quality around project area should be carried out and results should be analysed and submitted every six months to the Ministry's Regional Office at Bangalore.
- (xii) Ash pond constructed for Stage I should only be used for ash disposal after properly treating the bag to avoid leaching of chemicals to ground water and fresh water bodies in the vicinity. Continuous monitoring of ground water quality should be insisted for this purpose.
- (xiii) Since there are habitations on north and south side of ash pond area, easy access should be provided by way of overhead bridge or small road. A cremation place is getting affected in the ash pond-area and as such a new one should be constructed as per the demands of the local people.
- (xiv) High concentration slurry disposal method, as proposed, should be practised for disposing ash. In first phase 2.50 lac tonnes (30%) and in second phase 3.50 lac tonnes (40%) of ash should be used as per MOU signed with Sreevishay, a Group Company of Nagarjuna Limestone Limited.
- (xv) Only beneficiated coal with ash content not exceeding 30% should be used as feed stock as all the predictions have been made on the basis of these values.
- (xvi) With a view to avoiding marginal dredging which is currently undertaken at the mouth of the intake water channel, suitable afforestation programme should be ensured. The dredged material should also be properly disposed to avoid its return flow into the creek.
- (xvii) The above conditions will be monitored by the Regional Office of this Ministry at Bangalore from time to time. The project authorities should extend full cooperation during monitoring by providing necessary data and compliance report to officials of the regional office.

(vii) Adequate financial provision should be made in the project estimate for ensuring implementation of the above conditions, term-wise and yearwise requirements of funds should be submitted to the Ministry by June, 1996.

(viii) A Monitoring Committee should be constituted for reviewing the compliance to various safeguard measures by involving local recognised NGOs, Pollution Control Board, Institutions, Experts etc.

The Ministry reserves the right to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the Ministry.

In case of any deviation or alteration in the project proposed from that submitted to this Ministry for clearance, a fresh reference should be submitted to the Ministry to assess the adequacy of the conditions imposed and any additional environmental protection measures required, if any.

The above stipulations would be enforced among others under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and Public Liability Insurance Act, 1991 and its amendments.

*Abhishek*  
(N. Lal Das)

Additional Director

S. Padmanabhan,  
Director,  
Nuclear Power Limited,  
Project Office,  
C.S.T. Road,  
Bhavya Complex,  
1st Floor, Kallina,  
Chennai (E),  
Tel: 400-098.

For Information to:-

The Secretary, Ministry of Power, Shri Sri Shakti Bhawan, Ravi Marg,  
New Delhi.

Chairman, Tamil Nadu Pollution Control Board, 100, Anna Salai, Madras-  
600 032.

Chairman and Managing Director, Madras Metropolitan Water Supply  
and Sewage Board, N. H. Pumping Station Road, Madras-600

Guard file.

(N. Lal Das)  
Additional Director



J-13011/11/1995-IA-II (T)  
Government of India  
Ministry of Environment & Forests

Ph: 011-2436 4057

e-mail: saarojmoef@yashoo.com

Paryavaran Bhawan

CGO Complex, Lodi Road

New Delhi-110 003

\*Dated: November 27, 2012

27 NOV 2012

To

M/s Tamil Nadu Generation & Distribution Corpn. Ltd.  
N.P.K.R.R Maadigai,  
Electricity Avenue  
144, Anna Salai  
Chennai - 600 002.

**Sub: North Chennai Thermal Power Project (Stage-II) at villages  
Ennore & Puzhudiyaakkam, in Ponneri Taluk, in Salem  
Thiruvallur Distt., in Tamil Nadu - reg.**

Sir,

This has reference to your letter nos. SE/C/P&E/EE/EMC/AEE/C/F.NCTPS-II/D.1567/10, dated 30.07.2010; SE/C/P&E/EE/EMC/AEE/C/F.NCTPS-II/D.628/11, dated 23.03.2011; D.O Letters dated 22.11.2011, 30.12.2011, 07.05.2012, 30.07.2012 and 13.08.2012 from the Chief Secretary, Govt. of Tamil Nadu; and Letter from Minister for Electricity & Prohibition and Excise, dated 10.10.2012 requesting for revalidation, enhancement of capacity from 2x525 MW to 2x600 MW at North Chennai Thermal Power Project (Stage-II) and change in name. As per the letter no. 8588/B2/12, dated 13.08.2012 from the Chief Secretary, Govt. of Tamil Nadu addressed to the Secretary, Ministry of Environment & Forests, it is certified that M/s TANGEDCO is the sole owner of the North Chennai Thermal Power Project Stage-II (2x600 MW) site and the same is under the possession and enjoyment of M/s TANGEDCO. That there is no dispute litigation on ownership of the project.

2. The request has been examined and as a special case, it is informed that the validity of environmental clearance issued vide Office Memorandum of even no., dated 10.05.1996 and amendments issued from time to time is extended till 07.05.2016 for operation of the plant. In addition the following amendments shall also be made in this Ministry's Office Memorandum of even no. dated 10.05.1996, as under:

- a) The environmental clearance letter issued in the name of M/s Videcon Power Ltd. shall be now substituted by the name of M/s Tamil Nadu Generation & Distribution Corpn. Ltd.
- b) The configuration viz. 2x525 MW mentioned in the subject matter and at para no. 2 shall be now substituted by 2x600 MW.
- c) After clause no. (xviii), under para no.2, of this Ministry's letter of even no. dated 10.05.1996, the following shall be added:
- (xix) High Efficiency Electrostatic Precipitators (ESPs) shall be installed to ensure that particulate emission from the proposed plant does not exceed 50 mg/Nm<sup>3</sup>.

- (poc) Adequate dust extraction system such as cyclones/ bag filters and water spray system in dusty areas such as in coal handling and ash handling points, transfer areas and other vulnerable dusty areas shall be provided.
- (pox) The project proponent shall upload the status of compliance of the conditions stipulated in the environmental clearance issued vide this Ministry's letter of even no. dated 10.05.1996, in its website and updated periodically and also simultaneously send the same by e-mail to the Regional Office of the Ministry of Environment and Forests.
- (poxi) Criteria pollutants levels including  $\text{NO}_x$ , RSPM ( $\text{PM}_{10}$  &  $\text{PM}_{2.5}$ ),  $\text{SO}_x$  (from stack & ambient air) shall be regularly monitored and results displayed in your website and also at the main gate of the power plant.
- (poxii) Regular monitoring of ground water level shall be carried out by establishing a network of existing wells and constructing new piezometers. Monitoring around the ash pond area shall be carried out particularly for heavy metals (Hg, Cr, As, Pb) and records maintained and submitted to the Regional Office of this Ministry. The data so obtained should be compared with the baseline data so as to ensure that the ground water quality is not adversely affected due to the project.
- (poxiv) A long term study on radio activity and heavy metals contents on coal to be used shall be carried out through a reputed institute. Thereafter mechanism for an in-built continuous monitoring for radio activity and heavy metals in coal and fly ash (including bottom ash) shall be put in place.
- (poxv) Rehabilitation of abandoned Ash Pond shall ensured such that ecological restoration is physically manifested within a period of three years and accordingly action plan formulated and details submitted to the Regional Office of the Ministry and the State Pollution Control Board.
3. The exercise of revalidation, change in name and configuration made herein is made without prejudice to any litigation in any court of law, earlier to this order.
4. All other conditions mentioned in this Ministry's aforesaid Office Memorandum of even no. 10.05.1996 shall remain the same.

This issues with the approval of the Competent Authority.

Yours faithfully,

(Sd/-)  
 [Dr. Suresh]  
 Director

Copy to:

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. The Secretary (Environment), Environment Department, Government of Tamil Nadu.

165  
**R. Veeramani vs Secretary, Pwd & Ors on 20 February, 2013**

1

THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
Wednesday, 20th February, 2013  
Appeal No. 31 of 2012

Quorum:

1. Hon'ble Mr. Justice M. Chockalingan,  
( Judicial Member)
2. Hon'ble Prof. Dr. R. Nagendran,  
( Expert Member)

BETWEEN

R. Veeramani,  
No.136, E-9, Block  
'Makvai Illam'  
19th General East Cross Street,  
MKB Nagar,  
Chennai- 600 039

.. Appellant

AND

1. The Secretary,  
Public Works Department,  
Fort St. George,  
Chennai- 600 009.
2. The Executive Engineer,  
Public Works Department,  
Building Construction Division (Block A),  
Tamil Nadu New Legislative Assembly Complex,  
Chepauk, Chennai- 600 005.
3. The Secretary,  
Health and Family Welfare Department,  
Fort St. George,  
Chennai- 600 009.

2

4. State Level Environmental Impact Assessment  
Authority (SEIAA),

166  
Represented by its Member Secretary-cum  
Director Environment,  
3rd Floor,  
4D, Panagal Maligai,  
No.1, Jeenis Road,  
Saidapet,  
Chennai- 600 015.

5. State Level Appraisal Committee (SEAC),  
Tamil Nadu,  
Rep. by its Chairman,  
4D, Panagal Maligai,  
No.1, Jeenis Road,  
Saidapet,  
Chennai- 600 015.

.. Respondents

Advocates appeared:

Shri P.Wilson, Senior Advocate assisted by M/s. R.Nedunaran, R.Neelakandan, M.Seenivasagan, K.Karthik Jagannathan and KT.Sankar Subramanian advocates for appellent.

Shri A.Navaneethakrishnan, Advocate General, Shri A.L.Somayaji, Additional Advocate General-I for M/s.Abdul Saleen and Saravanan advocates for respondent Nos. 1 and 2.

Shri P.H.Arvinth Pandian, Additional Advocate General-V for Mr.M.K.Subramanian, advocate for respondent No.5

Shri N.R.Chandran, Senior Advocate for Shri L.G.Sahadevan, advocate for respondent Nos. 4 and 5

JUDGMENT

(Judgment delivered by the Bench) This appeal has been filed by the appellent praying for setting aside the Environmental Clearance in order dated 16.05.2012 in Letter No.SEIAA/TN/EC/8(a)/120/F-455/2012 of the 4th respondent to convert the newly constructed building complex namely the The Tamil Nadu New Legislative Assembly Building (TNLA) into a Multi Specialty Super Hospital at Omandhurur Government Estate.

2. The brief statement of the case brought forth by the appellent in the appeal is as follows:

- (i) When the 13th Legislative Assembly was formed in the year 2006, after the General Elections were held, on 08.05.2006, the then Chief Minister of Tamil Nadu made an official announcement on 12.05.2007 that a new building complex to house the Legislative Assembly, Legislative Council and Secretariat and other government departments would be constructed at the Omandhurur Government Estate, Anna

Salai, Chennai-2, which is just about 2 km away from the Fort St.George premises where the present State Secretariat is functioning and the reasons for the proposal to build a new Secretariat included the severe space constraint at the Fort St.George and the need to bring all the important arms of the Government - Legislative Assembly, Legislative Council, Chief Minister's office, Secretariat and the Government departments under one roof. This would help the Executives, but also the public, and the lawyers which would also bring a big relief to the Government servants and various officials.

(ii) The Assembly and the land on which the old Secretariat buildings stand at the Fort St.George, Chennai-9 were under the control of the Indian Army, Ministry of Defence and hence the Public Works Department had to approach the authorities of the Union Ministry of Defence for every small changes and construction to be made in Fort St.George premises. Moreover, the said building is declared as Heritage Building and classified under Grade-I category. Hence no modification or alteration could be made. While the need for more space for administrative amenities kept growing, the efforts that went into co-coordinating with the civic agencies, government and the defence establishment was making it almost impossible for the State Government to do what it wanted at the Fort St.George premises. From a handful of the government departments, the state government machinery has now grown like a banyan tree with very many departments and employing several thousand employees. Even the multi storied Secretariat building and Namakkal Kavignar Maligai constructed within the premises had outlived its utility and size long ago. The government staff work in the dirty and most unhygienic atmosphere. The public and lawyers who visit the old Secretariat had a bad experience when they appear before the department secretaries as they had to wait for long hours in the narrow passage where no seats were available due to space constraints. Thus one has to undergo a horrible experience to attend a hearing before the department secretaries who act as appellate authorities. Hence, the search for an alternative site to locate the Assembly-Secretariat complex is not new and it started in 1983 and after 24 years of search, finally the government was able to locate at Omanthurar Government Estate at Anna Salai in the year 2007.

(iii) Pursuant to the announcement made on 12.05.2007, the government announced that it had decided to build a state- of- the art Assembly-cum-Secretariat complex in the Omanthurar Government Estate premises, which is surrounded by roads on all four sides, making it an ideal location. The Government issued G.O.Ms.No. 209, Public Department dated 04.07.2007 for construction of Assembly-

cum-Secretariat complex and international tender notification was floated on 05.07.2007 and as many as 25 models of the new Secretariat complex were received from top architects till 25.07.2007. After affording personal hearing to these architects/firms and discussions were held with them. Three architects were asked to submit models and drawings on 24.10.2007.

(iv) An expert committee under the Chief Engineer (Buildings) Public Works Department was appointed under G.O.Ms.No.69, Public Works (H1) Department dated 05.01.2007 and the committee conducted an in-depth analysis of their models and drawings. The committee selected GMP International of Germany for rendering architectural services for designing the New Legislative Assembly complex-cum- Secretariat buildings.

(v) The Government constituted a committee of secretaries in G.O.Ms.No. 371, Public Works (H1) Department dated 10.12.2007 to advise the Chief Engineer (Buildings) Public Works Department in the matter of space requirements and other facilities to be provided to the New Legislative Assembly complex-cum- New Secretariat building. On 26.03.2008, when a review meeting was held chaired by the Chief Secretary, Government of Tamil Nadu, it was decided to construct new complex to accommodate all the secretariat departments. Accordingly the Architect was asked to present schematic design for Blocks A and B. After deliberations by the committee of secretaries, it was decided to construct Legislative complex-cum- administrative office. The State Government signed an agreement with the company on 15.02.2008 and the Executive Engineer, Public Works Department, Chennai applied to Chennai Metropolitan Development Authority (CMDA) for according approval for construction of Assembly building - Ground floor + 6 floors; Secretariat buildings- Ground Floor+7 floors; Assembly building and Secretariat buildings- connecting block-Ground Floor; Guest House- Ground Floor + 3 Floors; Rajaji Hall- Ground Floor+2 Floors; Parking Block-Ground Floor+ 5 Floors+ parking at terrace; Security Block-Ground Floor; Kalajivanar Arangam-Ground Floor+ Floors STP at S.Nos. 3171/7, 3171/A,3171/8 in Block No.59, Triplicane Village, Anna Salai, Jagajeevanaram Road (Walajah Road), Swami Sivananda Salai (Adams Road), Chennai.

(vi) In accordance with the Environmental Notification S.O.1533 dated 14.09.2006, the Superintending Engineer, Public Works Department applied for Environmental Clearance on 30.09.2008 before the State Level Environmental Impact Assessment Authority (for short SELAA) and the proposal was appraised as per the procedure of the State Level Expert Appraisal Committee (for short SLEAC) in the meeting held on 10th and 11th of October 2008. In the said application made for the Environmental clearance before the SELAA the project and activity were shown as 'Legislative Assembly-cum-Secretariat Project' and had obtained specific clearance for the construction of the above said project and activity. Therefore, as the Environmental Clearance was given for a specific project and activity, based on which the building was constructed and put into use and the respondents 1 to 3 are prohibited from utilising the said building for any other purpose much less for a Multi Super Specialty-cum-Hospital.

(vii) After consultations with the various government departments and the secretariat authorities the Government decided to construct a New Secretariat-cum- Legislative Assembly complex in two blocks - Block A and Block B so as to accommodate the needs of the aspirations of all the departments. Accordingly the foundation stone to build the structures was laid at the Omanthurar Government Estate on 12.06.2008 by the then Chief Minister.

(viii) The main building was constructed with two blocks. In Block A is the Assembly complex with seven stories, Assembly hall in the ground floor and with 6 floors has an area of 9,00,000 sq.ft and it

comprises of Legislative Assembly hall, Sepaker's office, Assembly library etc., and the cost of construction was estimated at Rs. 623.99 crore and a sum of Rs. 479.50 crore was spent by the Government for the construction of the same. In so far as Block B is concerned, the Secretariat building (ground+six floors) commenced and as against the estimated cost of Rs. 279.56 crore, Rs.72.3 crore was spent. For Guest House, Kalaivanar Arangam, Multilevel car parking etc.,Rs. 66.96 crore was spent and the total expenditure incurred was Rs. 551.80 crore as against the estimated cost of the project of Rs. 1092 crore. The newly constructed New Secretariat-cum-Assembly complex is one of the world class green buildings and the Housing and Urban Development Department has granted approval by G.O.Ms.No.54 dated 08.03.2010 for the entire buildings and the Public Works Department has issued stability certificate for the complex. The civil works of the A block building was completed and the Legislative complex was officially inaugurated by the Hon'ble Prime Minister on 13.03.2010.

(ix) The last session in the old Assembly building at Fort St.George was held on 11th January 2010 and thereafter about 4 sessions were held in the New Legislative Assembly Hall at Government Omandhurur Estate. When there was change of power in the State in the Assembly elections held in April 2011, the present Chief Minister announced that she would not enter the New Secretariat or the New Assembly complex and declared that all the Government offices be shifted from the New Secretariat including the Legislative Assembly to the old Fort St.George campus. The present Chief Minister of Tamil Nadu took an independent decision to move the Secretariat back to the Fort St.George on the very first day i.e., on 16th May 2011 without any reason whatsoever. Based on the said decision, stoppage was ordered for functioning of the new Legislative Assembly-cum-Secretariat complex. Thus, the decision to shift the government departments and the new Legislative Assembly from Omandhurur Government Estate back to Fort St.George is due to partisan political reasons, even though there were no written official explanations for such shifting.

(x) Aggrieved over the decision of the respondents in abandoning the new Legislative Assembly-cum-Secretariat building, the appellant herein had filed W.P.No.19314 of 2011 before the High Court, Madras and by the order dated 09.09.2011 the writ petition was adjudicated directing that representation of the petitioner (appellant herein) dated 22.08.2011 should be looked into and appropriate decision could be taken at the earliest. When the said representation of the appellant was pending consideration by the 1st respondent, he proceeded with the conversion and took steps to convert the newly constructed Secretariat-cum- Assembly complex into Multi Super Specialty Hospital even without obtaining the Environmental Clearance for such project or activity. In fact, the 1st respondent invited tender through the Superintending Engineer, Public Works Department, Construction Circle, TNLA complex through tender notice No.8/2011- 2012/BCC/TNLA dated 06.01.2012. In the meanwhile, without giving any personal hearing and even without considering the various issues raised by the appellant the representation dated 22.08.2011 the 1st respondent rejected the same under Letter No. 23564/Y12/2011-8 dated 08.12.2011. The appellant had filed a writ petition in W.P.No. 30326 of 2011 and the High Court Madras passed an order of injunction restraining the respondents from making any structural alterations in the building till the disposal of the writ petition by an order dated 20.01.2012.

(xi) The appellant had sent a detailed objection dated 24.04.2012 to the SEIAA viz., 4th respondent to consider his objections before taking any decision on the application, if any, submitted by the Government of Tamil Nadu seeking Environmental Clearance for the conversion of the New Secretariat Building into a Multi Super Specialty Hospital-cum-Medical College or any other purpose contrary to the original purpose. However, the said objection was not considered by SEIAA. The appellant sent a reminder to the authorities on 11.05.2012 wherein he has also referred to the order passed by the National Green Tribunal, New Delhi dated 24.02.2012 in Appeal No.18 of 2011(T) wherein it held that for the grant of Environmental Clearance for Category A projects, the jurisdiction lies with the Central Government in MoEF and not with the Tamil Nadu State Environment Impact Assessment Authority and ultimately held that the Environmental Clearance granted by the SEIAA has no validity under law and was set aside on the reason that the nearest point to the subject project therein is stated within 10 Km (i.e. 5.6 Km and 6.2 Km ) from Guindy National Park, Chennai. The present case is similar to the said case and on that score itself the impugned Environmental Clearance is liable to be set aside.

(xii) In spite of sending detailed objection and reminders, the 4 th respondent namely SEIAA has deliberately failed to consider his objection and has granted Environmental Clearance on 16.05.2012 in Letter No. SEIAA/TN/EC/8(a)/120/F.455/2012 for the conversion of New Secretariat-cum-Legislative Assembly Building into Multi Super Specialty Hospital and Medical College. Challenging the said Environmental Clearance the appellant has filed this appeal.

(xiii) Upon leave granted by the Tribunal to file additional grounds, the appellant averred that the 5th respondent has not done any independent study or called for any independent reports on the expert body and has not properly appraised the proposal to the 4th respondent as contemplated under the Environmental Impact Assessment Notification and hastily and mechanically forwarded to the 4th respondent on 11.05.2012. The project proponent deliberately suppressed the factum of the tender notification for the value more than Rs.28 crore to carry out the alternation and modification in the subject building and made an application on 12.04.2012 as if there is no construction or alteration at all. The statutory queries in Form I and the appendix enclosed along with the application and the answers to the same disclose the mechanical approach with non-application of mind without even meeting the required parameters for establishment of the Multi Super Specialty Hospital. It has not addressed various issues relating the hospital and appears to be like a mechanical approach in dealing with the application of the 2nd respondent. The 5th respondent has not even seen as to how far there is extraction of resources from the environment and the contribution of emissions and waste and distribution to environment. The respondent Nos. 4 and 5 have not seen the influence of hospital characteristics on the environment and blindly gone by the figures given by the project proponent. The 5 th respondent has not studied about the water and energy consumption without any independent mechanism and blindly accepted the project proponent report. The 4 th respondent has mechanically scrutinized the recommendations of the 5th respondent and passed 11/2 page minutes, out of which ½ page deals with the granting of the impugned Environmental Clearance in the meeting dated 16.05.2012. The project proponent has not sought for any permission for construction, alteration or modification. But, the 4th respondent issued clearance on 16.05.2012 permitting to go ahead with the construction, which could be seen from the various clauses in the Environmental Clearance dated 16.05.2012. A perusal of the minutes

dated 16.05.2012 of the 4th respondent and the impugned Environmental Clearance show contradiction as to condition, Both the respondents 4 and 5 have not discharged the duties contemplated in the EIA Notification and various other Acts and Rules governing the same and mechanically proposed the application submitted by the project proponent and wrongly issued the impugned Environmental Clearance.

3. Per contra, the 1st respondent has, at the outset raising preliminary objections to the very maintainability of the instant appeal, filed a counter reply for him and on behalf of and 2nd and third respondent as well. The brief statement of counter is as follows:

(i) The appellant has challenged the conversion of the Block A building in Omandhurur Government Estate into a Multi Super Specialty Hospital in the Writ Petition filed before the Madras High Court in W.P.No. 30326 of 2011 in which he has raised grounds alleging purported violation of environmental laws, which are identical with the grounds/issues sought to be raised in the instant appeal. The perusal of the contents of the reply affidavit filed in the month of March 2012 filed by the appellant in the said proceedings to the counter affidavit filed in the month of February 2012 of the answering respondents when compared with the appeal filed herein, particularly para 16 of the appeal (at page 10 compilation I) would show that the same contentions as sought to be raised in the present appeal have been raised verbatim even before the High Court. The appellant has sought to implead 4 th and 5th respondents herein as party respondents to the said writ proceedings by affidavit dated July 2012 on the grounds that these authorities granted the clearance for conversion of the Block-A building in Omandhurur Government Estate into a Multi Super Specialty Hospital and while doing so the affidavit dated July 2012 filed before the Madras High Court, Madras seeking impediment takes specific reference to para 4 thereof to the filing of the instant appeal before this Tribunal. Moreover, when the Division Bench of the High Court was finally heard, elaborate arguments were raised on behalf of the appellant in respect of the scope/EIA Notification of 1994 and the purported bar to consider an application for conversion of a project under the said notification. Though the judgment was reserved in the matter, the Division Bench of the High Court delisted the case on 27.07.2012 and placed the matter before the Hon'ble Chief Justice for posting the writ petitions before an appropriate bench for hearing the matter afresh and thus the appellant is guilty of forum shopping and multifariousness. The appellant is clearly attempting to try his chance before different fora on same grounds to see if he is able to obtain favourable orders if in any one or in both and that the submission urged by the appellant to justify the interim prayer sought in the appeal are identical with the grounds raised before the High Court in the writ proceedings.

(ii) The appellant has repeatedly filed proceedings challenging the well considered decision of the State to convert the building in question into a Multi Super Specialty Hospital and this is a clear reflection of complete lack of bonafides in the conduct of the appellant, whose ulterior motive is to somehow stall the entire political process,

tainted by oblique motive and political considerations. The repeated attempt of the petitioner to stall the project would be evident from the fact that the appellant had filed an earlier writ petition in W.P.No. 19314 of 2011 before the High Court, which had been disposed of by the order dated 09.09.2011, with a direction to dispose of the representation made by him (as admitted in para 17 of the appeal).

This is in teeth of the fact that the Madras High Court had already rejected a challenge to the conversion by dismissing a writ petition filed by another person in W.P.No.12492 of 2011 vide orders dated 28.06.2011. Thus the present appeal is the third legal proceedings initiated by the appellant that too by urging identical questions/issues before two different fora.

(iii) The challenge made in the present appeal to the decision of the 4<sup>th</sup> respondent dated 16.05.2012 is *ex-facie* unsustainable since the 4<sup>th</sup> respondent, being the designated authority constituted by the Ministry of Environment and Forest under the notification, has applied its mind to the various relevant aspects and granted the clearance and a cursory glance at the impugned order would show that the authority has taken care to impose various terms and conditions for the conversion. The contention that the Environment Impact Assessment ( for short EIA) Notification prohibits construction prior to the grant of approval and therefore the application could not have been entertained since the secretariat has already been constructed under the original approval is wholly untenable. The consequence/effect of the appellant's contention, if accepted, would be that any construction/structure put up for a particular purpose would have to be completely demolished before making an appeal for change of use and this is patently illogical and irrational. The allied submission of the appellant that the EIA notification does not permit modification is untenable as the notification read as a whole and the relevant statutory provisions under which the notification has been issued, do not contain either an express or an implied bar for conversion. The Environmental Clearance given to the Block-A building in the Omandhurur Government Estate in 2008 is subject to certain general conditions. One among the conditions is that in a case of any change(s) in the scope of the project, a fresh appraisal by the State Level Environment Impact Assessment Authority is to be done. That is what has now been done by the SELAA. The very same authority had granted the approval initially for the construction of the Block A building in Omandhurur Government Estate in 2008, which the applicant is not questioning. The appellant has chosen to question the clearance granted by the authority for conversion, *inter alia* on the tenuous plea that the project site is within 8 Km from the Guindy National Park and on that basis has sought to contend that the impugned clearance is liable to be set aside in view of the purported bar imposed by this Tribunal in Appeal No.18 of 2011 for grant of Environmental Clearance for Category A projects is wholly baseless in the light of the specific clarification issued by the MoEF that the General Condition or the Special Condition is not applicable to the projects categorized under item 8 of the schedule of the notification. Para 2 read with para 4(iii) of the notification specifies SELAA will be the regulatory authority in respect of the projects under Category B. The project on conversion of the building in question into Multi Super Specialty Hospital is covered in 8(a) of the Schedule to the Notification and is in "B2" category. It does not require public consultation as per para 7(i)III Stage (3)(d) and 3(e) "Public Consultation" of EIA Notification 2006. The General Condition is not applicable to the projects/activities mentioned under item 8 of the schedule of the EIA Notification 2006 and no condition has been stated under the column No.5 (condition if any) of

the schedule of the Notification for the project or activity listed in Item No.8 of the above said schedule. If the said contention of the appellant was to be countenanced then the clearance for the original project would itself be rendered to be liable to be set aside so much for the tenability and the merits of the appellant's case.

(iv) The writ petition filed by the appellant in W.P.No.30326 of 2012 before the High Court of Madras is still pending and the policy decision of the Government of Tamil Nadu is a reasoned and duly considered one, and as such, is in accordance with law and at any rate, a policy decision cannot be challenged. The allegations are politically malafide, draining the exchequer and causing public injury are all baseless and only to project a false picture when such allegations cannot be gone into by this Tribunal. The further allegation of violation of environmental laws is also denied. The respondent No.4 has given the clearance after duly considering the requirements and the recommendations of the respondent No.5 and the issue raised in this regard is baseless.

(v) The appellant has stated the old history of the Fort St.George premises and the details regarding housing of Legislature Assembly, Ministers' office and the various departments of the secretariat. The reason that the proposal to build a Block-A building in Omandhuram Government Estate included severe space constraint at the Fort St.George and the need to bring all the important arms of the Government under one roof is totally false, as after completion, majority of the departments continued to work from Fort St.George only. There is no space constraint at all for any of the Government departments or wings to continue operating from Fort St.George and all the averments regarding necessity of a new secretariat building due to space constraint are denied as false. All the departments including Legislative Assembly Secretariat have been accommodated in the Secretariat Buildings situated at Fort St.George and no complaint either from the public or from the staff regarding insufficient accommodation or health hazard has been reported so far. Hence, there is no merit in the averment made by the appellant. The appellant has mentioned about the cases filed in the High Court of Madras related to the building in question, which were dismissed by the Madras High Court.

(vi) The Government have taken a policy decision by taking into consideration all the relevant facts and the interest and welfare of the public. The policy decision is neither arbitrary or illegal nor does it violate any Constitutional rights of any persons. The Block-A building in Omandhuram Government Estate, Chennai was inaugurated in March 2010 without completing the works fully. Without completing the construction, a few departments were hastily shifted to the new building in question along with the offices of the Chief Minister and all Ministers. Only six departments were shifted to that building and remaining departments continued to function from the Secretariat at Fort St.George. Keeping the departments from the existing Secretariat building at one place and shifting the offices of the Ministers and a few departments alone to the building in question had caused unnecessary administrative hardships and inconvenience to the public. Therefore, the Government have decided to continue to function from the Secretariat at Fort St.George. This point was mentioned in the Legislative Assembly by His Excellency the Governor of Tamil Nadu on 03.06.2011 in his address, which was endorsed by the legislature while passing the Motion of Thanks to the address of His Excellency the Governor. Now, these departments have also been shifted back to Fort St.George and all the departments are functioning at Fort St.George. The

Legislative Assembly has been conducting its sessions at the Fort St. George since May 2011.

(vii) The change of policy was due to the departments already re-located in the new building had been facing severe hardships and due to incomplete civil works and inadequate infrastructure facilities including non-functional elevators. These departments were also required to reach out to the advisory departments like Finance, Law, and Personnel and Administrative Reforms which continued to be functioning in the Fort St. George campus and as such, the departments in both the buildings in question and the existing Secretariat complex were facing great hardships in the day-to-day functioning of the Government machinery, causing serious dislocation in the delivery system as well as untold suffering among the public. The location of the key departments like Home, Public in a separate building was against the settled principle of co-ordination of logistics of Government and the incomplete structure and ongoing civil works also posed safety and security concerns. To remedy the problem and in larger public interest, it was necessary to shift back the departments forthwith from the new Secretariat building to the Fort St. George campus and orders were issued shifting the Government offices functioning in the building in question at Omandhurar Government Estate, Chennai-2 to the Fort St. George premises, Chennai-9. When the matter was placed before the Cabinet for a decision which met on 19.08.2011, after detailed discussions decided:-

(i) To utilize Block-A of the newly constructed complex at Omandhurar Government Estate as a Multi Super Specialty Hospital.

(ii) To utilize Block-B for starting a new Government Medical College.

(viii) The appellant has narrated about the Writ Petition No.19314 of 2011 filed by him before the Hon'ble High Court of Madras against the policy decision of the Government of Tamil Nadu, which was subsequently dismissed by the High Court with a direction to the respondents (Government) that the representation of the writ petitioner dated 22.08.2011 shall be looked into and appropriate decision could be taken at the earliest. With the above direction, the Writ Petition was closed by the High Court. The direction of the Court was duly complied with by the Government by sending a reply letter dated 08.12.2011.

(ix) The appellant has specified the interim order of injunction passed by the High Court of Madras in W.P.No.30326 of 2011 and in the said writ petition, a Division Bench of the High Court, Madras heard the counsel of both sides lastly from 17th to 19th of July 2012. After hearing the arguments of both sides, the Hon'ble Division Bench reserved the judgment. The W.P.No. 30326 of 2011 came up on 27.07.2012 and the Division Bench had delisted and placed the matter before the Hon'ble Chief Justice for posting the above said writ petition before the appropriate Bench. As such the matter is pending adjudication and the appellant having raised the same issue before the Hon'ble High Court ought not to have troubled this Hon'ble Tribunal for repeat of the same proceedings.

(x) The earlier Environmental Clearance for the construction of the building complex at Omandhurur Government Estate, Chennai was accorded by the State Level Environment Impact Assessment Authority (SIEAA) vide letter dated 20.10.2008, wherein it has been clearly stated in Part-B General Conditions para 2 that "in the case of any change(s) in the scope of project, a fresh appraisal by the SEIAA shall be obtained." The Government of Tamil Nadu have approached the SEIAA, to obtain Environment Clearance. The SEIAA has granted Environmental Clearance to the project proposal for change/modification of the Block-A building in question into Multi Super Specialty Hospital (MSSH) in the Letter No. SEIAA/TN/EC/8(a)/120/F-455/2012 dated 16.05.2012.

(xi) The appellant has questioned the Authority's powers in issuing a revised Environment Clearance for the same building. As already mentioned the SEIAA is a duly constituted authority under the Environment (Protection) Act and has the powers to issue or modify the Environment Clearance given by it. There are many instances where such clearance is given. The State Environment Impact Assessment Authority of Karnataka has issued revised clearance in the following cases:-

a. Proceedings of the 52nd SEIAA, Karnataka State meeting held on 01.06.2012 "Sobha Global Mall" residential and commercial (Mixed Use) at Municipal No.19/2, Minerva Mills Compound, Gopalpura, Mysore Deviation Road, Bangalore by M/s. Sobha Developers Ltd., (SEIAA 209 CON 2011) b. Proceedings of the 53rd SEIAA Karnataka State meeting held on 06.07.2012.

"I-Works (IT and Hotel Project), Devarabeesanahalli, ORR, Bangalore by M/s. Sai Srushti Developers Pvt. Ltd., (SEIAA 238 CON 2008)"

c. Proceedings of the 54th SEIAA Karnataka State meeting held on 06.08.2012.

"Sobha Global Mall" residential and commercial (Mixed Use) at Municipal No.19/2, Minerva Mills Compound, Gopalpura, Mysore Deviation Road, Bangalore by M/s. Sobha Developers Ltd., (SEIAA 209 CON 2011) d. Proceedings of the 54th SEIAA Karnataka State meeting held on 06.08.2012.

"Bangalore Hotel cum Residential Service Apartment Project at Sy.No. 20/5(P), Roopena Agrahara Village, H.S.R. Layout, Outer Ring Road, Begur Hobli, Bangalore South Taluk, Bangalore by M/s. Pacifica Hotes (Bangalore Project) Pvt. Ltd., (SEIAA 93 CON 2012)."

(xii) The Environmental Clearance given by the SEIAA is a statutory order by a legally constituted body by the Ministry of Environment and Forests, Government of India. The Environment Clearance given in 2008 to the building in question, which is proposed to be converted into Multi Super Specialty Hospital is subject to certain general conditions and one among the conditions is that in the case of any change(s) in the scope of the project, a fresh appraisal by the SEIAA is to be done. That is what has now been done by the SEIAA. The applicant has raised all these issues before the Hon'ble Madras High Court and as such cannot reiterate on the same again before this Tribunal

and the appellant is abusing the process of law with vested interest and ulterior motive. The allegation made by the appellant that only the Central Agency Authority has got power to give environmental clearance and the State Agency doesn't have such competency to do so is farfetched and without any basis. The allegation made by the appellant clearly shows that the intention of the appellant is to somehow stall the coming of the Multi Super Specialty Hospital which will be beneficial for the people especially the poor and downtrodden.

(xiii) As per the National Building Code, 2005, the building proposed to be converted into Multi Super Specialty Hospital is categorized as Group D and whereas the Hospitals are categorized as Group C1 with reference to fire and safety. As the building in question has been constructed with higher factors of safety than the hospital building in such aspects, the same can be converted as a hospital with minimum modification and lesser cost. The norms fixed in the National Building Code, 2005 for both the buildings are similar except for the variance in static water storage capacity from 1 lakh litres to 1.5 litres. However, the static water storage tank provided for the structure in question is for a total capacity of 8.02 lakh litres of which two compartments of 2.42 lakh litres and 2.70 lakh litres are meant for fire safety measures and the remaining 2.90 lakh litres for utility purposes. Therefore, the fire safety measures as laid out in National Building Code 2005 have very much been complied with. As regards the structural design, loads, forces and effects, the building proposed to be converted into a Multi Super Specialty Hospital is designed for an imposed load of 4 KN/Sq.m. The loading standards as per IS 875-(Part 2) 1987 (reaffirmed 2008), the imposed loads in respect of the building in question is 3KN/Sq.m for office rooms and that for institutional buildings viz., Hospital buildings, the standard imposed loading is 2KN/Sq.m in respect of wards and 3KN/Sq.m in respect of X-ray rooms and operating rooms. The building in question, which is proposed to be converted into Multi Super Specialty Hospital has been designed and constructed for an imposed (Live) load of 4KN/Sq.m (inclusive of light partitions of 1KN/Sq.m), which is very much above than the required imposed load of the hospital building as per the Bureau of Indian Standards. As regard the pre-fabrication systems lighting, air-conditioning, acoustic and sound insulation and noise control etc., the existing provisions already available in the building in question can be used for the proposed Multi Super Specialty Hospital also with minor alterations which are feasible in the light of latest technological improvement and as such is not at all an issue.

(xiv) In the existing building there are 17 lifts, of which 2 are service/goods lifts. It is proposed to modify the 14 passenger lifts into bed-cum- passenger lifts, without any structural changes to the lift shaft conforming to IS 14665 of Bureau of Indian Standards Specification. As regards the water supply and drainage, and sanitation, the conversion work involves only minimum modifications as per the requirements conforming to the hospital building and technically feasible, The conversion proposal has been formulated taking into consideration of all the requirements of a Multi Super Specialty Hospital in every minute detail, i.e, with reference to the mandatory statutory provisions/regulations and as well as functional requirements and the important modification works include provision of operation theatres, ramps, medical gas lines, central service, sterilization department, conversion of passenger lifts into passenger cum bed lifts and additional toilets. Therefore, the present construction, namely Block-A will be utilized without any structural demolition/damage by adaption/modification as aforesaid. The needs of patients, medical personnel, paramedics and visitors have been taken care of while proposing the modifications to the

building for which Government has given administrative sanction. The modified design takes into account the requirement of sterility which will help to minimize infection in the operation theatres, post operative wards, intensive care units, etc., The additional needs for patient amenities such as lifts, toilets etc., as well as administrative requirements such as nursing stations will also be provided as part of the modifications to the existing buildings. These modifications have been arrived at in consultation with the Experts Committee of specialists, hospital administrators of various private and public hospitals in Chennai by architectural wing of the Public Works Department which has much experience in design and construction of large Government hospitals. Before the design was made, a team of doctors and architects visited some of the best known institutes like All India Institute of Medical Sciences (AIIMS), New Delhi, Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh and Sri Sathya Sai Institute of Higher Medical Sciences in Puttaparthi to adopt the design of the present building to modern standards of Super Specialty Hospital. Many Government hospitals which were constructed earlier have subsequently been provided with central oxygen, central suction in the needy areas viz., all operation theatres, pre and post operative wards, intensive care units etc., which show that it is feasible to equip existing buildings with such facilities and the same has been proposed here.

(xv) It is not correct to say that the needs of a Secretariat and the hospital building are at complete variance with one another and a building designed for one purpose cannot be modified to suit the purposes of the other. Both office and hospital buildings have some common requirements such as good ventilation, lighting, ambience, fire extinguisher needs, lifts, toilets etc., Even when there are additional requirements, architectural re-design/re-arrangement is feasible and possible. In this country, many buildings, which have been donated to Government, have been converted as hospitals, which are functioning well with all facilities and cater to all walks of patients. In the private sector also, there are examples of existing buildings successfully being converted as multi specialty hospitals. Therefore, there is no difficulty in converting the buildings in the 'A' Block of Omandhuram Government Estate as a Multi Super Specialty Hospital to cater to the health needs of the poor public.

(xvi) The Environment Impact Assessment Notification S.O.1533, dated 14th September 2006 has categorized the list of project activities, for which Environmental Clearance (EC) is required, into 8 types of projects or activities. Project or Activity items 1 to 7 apply to specific project activities like industrial projects, infrastructure including environmental services like Industrial Estates, Ports, Harbours, Highways, Common Effluent Treatment Plants, and Common Multiple Solid Waste treatment facilities, service sectors like oil and gas transportation pipelines and isolated storages for handling chemicals. The project or activity item No.8 is only for Building/Construction/Area Development projects, irrespective of the activities proposed in those structures/areas. Item No.8 (a) refers to building and construction projects which are more than 20,000 sq.m but less than 1, 50,000 sq.m. The environmental clearance is given based on the impact assessment of the actual construction project irrespective of the nature of usage of the building. These projects include commercial buildings, educational institutions, housing construction, hospitals and all such construction projects. A reading of the Environmental Clearance given for the building in question which is proposed to be converted in to Multi Super Specialty Hospital will make it clear that the focus of the clearance is on the actual construction during the construction phase and the use of the

building during the operation phase. In as much as the construction of the building in question is already completed, the present proposal of the Government involves only minor modifications relating additional facilities for water, biomedical waste disposal, energy etc., The structure of the building is not being modified and as such, the present modification is in accordance with law.

(xvii) One of the specific conditions given at the time of Environment Clearance in October, 2008 by the SEIAA was that the consent to establish shall be obtained from the Tamil Nadu Pollution Control Board and a copy shall be furnished to the SEIAA, Tamil Nadu before taking up any construction activity at the site. Subsequent to this, the TNPC Board gave consent to establish vide its proceedings dated 10.11.2008 under Water and Air Acts. Once the project proponent completes the project, he has to apply to the TNPC Board for Consent to Operate. At the time of giving such consent, the TNPC Board ensures that all the conditions stipulated at the time of grant of Environment Clearance and Consent to Establish are properly carried out by the project proponent. In this case, though the Consent to Establish was given in 2008, no Consent to Operate was obtained for the building in question to be used as the new Legislative Assembly Complex at the time when it was put into operation in April 2010. For the present proposal to utilize the building as a Multi Super Specialty Hospital-cum-Medical College, the suitable modifications in the Environmental Clearance have been issued by the 4<sup>th</sup> respondent after considering all the aspects. There is no chaos or confusion as alleged by the appellant and he is trying to confuse that the proposal is not for fresh construction or development of the area but only for conversion of the existing building. The Environmental Clearance dated 16.05.2012 has been given after fresh appraisal and clearance as per the laid down procedure of the environment notification and in accordance with law. The appellant has, admittedly, no issues when the 1<sup>st</sup> environmental clearance was obtained from the same authority and suddenly after formation of the new government, when fresh appraisal and clearance as per the provisions and in accordance with law was obtained by the respondent, is raising the frivolous objections on vague and baseless grounds. The appellant, knowing fully well that the Hon'ble Madras High Court has rejected the prayer objecting to the shifting of the Assembly from the building in question to the Fort St.George and to establish a Multi Super Specialty Hospital, has come out with a novel method of once again agitating the same issue in different forum. The appellant, all along has been raising frivolous and vexatious objections and is somehow, bent upon to stall the progress and this regular interference of the appellant is politically motivated. By this, the appellant is preventing the coming up of a Multi Super Specialty Hospital and Modern Medical College useful for the common man for whom the specialty hospital is out of reach. This Government is striving for the upliftment of poor and downtrodden and the common man have the best treatment for their ailments. The appellant has not made out a prima facie case nor is the balance of convenience in favour of the appellant. The present appeal is motivated, frivolous, vexatious and as such without any merits. Ultimately the public interest is suffering because of the vested interest of the appellant. The appeal has to be rejected in limine at the threshold as it is a clearly an abuse of process of law.

4. The 4<sup>th</sup> respondent herein, namely the State Level Environment Impact Assessment Authority (SEIAA) submitted the counter which is also adopted by the 5<sup>th</sup> respondent namely the State Level Expert Appraisal Committee (SEAC) and the brief narration of the same is as follows:

(i) On the recommendation of the Government of Tamil Nadu, Government of India notified, vide S.O.417(E) on 3rd March 2008, the constitution of a three member State Environment Impact Assessment Authority and a 14 member State Expert Appraisal Committee for Tamil Nadu for a term of three years. The Authority and the committee have started functioning with effect from 19.03.2008. After the completion of the term the SEIAA and SEAC were reconstituted vide Notification dated 03.03.2008 and ceased to function from 02.03.2011AN. The Government of India reconstituted a three member SEIAA and a 9 member SEAC for Tamil Nadu for a term of three years from 04.04.2012 vide S.O.731(E). Therefore, the SEIAA is completely an independent body from that of the State Government. The project or activities mentioned in the schedule of EIA Notification, 2006 require prior Environmental Clearance from the concerned regulatory Authority (MoEF) for the project falling under category A in the schedule and the SEIAA for the projects falling under category B in the said schedule. The proponent, the Superintending Engineer, PWD has made an application in the prescribed form to SEIAA for getting EC for the project "Construction of Tamil Nadu Legislative Assembly Complex in Chennai" at Omandhurar Government Estate, Chennai on 30.09.2008. The proposal was appraised as per the procedures of EIA Notification, 2006 by the SEAC in its meeting held on 10th, and 11th October, 2008 on the basis of the mandatory documents enclosed with the application in Form I, Form I-A, conceptual plan and REIA report.

The SEAC, after due consideration of the relevant documents, has recommended to SEIAA, Tamil Nadu for issuing EC to Tamil Nadu Legislative Assembly project. The proposal was considered by SEIAA, Tamil Nadu in its meeting held on 15.10.2008 and EC was granted to the project vide Lr.No. SEIAA/TN/EC/8(a)/0014/F.168/2008 dated 20.10.2008 subject to specific and general conditions, with a validity of five years from the date of issue. In the above said EC, under part B- General Conditions (2), it is clearly stipulated that in case of any change(s) in the scope of the project, a fresh appraisal by the SEIAA shall be obtained. In view of the change in the scope of project in G.O.Ms.No.846 dated 14.09.2011 whereby the TNLA complex is to be converted as MSSH, the project proponent, who is the same proponent as in the first instance, made a new application in the prescribed form to SEIAA on 12.04.2012 for obtaining EC for the project of conversion in accordance with General Condition (2) of the EC already issued which is meant for establishing the TNLA building. The project proposal involves change/modification of the existing TNLA building into MSSH. The area of the plot is 3,01,128 m<sup>2</sup>. The total built up area as reported is 87058 m<sup>2</sup> and the parking area as per the report is 34000 m<sup>2</sup>. As per the project proposal, the total water requirement is 460 KLD. The daily fresh water requirement would be 268 KLD, which is proposed to be met from the supply from CMWSSB. It has been proposed to provide a sewage treatment plant of 300 KLD capacity for treatment of the sewage. Out of 287 KLD of the treated sewage, 70 KLD will be reused for toilet flushing, 112 KLD for toilet gardening, 10 KLD for chillers make up and the balance 95 KLD will be let into CMWSSB sewerage system. Solid Waste generation will be 300 Kg/day. The bio-medical waste will be disposed to the common approved bio-medical waste treatment and disposal facility. The power required is 8000 KVA with backup power of 2 Nos. DG set of capacity 2000 KVA each and 1 No. of 250 KVA. The total cost of the estimated project is about Rs. 29 crore.

(ii) The following projects or activities shall require prior EC as per para 2 of EIA Notification, 2006.

(a) All new projects or activities listed in the Schedule to the said Notification;

(b) Expansion and modernization of existing projects or activities listed in the Schedule to the notification with addition of capacity beyond the limits specified for the concerned sector, i.e., projects or activities which cross the threshold limits given in the schedule after expansion or modernization;

(c) Any change in the product--mix in an existing manufacturing unit included in the schedule beyond the specified range.

(iii) The application submitted by the project proponent for conversion/modification/change in the activity of the existing new TNLA into MSHH and listed under item No.8 of the schedule of the notification require prior EC as per para 2(ii) of the EIA Notification, 2006. Hence the SEIAA, TN has considered the Application in Form I and Form I-A along with an Environment Management Plan (EMP) for fresh appraisal of the project. The SEIAA and SEAC had received the petitions from Shri R.Veeramani and Shri N.Velayutham against the grant of EC for the conversion into MSHH. The State Authority has forwarded the Application in Form I and I-A along with the EMP and the petitions of the above advocates to SEAC for appraisal and its recommendations. The State Authority is empowered to grant the EC for the projects falling under Category B in the schedule of the Notification. The schedule of the Notification lists the projects or activities requiring EC and also mentions the name of the project or activity under column 1, category with threshold limit under column 2 as A category and under column 3 as B category and applicability of General and Specific conditions depending on the nature of the project under column 5. The General Conditions treat the project or activity in category B to Category A depending on, if it is located in whole or in part within 10km from the boundary of protected areas as notified by the Central Pollution Control Board from time to time, notified eco-sensitive areas, inter-state boundaries and international boundaries. The project of conversion or change in the activity of TNLA into MSSH is covered by 8(a) of the schedule to the notification and is in B2 category. It does not require public consultation as per para 7(i) as per para 7(i) III Stage (3) (d) and 3(e) "Public Consultation" of EIA Notification 2006. The General Condition is not applicable to the projects/activities mentioned under item 8 of the schedule of the EIA Notification 2006 and no condition has been stated under the column No.5 (condition if any) of the schedule of the Notification for the project or activity listed in Item No.8 of the above said schedule. In addition to this, the Authority has got clarification on the applicability of General Condition to the building and construction projects, townships and area development projects of the MoEF, Government of India and the ministry has clarified in Office Memorandum No. J.11013/5/2010-IA-II(10) dated 24.05.2011 that the general condition or specific condition is not applicable to the projects categorized under item No.8 of the schedule of the notification and the projects in item No.8 are to be appraised at State level by the SEIAA/SEAC. The SEAC and SEIAA constituted as per EIA Notification dated 4.09.2006 are both responsible and competent for appraising the projects on the basis of the possible impacts on the environment due to the project and the mitigation measures proposed to be adopted to safeguard the environment. As such the activity of changing/modifying the TNLA into MSHH is not covered under general or specific

condition as specified in the notification and location of the protected area (Guindy National Park) under the Wild Life Protection Act, 1972 within 10 km from the project site and it will not categorise the project to treat as category-A project. In the light of the above, the proposal was appraised by the SLEA Committee in its meeting held on 11.05.2012, on the basis of the mandatory documents enclosed with the application and in consideration of the contents of the petitioner/advocates. The SEAC, after due consideration of the relevant documents submitted by the project proponent recommended the proposal to SEIAA, Tamil Nadu to grant EC to this project involving change in the activity. The proposal was placed before the SEIAA, in the meeting held on 16.05.2012 for a detailed appraisal and decision. As regards the main objections raised by the advocates Shri R.Veeramani and Shri N.Velayutham, against the grant of EC for the conversion of the TNLA as MSHH and the observations recorded by the Authority during the meeting held on 16.05.2012 in Annexure-III are:

(a) Request personal hearing:

As per para 7-III Stage (3) of EIA Notification 2006, all building construction projects/area development projects and townships (item 8 of the schedule) are exempted from public consultation process. Hence, allowing a personal hearing is not a must in this case.

(b) Applicability of CRZ norms:

The project proponent reported that the project is located at a distance of more than 200 meters from River Cooum. As per para 2(ii) of CRZ Notification dated 06.01.2011, CRZ norms shall apply to the land between HTL to 100 meters or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea. Hence the proposed project does not attract the provisions of CRZ Notification Rules.

(c) Location of protected area (Deer Park) notified under the Wild Life Protection Act 1972, within 8 km radius of the project site.

As per EIA notification, 2006, the general condition is not applicable for building/construction projects/ area development projects and townships included in item No. 8(a) and 8(b) of the schedule. The proposed conversion or change in activity of the conversion of the TNLA into MSHH falls under item No.8(a) of the schedule and therefore, general condition is not applicable to this project.

(d) Issue of EC for the proposed conversion of TNLA into MSHH:

The project proponent has submitted fresh application as per para 2

(ii) of the EIA notification, 2006 for issue of EC to the proposal.

(iii) The SELAA examined the different aspects of the proposal in detail and granted the EC for the change/modification of the existing TNLA building into MSSH building subject to the specified conditions and the additional conditions vide Lr.No. SELAA /TN/EC/8(a)/120/F.455/2012 dated 16.05.2012. Further, an amendment to the condition No.1 of Part B stipulated in the EC granted on 16.05.2012 has been issued to the effect that the proponent, shall cause through the State Government declaration of the Hospital area as "No Horn Zone" and provide necessary sign boards preferably at vantage positions in all adjoining roads, in such a way that the sign boards are visible both in day and night. The vehicles should be sparingly operated that too at minimum speed inside the premises to avoid noise and dust pollution. The concerned regulatory authority of the State Government should strictly enforce this condition on all the adjoining roads.

(iv) Therefore, the 4th respondent concludes his counter that it is not correct to state that the project proponent cannot change the nature or use of the project having once obtained EC. Under EIA Notification such change of use is permitted subject to obtaining a fresh EC. In such cases, the first EC would operate in relation to the construction of the buildings etc., and the second EC would govern the nature of use and change of use, if permitted. Hence he has prayed that the appeal may be rejected.

5. The objections of the respondent Nos. 1, 2 and 3 on the additional grounds put forth by the appellant are as follows:

The respondents have followed the required formalities and the procedures enunciated in law and only after careful consideration granted the Environmental Clearance. The plot area and built up area for the Multi Super Specialty Hospital remain the same as it was for the Legislative Assembly. It is only the internal partitions and modifications which are done to convert the floors suitable for operating hospital. The PWD tender issued was only in respect of construction of ramps and other modifications within the building. The existing building is to be converted as a Multi Super Specialty Hospital and as such there was no further expansion or construction activity, apart from construction of ramp inside the building for the purpose of moving handicapped and critical patients using wheel chairs and stretchers. All other items in the tender notification pertain to the internal modification and conversion of each floor in the building for the usage of hospital wards, operation theatres etc., The Form 1 has been filled carefully and in accordance with the requirements and its relevancy. The petitioner is trying to interpret the details of the Form 1 to suit to his vested interest and misrepresenting. All the respondents have carefully considered each and every aspect and the Environmental Clearance issued is in accordance with law. The application has been properly filled with all the required details and only after satisfying the same, the authorities have proceeded to give Environmental Clearance on 16.05.2012. The petitioner is trying to interpret the details given in the application to suit his frivolous allegations. The material produced by the petitioner before this Tribunal in type set V filed by him is

In respect of the Environment Management for health care facilities pertaining to Germany and is not applicable to our country. The Tribunal is well aware that each place in terms of its own climatic and weather conditions has respective methods of Environment Management. The petitioner cannot go on adducing fresh grounds as after thoughts and will have to restrict himself to what he had objected to before the 4th and 5th respondent and what he has stated in his appeal. Severe hardships and prejudice would be caused to the respondent if the petitioner continues to abuse the process of law and as such, it is affecting the noble cause of the Government for operationalizing Multi Super Specialty Hospital in Chennai for the welfare of the people and that too in accordance with law and only after fulfilment of all the required statutory norms.

6. The Tribunal has looked into the memorandum of grounds in the appeal and the additional grounds put forth by the appellant herein and the counter submitted by the respondents 1 to 3 and all other materials placed before the Tribunal by both sides. The following points for determination have been set out for arguments on these by the counsel for the appellant and the respondents after the preliminary pleadings.

(i) Whether this appeal is maintainable in view of the W.P. No. 30326 of 2011 filed by the appellant herein and pending on the file of the High Court of Madras;

(ii) Whether the grant of environmental clearance by the Tamil Nadu Environmental Impact Assessment Authority is violative of law since the assessment for making such a grant lies with the Central Government, Ministry of Environment and Forests as alleged by the Appellant;

(iii) Whether the environmental clearance applied and granted for the second time is against law since the Environmental Clearance was already granted for a different and specific project and also when the Environmental Notification 2006 does not permit any conversion from the original scope of the project or activity as alleged by the Appellant;

(iv) Whether the grant of Environmental Clearance has to be set aside since it is based on the Impact Assessment given by the State Environmental Impact Assessment Authority which did not consider all the necessary environmental parameters for conversion of the Secretariat into Multi Super Specialty Hospital-cum-Medical College;

v) Whether the Environmental Clearance given on 16.5.2012 in letter No. SEIAA/TN/EC/8(a)/120/F.455/2012 by the 4th Respondent is liable to be set aside on all or any of the grounds mentioned in the appeal. During the arguments the following additional points were raised:

(i) Whether the appellant is an aggrieved person who can maintain the appeal under the provisions of the National Green Tribunal Act, 2010.

(ii) Whether the appeal is not maintainable as it does not fall under any one of the grounds envisaged under the National Green Tribunal Act, 2010.

7. As could be seen above, the appellant has filed this appeal under section 18(1) read with sections 14, 15, 16 and 17 of the National Green Tribunal Act, 2010 challenging the Environmental Clearance dated 16.12.2012 given by the 4th respondent to the 2nd respondent to convert the new Legislative Assembly-cum- Secretariat complex into a Multi Super Specialty Hospital.

8. Admitted facts would emerge as follows:

(i) After the General Elections to the Tamil Nadu Assembly held in the year 2006, the then Chief Minister made an official announcement that a new building complex would be constructed at the Omandhuram Government Estate, Anna Salai, Chennai to house the Legislative Assembly stating the reasons therefor. Following the announcement in the year 2007, the State Government decided to build an Assembly-cum-Secretariat complex in the said estate and the G.O.Ms.No.209, Public Works Department, dated 04.07.2007 was issued to the effect. A tender notification was floated and the tenders submitted were short listed. Three architects were asked to submit their drawing and model. An expert committee conducted an analysis and selected a company for rendering architectural services for designing the New Legislative Assembly-cum-Secretariat building. Another committee of Secretaries was constituted to advise the Chief Engineer (Buildings), Public Works Department on space requirements and other facilities to be provided in the proposed building. A scheme designed for Block A and Block B was approved.

After deliberations, it was decided to construct the Legislative Assembly-cum- Administrative office. The State Government entered into an agreement with the said company. An application was made seeking approval of the Chennai Metropolitan Development Authority (CMDA) for the construction of the Assembly building. As per the Environmental Notification, 2006, the Superintending Engineer, Public Works Department, applied for the Environmental Clearance to the State Level Environmental Impact Assessment Authority (SEIAA). The proposal was procedurally appraised by the State Level Expert Appraisal Committee (SLEAC) and the Environmental Clearance was issued by the said SEIAA, in which the project/activity was shown as "Legislative Assembly-cum-Secretariat Project." With the decision to construct two blocks, Block A and Block B, the construction process started. The construction of the A Block was completed and the B Block was commenced. The Legislative Assembly was officially inaugurated by the Hon'ble Prime Minister of India on 13.03.2010. Four Assembly Sessions were held in A Block of the said complex. The 4th session was held in February 2011. In the Assembly Elections held in the year 2011, AIADMK party came to power. Following the announcement made by the Hon'ble Chief Minister, the Government offices, which were originally shifted from Fort St.George to New Assembly Complex were transferred to Fort St.George complex.

(ii) Aggrieved over the decision, the appellant filed a Writ Petition in W.P.No.19011 of 2011 before the High Court of Madras, wherein the High Court made an order closing the writ petition since no further adjudication was necessary except the representation of the appellant dated 22.08.2011 should be looked into and appropriate decision be taken at the earliest. While the matter stood thus, the Cabinet of the State Ministry decided to utilise the Block A of the newly constructed complex as

Multi Super Specialty Hospital and Block B for starting a new Government Medical College. Pursuant to the same, an application along with Form 1A was submitted before the 5th respondent (SEIAA) herein on 12.04.2012 and after appraisal, the minutes recorded in its meeting held on 11.05.2012 was sent to the 4th respondent (SEAC) on 12.05.2012. On receipt of the report of the appraisal, the 4th respondent issued the proceedings dated 16.05.2012 granting the Environmental Clearance for the purpose of the Multi Super Specialty Hospital, which is the subject matter under challenge in this appeal.

9. The Tribunal paid its anxious consideration on the elaborate deliberations made by Mr. P.Wilson learned Senior Counsel, assisted by Mr.R.Nedumaran, Advocate, for the appellant and Mr.A.Navaneethakrishnan, learned Advocate General, Mr.A.L.Somayaji, learned Additional Advocate General-I, assisted by Mr.Abdul Saleem, Advocate, for respondents 1 and 2 and Mr.P.H. Aravindh Pandian, Additional Advocate General-V, assisted by Mr.M.K.Subramanian, Advocate, for the third respondent, and Mr.N.R.Chandran, learned Senior Counsel, assisted by Mr.L.G.Sahadevan, Advocate, for the respondents 4 and 5 and also had a scrutiny of all materials made available and in particular, the file pertaining to the grant of Environmental Clearance (in short EC) under challenge, produced by the respondents' side at the time of hearing of the appeal.

10. ADDITIONAL QUESTIONS 1 AND 2:

Before advertng to the submissions made on either side, it may be necessary to look into the preamble and also the relevant Sections of The National Green Tribunal Act, 2010 (19 of 2010) (in short NGT Act). The preamble to the NGT Act is as follows:

"An Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto."

11. Section 20 of NGT Act reads thus:

"20.Tribunal to apply certain principles:- The Tribunal shall, while passing any order or decision or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle."

12. Speaking of the appellate jurisdiction of the National Green Tribunal, Section 16 of NGT Act reads:

"16.Tribunal to have appellate jurisdiction: - Any person aggrieved by, -

(a) an order or decision, made, on or after the commencement of the National Green Tribunal Act, 2010, by the appellate authority under section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(b) an order passed, on or after the commencement of the National Green Tribunal Act, 2010, by the State Government under Section 29 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(c) directions issued, on or after the commencement of the National Green Tribunal Act, 2010, by a Board, under section 33-A of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(d) an order or decision made, on or after the commencement of the National Green Tribunal Act, 2010, by the appellate authority under section 13 of the Water (Prevention and Control of Pollution) Cess Act, 1977 (36 of 1977);

(e) an order or decision made, on or after the commencement of the National Green Tribunal Act, 2010, by the State Government or other authority under section 2 of the Forest (Conservation) Act, 1980 (69 of 1980);

(f) an order or decision, made, on or after the commencement of the National Green Tribunal Act, 2010, by the Appellate Authority under section 31 of the Air (Prevention and Control of Pollution) Act, 1981 ( 14 of 1981);

(g) any direction issued, on or after the commencement of the National Green Tribunal Act, 2010, under section 5 of the Environment (Protection) Act, 1986 (29 of 1986);

(h) an order made, on or after the commencement of the National Green Tribunal Act, 2010, granting Environmental Clearance in the area in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 (29 of 1986);

(i) an order made, on or after the commencement of the National Green Tribunal Act, 2010, refusing to grant Environmental Clearance for carrying out any activity or operation or process under the Environment (Protection) Act, 1986 (29 of 1986);

(j) any determination of benefit sharing or order made, on after the commencement of the National Green Tribunal Act, 2010, by the National Biodiversity Authority or a State Biodiversity Board under the provisions of the Biological Diversity Act, 2002 (18 of 2003), may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal:

Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed under this section within a further period not exceeding sixty days."

13. Section 18 of the NGT Act reads:

"18. Application or appeal to Tribunal.- (1) Each application under sections 14 and 15 or an appeal under section 16 shall be made to the Tribunal in such form, contain such particulars, and be accompanied by such documents and such fees as may be prescribed.

(2) Without prejudice to the provisions contained in section 16, an application for grant of relief or compensation or settlement of dispute may be made to the Tribunal by-

(a) the person, who has sustained the injury; or

(b) the owner of the property to which the damage has been caused; or

(c) where death has resulted from the environmental damage, by all or any of the legal representatives of the deceased; or

(d) any agent duly authorised by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be; or

(e) any person aggrieved, including any representative body or organisation; or

(f) the Central Government or a State Government or a Union territory Administration or the Central Pollution Control Board or a State Pollution Control Board or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under the Environment (Protection) Act, 1986 (29 of 1986) or any other law for the time being in force:

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation or relief or settlement of dispute, the application shall be made on behalf of, or, for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined shall be impleaded as respondents to the application:

Provided further that the person, the owner, the legal representative, agent, representative body or organisation shall not be entitled to make an application for grant of relief or compensation or settlement of dispute if such person, the owner, the legal representative, agent, representative body or organisation have preferred an appeal under section 16.

(3) The application, or as the case may be, the appeal filed before the Tribunal under this Act shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the application, or, as the case may be, the appeal, finally

within six months from the date of filing of the application, or as the case may be, the appeal, after providing the parties concerned an opportunity to be heard."

14. A combined reading of the preamble and also the above provisions would indicate that a vast jurisdiction is vested on the Tribunal to decide the environmental disputes in order to enforce the legal rights relating to environment and give compensation for damages to persons and property and for matters connected therewith and incidental thereto including conservation of natural resources.

15. Advancing arguments on behalf of the respondents, the respective learned Senior Counsel would contend that the appellant did not have any locus standi to file the above appeal before the Tribunal, since he is not a person aggrieved in the terms of the provisions of the NGT Act and there is no allegation in the appeal that the appellant is representing a community at large apart from saying that he is a public spirited person; that there is no allegation that the hospital if started functioning, would affect the interest of the public at large or likely to be affected by the environmental consequences, especially when the hospital has not commenced its functions; that not only the appellant has not shown himself as an aggrieved person, but also has no cause of action to file this appeal; that the appellant has not shown any substantial question relating to the environment as envisaged under Section 2(1)(m) of the NGT Act; that the appeal itself is another attempt of various and repeated frivolous cases filed by the appellant to stall the hospital and in that view, the appellant from the very beginning was objecting to any activity of the present Government and that so long as the appellant is unable to show that he is an aggrieved person, the appeal has got to be rejected as not maintainable.

16. In answer to the above, the learned Senior Counsel for the appellant pointing to Section 18(2)(e) of the NGT Act, would submit that any person aggrieved including any representative body or organisation can file an appeal before the Tribunal and hence it cannot be stated that only a person representing a particular community, alone could file an appeal; that the right to have environmental protection is a right guaranteed under Article 21 of the Constitution of India, since it touches upon the right to life and under such circumstances, even a single citizen of the country can agitate for his or her right under a prescribed due procedure of law; that the State shall also protect the environment as per the directive principles of State Policy Article 48A and hence it would be clear that when the requirements made in the environmental laws are not complied with either by the State or by the authorities constituted for the said purpose, any aggrieved person can approach the forum available under the NGT Act; that in the instant case, the appellant from the very inception has raised his objection before the respondents, which were neither accepted nor even considered and thus, the appellant clearly falls within the meaning of the person aggrieved and can well maintain the present appeal; that the appellant is a bonafide litigant and he has been pursuing his remedy in the forums available under law so as to get appropriate remedy; that he was a party to the process of proceedings in granting EC; that when his bonafide request to protect the environment was negated by the authority, quite natural, the appellant as an aggrieved person has filed the present appeal; that the Hon'ble Supreme Court in its judgment dated 31.1.2013, clearly observed that the appellant is a public spirited person and a practising advocate of the High Court of Madras; that his grievance could be agitated before different forum and it can go on; that the

judgment of the Supreme Court would clearly indicate that the pending proceedings in Appeal No.31/2012 before this Tribunal, can go on and thus, there cannot be any impediment in dealing with the present appeal filed by the appellant as an aggrieved person.

17. After considering the submissions made and looking into the relevant Rules and provisions afore stated, the Tribunal is of the considered opinion that the appellant can maintain an appeal as an aggrieved person.

18. A reading of Section 2(j)(i) to (viii) would make it clear that an individual, a Hindu undivided family, a company, a firm, an association of persons or a body of individuals, whether incorporated or not, any trustees of a trust, a local authority and every artificial juridical person, not falling within any of the preceding sub-clauses would include person who can maintain an application/appeal under the NGT Act. It is contended by the respondents' side that the persons so defined under the above provisions as person should be either aggrieved or injured directly or indirectly in order to make an application or an appeal. Hence a question would arise whether in the environmental matters, a person in order to approach the Tribunal by making an application or an appeal, should show himself as an aggrieved person. A combined reading of the above provisions would make it abundantly clear that any person whether he is a resident of that particular area or not or whether he is aggrieved and/or injured or not, can approach the Tribunal. We have to find out what was the true intention and the motive of the appellant to prefer the appeal in question.

19. It is not in controversy that the appellant is a practising lawyer in the High Court of Madras and also a resident in the said place. From the records, it is made out that even during the pendency of the application made before the Appraisal Committee, he made his objections by way of representation and the same was brought to the notice of the Division Bench of the Hon'ble High Court in W.P.No.19314/2011, where there was a direction to the Committee to look into the representation. Even after the grant of EC, the appellant made W.P.30326/2011 before the High Court of Madras and on the dismissal of the same, he preferred S.L.P. before the Apex Court. The Apex Court in its order dated 31.1.2013 in Special Leave to Appeal (Civil) Nos.5251 to 5256/2013 has observed as follows:

"In the present case, we do not find such a ground available to the petitioner, who appears to be a public spirited citizen as well as an Advocate of the Madras High Court. In our view, the reliefs sought by the petitioner in the writ petition have to be pursued in some other forum where the subject matter of the complaints of the petitioner can be gone into."

20. In the matters of environmental cases, where great damage or danger to environment and ecology is apprehended, any individual or persons or body of individuals can agitate as to the correctness of the study of the environment and ecology and the appraisal made by the granting authority. Mere assertion by the respondents that the appellant is not an aggrieved person or injured person and hence the appeal is not maintainable would not suffice unless the respondents are able to demonstrate materials to doubt the bonafide or the credentials of the appellant. Thus, the only ground for treating an appeal or application as not maintainable could be a matter which falls

beyond the seven Acts as notified in Schedule I of the NGT Act. If it is shown that the appeal is an outcome of malafide or a vexatious litigation, the appeal can be rejected. Though not the appellant is able to show that he is affected directly or indirectly at present, he himself has shown as an interested person in the environment and ecology. According to the appellant, if the project in question is launched, without taking proper precautions, it would cause health hazardous and danger to society. The Tribunal has already taken its view that the person aggrieved in environmental matters must be given a liberal interpretation and it requires flexibility and hence in the considered opinion of the Tribunal, the appellant is entitled to approach the Tribunal and the appeal is maintainable.

21. Pointing to Section 16 of the NGT Act, learned Senior Counsel for the respondents would vehemently urge that the appeal is not maintainable in view of the provisions of NGT Act. Clause (h) of Section 16 of the NGT Act stipulates an order granting environmental clearance in the area in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986. As far as Clause (i) of Section 16 of NGT Act is concerned, it is not applicable because it contemplates an appeal only against the refusal to grant environmental clearance. Sections 14 and 15 of the NGT Act will not be applicable to the present case, since the appellant cannot qualify his appeal under the said provisions for the reason that there was no substantial question relating to environment which has arisen out the implementation of the enactments specified in Schedule I of the Act. Equally Section 15 will not also be applicable, as the appellant is not entitled to any relief of compensation or any order under Section 15 of the NGT Act and hence the appellant must be able to show that his appeal squarely lies under Section 16(h) of the Act. The appeal is not maintainable unless the appellant is able to substantiate that the area where the subject complex is constructed, is a notified area where such processes or activities shall not be carried out or can be carried out with certain safeguards as per Environment (Protection) law. In the instant case, the requirements of sub section (h) of Section 16 of the NGT Act have not been met. The above provision under sub section (h) of Section 16 of NGT Act is a replica of Section 3(2)(v) of Environment (Protection) Act, 1986. Rule 5 of the Environment (Protection) Rules, 1986 prohibits location of industries and carrying on operations. It also obliges the Government to impose prohibition only by way of notification. So far as the location in question is concerned, no such notification has been issued and hence the appellant cannot rest his appeal under Section 16(h) of the Act. The statute does not provide for any appeal against the proceedings of the fourth respondent dated 16.5.2012 granting Environmental Clearance. In the absence of any provision of appeal for challenging the said proceedings, the appellant cannot maintain the appeal.

22. Placing reliance on the decisions of the Apex Court reported in 2010 (10) SCC 744 (paras 46 to 50 and 56 to 65); in 2010 (4) SCC 772 (paras 19, 27 and 29) and in 1973 (2) SCC 170 (para 31), learned Senior Counsel with vigour and vehemence would submit that the appeal is a creature of the statute and the appellant has no inherent right and the Tribunal with limited jurisdiction cannot go beyond the procedure laid down by the statute for its functioning and if done, it would be acting without jurisdiction and hence the appeal has to be rejected as not maintainable.

23. Countering to the above contentions, learned Senior Counsel for the appellant would submit that the appellant has to show that the appeal rests on any one of the grounds envisaged under Section 16 of the NGT Act and in the instant case, the appeal made by the appellant squarely falls under Section 16(h) of the Act. Section 16(h) deals with two parts (1) restricted areas and (2) shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986. The Central Government by its notification dated 14.9.2006, an elaborate one, notified that any project or activity should be done in the manner in which it was stipulated in that particular notification and hence Section 16(h) should be read along with the Environment (Protection) Act. A bare reading of the said notification would reveal that the restrictions envisaged in the said notification are applicable to all projects and activities throughout India and hence it is equally applicable to the present disputed area. It is not in doubt that the impugned EC falls within Section 16(h) of the Act which is in respect of a prohibited area. Hence, the question whether the disputed area is a restricted one or not does not arise. Rule 2(aa) of the Environment (Protection) Rules, 1986, defines area which means area where hazardous substances are handled. Admittedly, in the proposed project, handling of hazardous substances is involved and hence it would automatically fall within the ambit of the Acts and Rules. As far as the second part of Section 16(b) of the Act that the activity should be carried out subject to certain safeguards under the Environment (Protection) Act is concerned, it is the case of the appellant that Form I and Form IA did not speak about the proper safety measures and they have not been adopted and thus the appellant has a case and a grievance to put forth before the Tribunal. Hence it would be quite clear that the appeal made by the appellant squarely falls under Section 16(h) of the Act.

24. After considering the rival submissions made and also looking into the relevant legal provisions, this Court is unable to agree with the contentions put forth by the respondents. As rightly pointed out by the learned Senior Counsel for the respondents, Sections 14 and 15 of NGT Act have no application to the present factual position, though the appellant has mentioned those provisions in the appeal grounds. As could be seen from the provisions of Section 16 of the NGT Act, grant of EC can be challenged only on either of the two grounds envisaged under Section 16(h) of the Act. While the challenge can be made against refusal to grant under Section 16(i) of the Act, the grant of EC under Section 16 can be agitated in an appeal firstly, if the environmental clearance is granted in the area in which industries, operations and processes are prohibited and secondly, if the industries, operations or processes, etc., shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986. As rightly pointed out by the learned Senior Counsel for the appellant, Environmental Impact Assessment Notification dated 14.9.2006, an elaborate one, was issued in exercise of the powers conferred by sub section (1) and Clause (v) of sub section (2) of Section 3 of the Environment (Protection) Act, 1986 read with Clause (d) of sub rule (3) of Rule 5 of the Environment (Protection) Rules, 1986. It could be seen from the said Notification that any project or activity should be done in the manner in which it is stipulated in that notification. Hence Section 16(h) of the NGT Act should be read along with Environment (Protection) Rules as well as the said notification of 2006. Number of restrictions are envisaged for different projects and activities. It is the case of the appellant that the area in which the complex in question, is situated, is not fit for functioning of the Multi Super Specialty Hospital. Apart from that, according to Rule 2(aa) of the Environment (Protection) Rules, area means where the hazardous substances are handled. Even Form I and Form IA put forth by the respondents for EC would reveal that there is

handling of hazardous substances which no doubt can be carried out subject to certain safeguards under Environment (Protection) Act. It is pertinent to point out that Clause 15 of the impugned Environmental Clearance reads that any appeal against environmental clearance shall lie with the National Green Tribunal if preferred within 30 days as prescribed under Section 16 of the NGT Act. It is evident that the authority which granted EC, has made it clear that appeal would lie against the grant of EC before the Tribunal and hence it would not be proper on the part of the respondents to state that appeal would not lie. All the above would clearly indicate that the appeal made by the appellant would squarely fall within Section 16(h) of the National Green Tribunal Act, 2010, and hence the contentions put forth by the learned Senior Counsel for the respondents that the appeal is not maintainable since the appellant is not an aggrieved person and that the appeal does not fall under any one of the grounds envisaged under Section 16 of the Act have to be rejected as devoid of merits. Thus, the additional questions are answered accordingly.

25. QUESTION No.1:

This question whether the appeal is maintainable in view of WP No.30326/2011 filed by the appellant herein and pending on the file of the High Court of Madras does not arise for consideration at this stage in view of the disposal of the WP No.30326/2011 by a Division Bench of the Madras High Court by judgment dated 24.1.2013 upholding the decision of the State Government to convert the Legislative Assembly cum Secretariat complex as a Multi Super Specialty Hospital, which has reached finality by an order of the Supreme Court in Civil Miscellaneous Appeal Nos.5251 to 5256/2013 dated 31.1.2013.

26. QUESTION No.2:

Insofar as this question whether the grant of Environmental Clearance by Tamil Nadu Environmental Impact Assessment Authority was violative of law, since the assessment for making such a grant lies with the Central Government, Ministry of Environment and Forests, the appellant had given up the same, since he has admitted that the respondents 4 and 5 were constituted by the Central Government of India by a notification.

27. Thus the other questions 3 to 5 remain to be decided.

28. QUESTION No.3:

Before considering the submissions made by the learned Senior Counsel on either side, it is necessary to take notice of the relevant Clauses in the Environmental Clearance Notification dated 14.9.2006, which governs the entire field of Environmental Clearance. Clause 2 of the Notification reads thus:

"2.Requirements of prior Environmental Clearance (EC).- The following projects or activities shall require prior environmental clearance from the concerned regulatory

authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category "A" in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category "B" in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

(i) All new projects or activities listed in the Schedule to this notification;

(ii) Expansion and modernisation of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernisation;

(iii) Any change in product-mix in an existing manufacturing unit included in Schedule beyond the specified range."

29. Clause 4 of the Notification reads:

"4. Categorisation of projects and activities.- (i) All projects and activities are broadly categorised into two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and manmade resources.

(ii) All projects or activities included as Category "A" in the Schedule, including expansion and modernisation of existing projects or activities and change in product mix, shall require prior Environmental Clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this Notification.

(iii) All projects or activities included as Category "B" in the Schedule, including expansion and modernisation of existing projects or activities as specified in sub-paragraph (ii) of paragraph 2, or change in product mix as specified in sub-

paragraph (iii) of paragraph 2, but excluding those which fulfil the General Conditions (GC) stipulated in the Schedule, will require prior Environmental Clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory Level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category "B"

project shall be considered at the Central Level as a Category "B" project."

30. Clause 6 of the Notification reads as follows:

"6.Application for Prior Environmental Clearance (EC).- An application seeking prior Environmental Clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1-A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (Item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1- A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report."

31. Clause 7 of the Notification reads thus:

"7.Stages in the Prior Environment Clearance (EC) Process for New Projects.- (i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:-

Stage (1) - Screening (Only for Category "B" projects and activities) Stage (2) - Scoping Stage (3) - Public Consultation Stage (4) - Appraisal .....

IV. Stage (4) - Appraisal - (i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorised representative.

On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1-A as applicable, any other relevant validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert

32. Schedule to the said notification is as follows:

"SCHEDULE (See Paragraphs 2 and 7) LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE Project or Activity Category with threshold limit Conditions if any

		A	B	
(1)	(2)	(3)	(4)	(5)
.....				
8		Building/Construction projects/Area Development projects and Townships		
8(a)	Building and Construction projects		.....	.....
8(b)	Townships And Area Development projects		.....	.....
....."				

33. Addressing the Tribunal on the above questions, learned Senior Counsel for the appellant would submit that it is not a fact in controversy that an Environmental Clearance was applied for by the former State Government pursuant to its decision and on appraisal of the report, Environmental Clearance was granted by the very same authority for construction of a complex to house the Legislative Assembly and the said Environmental Clearance is a valid one and the same is also not challenged and while so, the Environmental Clearance applied for by the present State Government and granted by the fourth respondent on the recommendation of the fifth respondent is against law, since the EC granted originally to the former Government was for a different and specific object and the Environmental Impact Assessment Notification 2006 does not envisage EC for the second time and it does not permit any conversion from the original scope of the project or activity. Pointing to EIA Notification 2006, learned Senior Counsel would submit that the notification sets out as to the restriction and prohibition on the new project or activities or on the expansion or modernisation of the existing projects or activities based on their potential environmental impacts as indicated in the Schedule of the notification. The

prior Environmental Clearance is contemplated before any construction or new projects or activities or expansion or modernisation of the existing projects or activities listed in the schedule are undertaken. The notification has divided the projects and activities into two categories, namely Category "A" and Category "B".

The assessment authority either to grant the project or activity under Category "A" in the case of Central Government, or to grant the project or activity under Category "B" in the case of State Government, is independent. Even if the Central Government is to undertake any project, it has to go before the authority for Environmental Clearance as per the notification. The prior Environmental Clearance which would mean and which is being used, is comprehensive for both building as well as project/activity and hence the same cannot be allowed to be reissued or to be amended or to be modified for a different project or activity as the change in project was not at all contemplated or permitted in the EIA Notification. A reading of the above notification makes it abundantly clear that a consideration of clearance by the authority could be only for a vacant site before any construction work or preparation of land by the project management is started for the project activity in cases of new project. Preamble to the notification makes it clear that the authority can give environmental clearance for new project/activity relating to construction, which includes the operation of a particular activity in the said building so constructed only after the appraisal of SEAC at the State level and EAC at the Central level. Thus for a new project, appraisal is possible only for vacant land and not for building. While the entire notification contemplates a single comprehensive Environmental Clearance for new projects or activities of construction and activities to be carried out during the operational phase in the constructed building, it is not correct on the part of the respondents to urge that an application for a fresh EC or amendment can be entertained and it cannot but be a misconstruction of the notification. The notification does not contemplate two separate Environmental Clearances separately for a building and separately for the project or activity. Even in the guidelines, the Central Government has clearly set out that there should be a site selection as the first step in the process of obtaining Environmental Clearance. In the case of prior Environmental Clearance process, there is a concept of site location which is mandatory and nowhere the clearance for a constructed building is contemplated. While the notification contemplates change in the product mix, there is no provision for change in product or activity after building is constructed or amendment for EC for one project/activity and another after construction of building. Thus the notification takes within itself the construction and operation of activity in the building so constructed and hence even before beginning of a project or activity, appraisal is made while there is a vacant site, applying various parameters which is the real concept behind the authority which issued the notification. It is because of which, prior site study is undertaken before venturing to such project or activity to see the impact of the project or activity on the environment, habitats, water, land use, social well being and developmental intensity. If the Environmental Notification does not permit for a clearance after construction, the grant of the impugned second clearance dated 16.5.2012 after construction, was without jurisdiction and has to be set aside as ab initio void. It is true that as claimed by the fourth respondent in their counter, the Environmental Clearance dated 20.10.2008 has a Clause to the effect that in case of any change(s) in the scope to approach a fresh appraisal by the SEAC shall be obtained. If a meaningful interpretation is given, it would show that if there is a change in the scope of the project before the construction is made, the proponent can approach the authority and seek for a change in the project or activity and not

otherwise and this is because of which the Clause reads that a fresh appraisal by SEAC shall be obtained. The EIA notification contemplates only for vacant site and not otherwise. When EC was obtained and even before the construction is made, if the project was sought to be abandoned due to any reason, only then, the proponent can approach for another project or activity for fresh appraisal. A fresh appraisal can be considered for any fresh project or activity in terms of EIA Notification only prior to construction and the said interpretation would be within the scope of EIA Notification, since that could be the real intention of Clause 2 of Part B conditions. In the instant case, it is an admitted fact that on the date of Environmental Clearance, sought for by the second respondent, there was already a constructed complex. The respondents cannot take advantage of the Clause available in the earlier EC that they can come for fresh appraisal, if there is any change of activity. Since there was already a constructed complex, which was meant for a specific activity, the application for second EC and the grant of the same are illegal and void. The interpretation made by the learned Senior Counsel for the respondents on Section 21 of the General Clauses Act, was thoroughly incorrect and has no application to the present case, since it is applicable to a case where a power is given under any Act or Regulation to issue notification, orders, rules or by-laws. The fourth respondent being a regulatory authority is a creature under the statute. It has no power to issue notifications, orders, rules or by-laws. Thus, the issuance of the second EC by the fourth respondent, while the first EC dated 20.10.2008 was valid and in force and available, was without jurisdiction and void.

34. Stoutly opposing all the contentions put forth by the appellant's side, learned Senior Counsel for the respondents would submit that the EC dated 20.10.2008 was issued in respect of the building complex for housing Legislative Assembly and the construction was completed as per the EC. The present State Government took a policy decision for the conversion of the said building for its utilisation as Multi Super Specialty Hospital. An application along with a requisition letter dated 12.4.2012 seeking revision of the earlier EC was made for amending and modifying the conditions given in the EC dated 20.10.2008. Accordingly, by proceedings dated 16.5.2012, the respondents 4 and 5 after completing all the required formalities and as per the procedure prescribed under law, modified and altered the earlier EC conditions for the utility of the already constructed building as multi super specialty hospital. The EIA Notification 2006 does not bar or prohibit any conversion or change of utility of any building for which EC has been granted. It is not correct to state that Environmental Notification 2006 does not permit any conversion from the original scope of the project or activity as alleged by the appellant, since there is no express bar or restraint either. Apart from that, EC can be granted only for a building/project and not for an activity as contemplated in Sl.No.8 of the Schedule to the EIA Notification 2006. The activity of running a Hospital or Assembly does not find a place in the Schedule to the EIA Notification 2006. The appellant has not challenged the EC dated 20.10.2008 and hence he cannot challenge the proceedings dated 16.5.2012, since it is in continuation of the earlier proceedings. The EC proceedings dated 20.10.2008, was in respect of building project as contemplated in Sl.No.8(a) of the Schedule to EIA Notification and the said building was complete and the construction phase has also attained finality. The present proceedings under challenge pertain to the activity or usage which is now permitted with certain modifications and amended conditions. Though the term attached to it, might have been used as Environmental Clearance, but under no circumstances, it can be construed as a second EC in law and it has to be read along with EC dated 20.10.2008. When the EC dated 20.10.2008, was issued for housing the Legislative Assembly, certain conditions were imposed and when the present

Government decided to change the activity and house a Multi Super Specialty Hospital, the parameter and conditions required, were amended as per law. Hence the contention of the appellant that if one clearance was there, then the other clearance cannot be there was totally irrational and unreasonable as the earlier clearance was in respect of the building and the present proceedings dated 16.5.2012, pertains to certain modified conditions in respect of the proposed change in activity i.e., the use of the building as a Multi Super Specialty Hospital.

35. Learned Senior Counsel took the Tribunal to the earlier proceedings and the impugned proceedings and made a comparison of the same. He would submit that the authorities only after the proper application of their mind modified the earlier conditions to suit the proposed activity i.e., the change of utility. The modifications required were also only minor in nature. It was an application for amendment of modifications and conditions in relevance to the conversion of the utilisation of the building and its impact on the environment and the same was screened and appraised by the Appraisal Committee and considered by the authorities. Since they found that there were only minor modifications, the parameters and conditions were modified as per the requirements of the utility of the building for hospital, taking into consideration the impact it would have on the environment. A considered reading of the proceedings dated 16.5.2012 as a whole, would reveal that it was only in amendment of the conditions imposed earlier taking into account the impact of the proposed activity/utility as hospital that would have on the environment and thus the proceedings dated 16.5.2012, issued by the fourth respondent to the second respondent is valid in law.

36. Admittedly, pursuant to the decision taken by the erstwhile State Government to construct a complex consisting of Block "A" and Block "B" for Legislative Assembly cum Secretariat Complex, they applied for Environmental Clearance on 13.9.2008 and obtained EC dated 20.10.2008, for construction of the said complex and the same was also granted after appraisal by the authorities. It is an admitted position that pursuant thereto, "A" Block was completed at a cost of approximately Rs.480 crore. It is also true that four Sessions of the Tamil Nadu Legislative Assembly were held in that complex. The General Election 2011 brought forth change in the Government and the present Government took a policy decision for conversion of the said building into a Multi Super Specialty Hospital. It is not in controversy that applications in Form 1 and Form 1-A were made. The same were placed before the fifth respondent, the State Level Expert Appraisal Committee and on its recommendations and report, the State Level Environmental Impact Assessment Authority has issued proceedings dated 16.5.2012, which is the subject matter of challenge in this appeal.

37. The Environmental Impact Assessment Notification 2006 makes it mandatory the prior Environmental Clearance from the Central Government in the Ministry of Environment and Forest for matters falling under Category "A" in the Schedule and at the State level, State Environmental Impact Assessment Authority for matters falling under Category "B" in the Schedule before any construction work or preparation of land by the project management except for securing the land is started on the project or activity. As per Clause 2 of the notification, prior Environmental Clearance is required either under Category "A" or under Category "B" for (i) all new projects or activities listed in the Schedule to this notification; (ii) expansion and modernisation of the existing projects or activities listed in the Schedule to the notification...., and (iii) any change in product-mix in an

existing manufacturing unit included in Schedule beyond the specified range. Sub Clauses

(ii) and (iii) of the notification have no application to the present case, since sub Clause (ii) is pertaining to the expansion and modernisation of the existing project or activity and sub Clause (iii) is in respect of change in product-mix which is connected to industry. Relying on Sub Clause (i) which reads all new projects or activities listed in the Schedule to the notification, learned Senior Counsel for the appellant attacks the proceedings of the fourth respondent dated 16.5.2012, as void since according to him, it was a second Environmental Clearance applied for by the second respondent and issued by the fourth respondent on the recommendation of the fifth respondent. He would further add that in the case of a new project or activity, the application for Environmental Clearance should be made before the construction is made in the site and an inspection of the site by the authorities was mandatory and there could be only one EC for both the construction and also the activity to be carried out in that constructed building and in the instant case, the construction of "A" Block was completed and the Environmental Clearance originally given, included the portion of a particular activity in the said building so constructed and from the point of view of the EC, it was a single comprehensive Environmental Clearance for the new project and activities to be carried out. Attractive though the contentions put forth by the learned Counsel for the appellant may be at the first instance, they do not stand the scrutiny of both law and the factual position in the instant case. The same cannot be countenanced for more reasons than one. Sub Clause (i) to Clause 2 of the notification reads "all new projects or activities listed in the Schedule to the notification". It is not in controversy that the construction called "A" Block was originally completed following the EC granted by the proceedings dated 20.10.2008.

38. Admittedly, the building and the construction projects fall under Clause 8(a) of the Schedule annexed to the notification. A combined reading of sub Clause (i) to Clause 2 and Clause 8(a) of the Schedule would make it clear that the Environmental Clearance can be applied and granted only for a building/project and not for an activity and hence the contention put forth by the learned Senior Counsel for the appellant that the original Environmental Clearance which was applied for and granted, was not only for a project/construction, but also for the Assembly activity cannot be countenanced. Either the Environmental Impact Assessment Notification 2006 or any environmental law does not bar or prohibit the conversion or change of utility of any building for which EC was already granted. The Schedule annexed to EIA Notification 2006 does not speak about the activity in the building and construction projects. If the case of the appellant that EC is for both building and activity is accepted, then one cannot change his activity throughout, as the activity may vary at a particular time. If there is any change in activity, it is for the authority concerned to apply its mind and see that the building already constructed would be suitable for the new activity on the point of environment. It is also pertinent to note that the intention of the erstwhile Government was that the complex can be used for any other purpose or activity, which is quite evident from the EC dated 20.10.2008, giving liberty to the proponent to come for modification in case of change in activity. Under such circumstances, there cannot be any impediment for change of the activity in the building and the construction project in respect of which EC was issued. It remains to be stated that the appellant has not challenged or raised his little finger against the EC dated 20.10.2008 in any one of the proceedings, and thus it remains intact.

39. Assailing the proceedings of the fourth respondent dated 16.5.2012, learned Senior Counsel for the appellant would submit that it was an Environmental Clearance given for the second time and hence it is bad in law. This contention cannot be accepted for more reasons than one. After taking a policy decision for conversion of the building complex for using it as a Multi Super Specialty Hospital, the second respondent sent a letter to SELAA on 12.3.2012 which reads thus:

"....The Addendum to the existing REIA already submitted for Tamil Nadu New Legislative Assembly complex may please be appraised and necessary Environmental Clearance for this new activity of Conversion of Block A building in Omandhurar Government Estate, Chennai- 2 into Multi Super Specialty Hospital may please be accorded early."

40. Following the same, another communication was addressed on 12.4.2012 along with Form-1 and Form 1-A. The said letter reads:

".... In this regard, a revised Addendum with Form-1,1A and Environmental Management plan are submitted for seeking revised Environmental Clearance for the above Multi Super Specialty Hospital project."

41. A reading of the above would indicate that the second respondent has sought for revision of the earlier Environmental Clearance in respect of the new activity of conversion of Block A building into multi super specialty hospital. So long as the proceedings dated 20.10.2008, whereby EC was granted, continued to remain in force and also attained finality, in respect of the building project as contemplated in SL.No.8 (a) of the Schedule to EIA Notification, the proceedings dated 16.5.2012, seeking modification and amendment of the conditions originally imposed, cannot be construed as a second clearance in law. Keeping the proceedings dated 20.10.2008 granting EC, aside, or giving up the same, the application of the second respondent could not have been acted upon, which would be evident from the proceedings dated 16.5.2012 which pertains to the change in activity and utility of the building permitted with certain modifications and amended conditions.

42. It is not in controversy that when EC dated 20.10.2008, was granted for housing the Legislative Assembly, certain conditions were imposed taking into consideration its impact on the environment. When the second respondent proposed to change the activity and house a multi super specialty hospital, it applied for the amendment in the parameters and conditions required for the new activity from the environment point of view. A comparison of the Environmental Clearance dated 20.10.2008, and the impugned proceedings dated 16.5.2012, would indicate that the respective conditions varied from each other. It is brought to the notice of the Tribunal that in the earlier proceedings, the expression "construction and construction phase" is used at various places, which did not find place in the later proceedings, but refers only as alteration. In Part A specific conditions, 24 conditions were imposed in the construction phase of the Environmental Clearance dated 20.10.2008. But, they are found as 15 in the proceedings dated 16.5.2012. Insofar as the other conditions in Part B, originally they were 9 in number and in the impugned proceedings, they were increased to 15. The change in these conditions would reflect the modifications and changes required in the Assembly building for its utility as Multi Super Specialty Hospital and thus, it is

quite evident that though it was made in Form 1 and Form 1A, which was required for EC, it was only for amendment and modification of the conditions and the impact it would have on the environment and the same has been considered by the authorities. Form 1 reads thus:

Form - 1 APPENDIX - I (See Paragraph-6) (I) Basic Information S.No. Item Details

1.

2.

3. Proposed capacity/area/length/ The proposed project is a tonnage to be handled/command conversion of the Tamilnadu /lease area/number of wells to be New Legislative Assembly drilled Building (TNLA) into Multi Super Specialty Hospital (MSSH) in Omandurar Estate Chennai (Pl. refer Annexure I for Project location).

The conversion involves no alteration in the area and would be as same as the new TNLA building with the following area allocations (Master Plan enclosed Annexure 2) .....

Note: The New TNLA Building was accorded Environmental Clearance by the State Level Environmental Impact Assessment Authority, Tamilnadu vide Lr. SEIAA -

TN/EC/8 (a)/0014/F-168/2008/ dated : 20.10.2008 (Annexure - 3) This application by submission of Form I, IA & EMP is made requesting amendments to the earlier Environmental Clearance enabling the conversion & establishment of MSSH.

43. All the above would clearly indicate that the application made by the second respondent and also the proceedings of the fourth respondent dated 16.5.2012 are the continuation of the earlier EC dated 20.10.2008. The application was made by the second respondent in Form 1 and Form 1A, when no other format is available for the purpose of amendment or modification of the conditions and merely because the fourth respondent has termed it as Environmental Clearance, its proceedings dated 16.5.2012, cannot be construed as second Environmental Clearance, but the continuation of the earlier EC dated 20.10.2008.

44. QUESTION No.4:

Advancing the arguments on behalf of the appellant, the learned Senior Counsel would submit that the Environmental Clearance dated 16.5.2012, has to be set aside since it was based on the impact assessment given by SEIAA which did not consider all the necessary environmental parameters for conversion of Secretariat into Multi Super Specialty Hospital -cum- Medical College. The EIA Notification contemplates an application in the prescribed Form 1 and Supplementary Form 1A if applicable, after the identification of the sites for the projects or activities for which EC is sought for by the applicant. The statutory format contains various statutory queries, data,

information, which are expected to be filled up and furnished by the project proponents in Appendix-2. A specific Form 1A for construction projects listed in Clause 8 of the Schedule and various requirements are given under different heading 1 to 10 relating to environmental, social economic aspects, building materials, energy, civil, environmental management etc. Thus insofar as the construction of building for a particular project is concerned, Appendix 2 makes it clear that the project proponents are required to provide full information and whatever necessary attach explanatory notes and management programme. The second respondent has suppressed various material facts and has not given a true statement for the proposed activity of conversion of Assembly building into that of a Multi Super Specialty Hospital which includes demolition and construction. Thus there has been a total distortion of truth in Form 1 and no true data/explanatory notes relating to the construction phase which included demolition and reconstruction in or outside the building and operational phase has been truly disclosed.

45. The learned Senior Counsel took the Tribunal to the information and particulars furnished in Clauses 1.5, 1.6, 1.8, 2.4, 4.7, 4.8, 4.9, 5.1, 5.3, 5.4, 5.5, 6.1, 6.3, 7.1 and 8.1. According to him, all those particulars given therein constitute suppression of various material facts and were not true statements and hence the appraisal made on the basis of the same, cannot but be incorrect and it has got to be set aside.

46. In answer to the above, it is contended by the learned Senior Counsel for the respondents that there was no suppression of misrepresentation or material facts in Form 1 application and there are no defects and mistakes and it is nothing but false allegation. The second respondent has stated all the relevant information and the factual aspects and brought the same to the notice of the respondents 4 and 5 for their appraisal. The contention of the appellant's side seems to be only on the premise that it is a case of demolition and reconstruction, but that is not so. The data in Column No.3 of Form 1, Appendix 1, found at page 1, makes it very clear that the proposed project is a conversion of the Tamil Nadu New Legislative Assembly Building into Multi Super Specialty Hospital in Omandurar Estate, Chennai. The said conversion involves no alteration in the area and would be same as the new TNLA building with the following area. It is also further added in Sl.No.4 of Clause I that the conversion is with respect to the scope of the operation and no area/structural changes are proposed. Sl.No.1.4 of Clause II Activity reads that the project involves utilization of an existing newly built structure for TNLA where all necessary pre-construction investigations have been carried out and Environmental Clearance obtained. Sl. No.1.5 reads that the project involves utilization of an existing newly constructed building and no further construction activities would take place and however, some minor modifications within the building like change of room will be done in order to suit the hospital operations. Sl. No.1.6 reads that it is not applicable as no demolition works are envisaged. Thus from the information furnished under different columns, it could be seen that no demolition or construction was intended except some minor modification of the internal building and hence the contention put forth by the learned Senior Counsel for the appellant that there were false information or misrepresentations cannot be countenanced.

47. Much criticism was levelled by the appellant against the respondents 4 and 5 authorities that there was thorough non-application of mind and failure on their part to appraise the facts and information placed as required by the statutory norms and rules and in that view also, the EC under challenge has got to be set aside. The second respondent was seeking EC for conversion of the project/activity/operation i.e., from Assembly building to that of a multi super specialty hospital. The Multi Super Specialty Hospital emanates various kinds of wastages like biological waste, hazardous waste and radioactive waste. Since the details given by the second respondent in the application submitted in Form 1 are false or misleading, the SEAC appraisal cannot be correct, which has also resulted SEIAA clearance due to non-application of mind. The minutes of SEIAA dated 16.5.2012, does not disclose anything about the construction. However, in the clearance dated 16.5.2012, Part A Specific Conditions deal with construction phase. The applicant has not given information regarding the handling of the hazardous substances and consequent hazardous waste. The extent of the substance and waste to be handled was not given in Form 1A or the explanatory note. Equally, the handling of radio- active substances and the waste and the extent are not set out in the application in Form 1A. Further, the handling of Hazardous substances from the construction phase is also not set out. In this regard, the information given in SLNos.3.1, 4.3 and 7.1 are all totally false and thus there is a deliberate suppression and withholding of factual information about the handling of hazardous substances and materials and waste generated during the construction phase and operation phase. When it is admitted that hazardous waste are generated, the proponent should have set out as to how those wastes could be handled and disposed of. But nothing was stated in that regard. The management of mercury waste which is a hazardous one, is set out in the Indian Public Health Standards Guidelines. The disposal and handling practice should be in line with the requirement of Hazardous Waste Disposal Rules 2008, and it cannot be mixed with the other biological and medical waste; but, it is not spelt out in Form 1. So far as the radioactive substance and waste are concerned, nothing is set out. The second respondent has not stated anything about the emission caused due to anaesthetic gases, other emissions and emissions caused by hazardous substances and waste and radioactive substances and waste. In their addendum, the second respondent has stated about the demolition and construction works which was to the tune of Rs.28 crore as per the tender notice dated 6.1.2012. But in Form 1, nothing is set out about the usage of water and generation of wastewater during the construction phase. Hence Form 1 lacks entirely about the water utilised and sewerage emanated during the construction phase. The Form does not set out water consumed for running the canteen/restaurant in the hospital which is set out in the plan. It is the case of the second respondent that 5000 persons will be utilising the hospital, out of which 1000 will be outpatients, 500 beds with 1500 staff and 2000 visitors. Hence the canteen/restaurant usage should have been set out but not done so. Even for the administration office shown in the plan, usage of water is not shown. As per EIA Notification, a conceptual plan has to be submitted as set out in para 6 of the notification, though there is a reference to the building plan to be submitted along with Form 1. The cross-section of the building showing the rooms of the hospital was not submitted. Hence the plan submitted by the second respondent is not in accordance with the requirement of the notification. While the data and information were false and incorrect, the fifth respondent has appraised the project with an undue haste. The recommendation by the SEAC was made on 11.5.2012, and the EC was issued on 16.5.2012, i.e., on the very day, when it was taken up for consideration. The file did not contain the manner of appraisal and there is no indication of a personal visit to the site and hence the EC has got to be set aside for furnishing false

and misleading information and misrepresentations on the part of the second respondent and the non-application of mind on the part of the respondents 4 and 5 in granting the EC.

48. Countering to the above contentions, learned Senior Counsel for the respondents would submit that the appellant has not raised any ground in respect of Form 1, 1A or Addendum either before the authorities or in the main appeal before the Tribunal. The appellant at the time of arguments has filed additional grounds with an attempt to build up a new case based on his own interpretations of the details given in Form 1. The second respondent has not misrepresented or suppressed any material fact in Form 1 application and has not filled the columns mechanically. The application for modification was submitted on 12.4.2012, which was appraised by the fifth respondent in its meeting on 11.5.2012 and thus it was in the hands of the fifth respondent for a month for consideration. Subsequently, the minutes dated 11.5.2012, was sent to the fourth respondent on 12.5.2012. They were received by the fourth respondent on 14.5.2012 and the fourth respondent has issued the proceedings dated 16.5.2012. Thus, the contention put forth by the appellant's side that the fourth respondent has acted in haste and without any application of mind, is factually incorrect, totally wrong and misleading.

49. As far as this contention is concerned, on perusal of the file produced by the respondents at the time of hearing, it is quite evident that the application was submitted by the second respondent to the fifth respondent on 12.4.2012 and it was pending in the hands of the fifth respondent for nearly one month and minutes passed on 11.5.2012, was sent to the fourth respondent on 12.5.2012. The same was received on 14.5.2012 and the fourth respondent issued the proceedings on 16.5.2012. Thus the matter was pending consideration in the hands of the fourth respondent on three working days. In view of the same, no haste either on the part of the fifth respondent or on the part of the fourth respondent could be attributed.

50. As far as the inspection of the site is concerned, in the instant case, there is no question of inspection of site that would arise and apart from that, the inspection of site is not made mandatory under the notification. Along with Form 1A, a plan has also been attached which would satisfy the filing of the conceptual plan as required under the Rule.

51. As regards the hazardous waste and other wastes, it is submitted by the learned Senior Counsel for the second respondent that the biomedical waste and hazardous waste will be handled as per the procedure enunciated in Bio Medical Waste Management and Handling Rules, 1988 and the same is mentioned in Form 1A and no individual incinerator is proposed in the said building and it has proposed to use the common incinerator which is located far away from the site, in Kancheepuram District and hence, no question of emission or environmental hazardous as put forth by the appellant, would arise and thus, there is no possibility of air emission and all these parameters were followed and relevant compliance have got to be done only after establishment of the hospital.

52. It is also submitted by the learned Senior Counsel for the second respondent that the argument put forth by the appellant's side regarding the traffic that the second respondent cannot comply with the condition that no vehicles be permitted within 100 meters of the hospital as the building is abutting Mount Road, Wallajah Road and Sivananda Salai was baseless since the condition was

amended for creation of "no horn zone". According to him, the management of hazardous waste, toxic substance, biomedical waste and the release of pollutions have all been taken into consideration and required management plan has been detailed in Form 1 and 1A and under the environmental management plan.

53. The Tribunal is able to see suitable reply in the submissions made by the learned Senior Counsel for the second respondent as recorded above.

54. After hearing the submissions made on both sides and looking into Form 1A, the Tribunal is able to see that the appellant is able to point out some mistakes in the data and particulars given in Form 1A and in certain defects in the statement. Unless and until deliberate concealment or submission of false or misleading information or data, which is material to screening or scoping or appraisal or decision on the application, is shown or noticed, the application and the appraisal are not liable for rejection.

55. At this juncture, it remains to be stated that before commissioning "B" Category project and activity, the proponent has to pass through the following stages:-

(1) Application in the case of "B" Category project/activity; (2) Screening by Environmental Impact Assessment Authority; (3) A detailed screening by State Level Appraisal Committee; (4) Grant of Environmental Clearance;

(5) Grant of consent to establish and (6) Grant of consent to operate.

56. In the instant case, the proponent, namely the second respondent, though obtained modification and amendment of the conditions by the proceedings dated 16.5.2012, has to necessarily apply for consent to operate. It is pertinent to point out that the State Level Environmental Impact Assessment Authority has imposed conditions as evident from its proceedings dated 16.5.2012 which is under challenge. The Pollution Control Board is the competent authority under The Air (Prevention and Control of Pollution) Act, 1981 and The Water (Prevention and Control of Pollution) Act, 1984, to issue consent to operate and without satisfying itself the required parameters for operating Multi Super Specialty Hospital, would not give consent to operate. Merely for the technical non-compliance of procedure laid down in EIA Notification, Environmental Clearance granted cannot be held illegal or in breach of statutory provisions. It has been held by the Bombay High Court in its decision in RAMBHAU PATIL V. MAHARASHTRA STATE ROAD (2002 (1) BOMBAY CR 76) thus:

"37..... We find no reason to take a different view. The project was included in the revised Development Plan and also included in the Coastal Zone Management Plan, which has the approval of the Government of India. We do not find that any statutory provision is breached if the project is implemented in public interest. The requirement of submitting an Environmental Impact Assessment Report was also substantially complied with, and the matter has been discussed in public seminars in which important activists, groups and environmentalists have discussed the issues

threadbare. The requirements of public discussion and environmental impact assessment have been substantially complied with, and we are not inclined to quash the project and the environmental clearance granted by the Government of India merely for technical non-

compliance of the procedure laid down in the three Environmental Impact Assessment Notifications. We are also satisfied that the project is being implemented in public interest, and serves the cause of environment, without any serious damage to ecology. Where there are two competing public interests, a balance has to be struck between the two. We are, therefore, satisfied that no interference is called for by this Court in exercise of writ jurisdiction."

57. The application is merely an expression of the desire of the proponent to commence a particular project and Form 1A is intended for the mentioning of the safeguards necessary for the said new project. Thus the application is only initiation of the entire process. It can only be a guide; but, it is neither conclusive nor decisive on the project and cannot control the EC. The contents in Form 1 can only be one of the guiding factors, but they cannot bind either of the Committees, Appraisal or Assessment. The Appraisal Committee is an independent body consisting of experts from different fields and equally, the Assessment Committee. They have to consider all available materials before taking a decision to grant or to reject the request. They have to make an independent study and decide the necessary parameters and safeguards for a given project. Thus the EC is wisdom driven of the Members of the Committees and no doubt, it is not driven by the data and particulars furnished by the proponent in the Forms alone. The authority cannot base their decision on the application alone or the contents of the Form. After the application is made along with the safeguards stated by the proponent in Form 1 and 1A, the Appraisal Authority at the time of appraisal, can add number of safeguards necessary for the project. Even after the appraisal is placed before the Assessment Authority, it can also include number of additional conditions which would satisfy the ecological and environmental requirement. All would be clearly indicative of the fact that the application and even the appraisal report given by the Appraisal Authority are only the stages and when it reaches the Assessment Authority, it can add as many number of conditions required and thus in the entire process, there are so many checks to satisfy the safeguards which the environment would require. In the instant case, it is true that the appellant's side is able to point out mistakes and even some deficiencies in the statement as to safeguards. From the scrutiny of the entire materials on record, the Tribunal is of the considered opinion that it cannot be stated that the Environmental Impact Assessment Authority suffered from significant deficiencies or lack of information which resulted in recommendation of the grant of the Environmental Appraisal Committee.

58. It is well settled that merely for technical non-compliance of the procedure laid down in the Environmental Impact Assessment Notification, the project and the Environmental Clearance granted by the authority, cannot be quashed. It is pertinent to point out that it is not the case of the appellant that there is any procedural violation in the present case and it is also not noticed by the Tribunal. It is one thing to say that there is deficiency in the safeguards and another thing to say that there is deficiency in the statement as to safeguards. What is all noticed in the instant case is deficiency in the statement as to safeguards. The Tribunal is afraid whether on the strength of those

mistakes and deficiencies in making a statement of the safeguards, the proceedings under challenge can be set aside as contended by the appellant. But, at the same time, the Tribunal has to strike a balance between the implementation of project, namely Multi Super Specialty Hospital, in public interest, which would satisfy the medical need of the poverty stricken and downtrodden and that too free of cost, on the one side and the environmental impact that is likely to be caused by the functioning of the said hospital on the other. After considering both, the Tribunal is of the considered opinion that it would suffice to impose necessary conditions to be complied with by the proponent before commissioning the hospital activities in order to satisfy the necessary parameters and safeguards for running a Multi Super Special Hospital as we have done in the later part of the judgment and it is also not necessary to quash the proceedings dated 16.5.2012 issued by the fourth respondent in favour of the second respondent which would defeat a noble cause to serve public interest, that too in a case where no grounds are made out by the appellant to set aside the same.

59. The contention of the appellant's side that the project, namely the complex and its activity i.e., to run the New Assembly are coupled with each other and inseparable and hence the said complex should not be used for any purpose except for conduct of Assembly cannot be countenanced even for a moment in view of the decision of the Division Bench of the High Court of Madras in W.P.No.19314/2011, whereby the request of the appellant for a writ of mandamus directing the respondents 1 to 3 to resume the building maintenance and interior works, continue the construction if any and complete the New Assembly cum Secretariat Complex at Omanthurar Estate, was rejected and the same has become final. Apart from that, the proposal of the present Government to convert the complex as Multi Super Specialty Hospital was upheld in W.P.No.30326/2011 etc., by Division Bench of the High Court of Madras dated 24.1.2013. As pointed out by the learned Judges of the High Court of Madras in the said WP, the proposed decision to convert "A" Block building into multi super specialty hospital is per se in the interest of the public and there is no Multi Super Specialty Hospital available in Chennai which can be equated with AIEMS and the hospital will serve the medical need of the poor, middle classes and downtrodden people who would struggle to spend. Subsequently, the said finding reached finality by SLP order dated 31.1.2013 made by the Apex Court. The policies of the Government not to use the said complex for the purpose of Legislative Assembly -cum- Secretariat and also to convert it into Multi Super Specialty Hospital have been upheld by the Hon'ble High Court. In the interest of public and also the poor and needy, there cannot be any impediment for changing the utility of the building by converting it into Multi Super Specialty Hospital with all medical facilities of high degree; but, at the same time, safeguard measures which are required, have got to be undertaken before commissioning of the hospital.

60. Hygiene integrity, Infection control and Environmental protection are three important and inter connected aspects that require special attention during the operational phase of any health care facility, irrespective of its size and bed capacity. This being so, the proposed Multi Super Specialty Hospital (MSSH) by its innate characteristic and definition is to have a number of special Medicare units - Neurology, Radiology, Cardiology, Cranio facial surgery, Organ transplantation and Rehabilitation, to mention a few. Doubtless, Hygiene integrity, Infection control and Environmental protection warrant special consideration in such a Multi Super Specialty Hospital. Keeping these in mind, the modified Environmental Clearance dated 16.05.2012 issued by the SEIAA has imposed a

number of terms and conditions to be strictly complied by the proponent during the operation of the Multi Super Specialty Hospital in question. The conditions are categorized into two parts, namely, Part A - Specific Conditions pertaining to Construction and Operation phases and Part B - Other Conditions.

61. The above conditions are extracted below for the sake of immediate reference and clear reading:

Extract from Lr.No.SEIAA/EC/8(a)/120/F.455/2012 dated 16.05.2012 of the State Level Environment Impact Assessment Authority, Tamil Nadu:

**PART A - SPECIFIC CONDITIONS Construction Phase**

i) "Consent for Establishment" shall be obtained from Tamil Nadu Pollution Control Board and a copy shall be submitted to the SEIAA, Tamil Nadu before taking up of any alteration/modification at the site.

ii) The project should be commissioned only after obtaining water supply from the CMWSSB.

iii) Adequate drinking water and sanitary facilities should be provided for construction workers at the site. The safe disposal of waste water and solid wastes generated during the construction phase should be ensured.

iv) The sewage waste water and the trade effluent shall be treated with ultra violet radiation instead of chlorination.

i) A first aid room shall be provided in the project site during the alteration works required for the project.

ii) Low sulphur diesel shall be used for the diesel generator sets. The air and noise emission shall conform to the standards prescribed in the rules under the Environment (Protection) Act 1986.

iii) Ambient air and noise level should conform to the standards prescribed by the TNPCB, both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during alteration phase of constructions and results of monitoring shall be furnished to the Tamil Nadu Pollution Control Board. Adequate measures to reduce air and noise pollution during alteration shall be adopted, conforming to the norms prescribed by the TNPCB on noise limits.

iv) Fixtures for showers, toilet flushing and drinking water should be of low flow type by adopting the use of aerators/pressure reducing devises/sensor based controls.

- v) Use of glass may be reduced upto 40% to reduce the electricity consumption on lighting and load on air conditioning. If necessary, high quality double glass with special reflecting coating in widows shall be used.
- vi) Adequate fire protection equipments and rescue arrangements should be made as per the proposals, in conformity with Fire and Safety Department requirements.
- vii) All Energy Conservation (sic) Building Code (ECBC) norms shall be adopted.
- viii) Mechanical dewatering arrangements shall be provided for the sludge from sewage treatment plant, instead of sludge drying beds.
- ix) Rubber padding to absorb noise while loading and unloading operations should be provided.
- x) The Environmental Clearance does not absolve the applicant/proponent of his obligation/requirement to obtain other statutory and administrative clearances from other statutory and administrative authorities.
- xi) The Environmental Clearance does not imply that the other statutory/administrative clearances shall be granted to the project by the concerned authorities. Such authorities would be considering the project on merits and be taking decisions independently of the Environmental Clearance.

#### Operation Phase

- i) The water requirement shall be met from the CMWSSB as committed.
- ii) The installation of the Sewage Treatment Plant (STP) as per EMP shall be certified by an independent expert and a report in this regard shall be sent to the SEIAA before the project is commissioned for operation. Discharge of treated sewage shall conform to the norms and standards prescribed by the Tamil Nadu Pollution Control Board for disposal into surface waters.
- iii) The sewage waste-water and the trade effluent shall be treated with ultra violet radiation instead of chlorination.
- iv) Bio Medical Effluents must be treated with Hypo chlorates and disinfected before allowing to mix with sewage collection tank.
- v) Agreement for treatment of bio-medical waste with authorised agency must be in place before commissioning the operations of the MSSH.
- vi) Rain water harvesting for roof run-off and surface run-off, as per the proposal submitted, should be implemented. Before recharging the surface run-off, pre-treatment with screens, settlers etc.,

must be done to remove suspended matter, oil and grease.

vii) The plastic wastes shall be segregated and disposed through authorised recyclers.

viii) The acoustic enclosures shall be installed at all noise generating equipments such as DG sets, air conditioning systems, etc., and the noise level shall be maintained continuously as per MoEF/CPCB/TNPCB guidelines/norms both during day and night times.

ix) Application of solar energy should be incorporated for illumination of common areas, lighting for gardens and street lighting in addition to provision for solar water heating. A hybrid system or complete solar system for a portion of the buildings shall be provided.

x) Traffic congestion near the entry and exit points from the road adjoining the proposed project site shall be avoided. Parking shall be fully internalized and no public place should be utilized.

#### PART-B - OTHER CONDITIONS

1. No vehicle shall be permitted within 100 m of the silence zone of the hospital.

2. Green belt along the periphery shall be provided as proposed to achieve attenuation factor conforming to the day and night noise standards prescribed by the TNPC Board.

3. The Bio-Medical Waste shall be collected and disposed in strict adherence to the Bio-Medical Waste (Management and Handling) Rules, 1998 as amended.

4. It is mandatory for the Project Proponent to furnish to the SEIAA, half yearly compliance report in hard and soft copies on 1 st June and 1st December of each calendar year, in respect of the conditions stipulated in the Environmental Clearance.

5. In the case of any change(s) in the scope of the project, a fresh appraisal by the SEIAA shall be obtained.

6. The SEIAA reserves the right to add additional safeguard measures subsequently, if found necessary and to take action including revoking of the Environmental Clearance under the provisions of the Environment Protection Act 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.

7. All other statutory clearances such as the approvals for storage of diesel, LPG cylinders, Oxygen and other gases required shall be obtained from the Chief Controller of Explosives, Fire and Rescue Services Department, Civil Aviation Department and other statutory authorities.

8. The project proponent shall advertise in at least two local newspapers widely circulated in the region, one of which shall be in the vernacular language informing the public that.

(i) The project has been accorded Environmental Clearance.

(ii) Copies of the clearance letters are available with the Tamil Nadu Pollution Control Board,

(iii) Environmental Clearance may also be seen on the website of the SEIAA. The advertisement should be made within 7 days from the date of issue of the clearance letter and a copy of the same shall be forwarded to the SEIAA.

9. All the stipulations stated under Part A and Part B above would be enforced in addition to the provisions of the Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006.

10. Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent, if it is found that any change/modification of the project has been started without obtaining Environmental Clearance, and for any violation of any of the conditions stipulated in Part-A and Part-B of the Environmental Clearance.

11. This Environmental Clearance is valid for five years from the date of issue.

12. Pollution loads on the ambient air quality, noise and water quality shall be periodically monitored after commissioning of the project and report furnished to the Tamil Nadu Pollution Control Board.

13. The project proponent shall also submit half yearly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both hard copies as well as by e-mail) on incremental pollution load to the Regional Office, MoEF, Bengaluru, the Zonal Office of CPCB, Bengaluru and the TNPCB. This shall also be put on the website of the proponent.

14. The criteria pollutant levels namely, SPM, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub> (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the complex in the public domain.

15. Any appeal against the Environmental Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010. Subsequent to the issuance of the modified Environmental Clearance by the SEIAA, the Respondent 2 requested the SEIAA to withdraw the Condition Number 1 under PART-B

- OTHER CONDITIONS, citing high traffic density borne by the main roads adjoining the complex in question. The SEIAA considered this matter during its meeting on 12-09- 2012 and decided to amend the said Condition Number 1 under PART-B. The relevant portion from the letter from the SEIAA indicating the amendment is extracted below:

Extract from Lr.No. SELAA/F.455/Amendment/2012 dated 29-09- 2012 of the State Level Environment Impact Assessment Authority, Tamil Nadu \*\*\*\*\* "The Proponent shall cause through the State Government declaration of the Hospital area as "No Horn Zone" and provide necessary sign boards preferably in vantage positions in all adjoining roads, in such a way that the sign boards are visible both in day and nights. The vehicles should be sparingly operated, that too at minimum speed inside the premises to avoid noise and dust pollution. The concerned regulatory authority of the State Government should strictly enforce this condition on all the adjoining roads"

62. The Tribunal paid full attention, gave its utmost consideration and analyzed each of the conditions listed above in the context of the proposed Multi Super Specialty Hospital in question and its operation. In the opinion of the Tribunal all the conditions stipulated by the SELAA are very much necessary for the activity envisaged in the complex in question. Therefore, The Tamil Nadu Pollution Control Board, the Authority that issues the "CONSENT TO OPERATE" is directed to include all these conditions cited supra as "MANDATORY CONDITIONS" to be strictly and fully complied by the proponent for getting the 'Consent to Operate' from the Authority above, for the Multi Super Specialty Hospital in question. The proposed Multi Super Specialty Hospital appears to be a venture to provide health and Medicare facilities of International Standards with ultra modern diagnostic tools and instrumentation. It is imperative therefore, not to overlook or omit any aspect of their impact on the Environment while operating the Hospital. In fact, environmental safeguards should play a pivotal role to compliment the noble objectives of the project. The hospital should take proactive steps in protecting the environmental quality even as they provide super special medical service to public. This approach would, in long run make the hospital a 'model' worthy of emulation. Keeping all these and also the practices followed in many renowned hospitals such as the All India Institute of Medical Sciences, New Delhi, in mind the Tribunal is of the considered view that some more conditions are required to be stipulated for operating the MSSH. Therefore, the Authority above is further directed to include the following conditions also as "MANDATORY CONDITIONS" to be strictly and fully complied by the proponent for getting the 'Consent to Operate' from the Authority above, for the Multi Super Specialty Hospital in question:

1. Proper location of different specialty units inside the structure in question in such a way that the indoor environmental conditions do not encourage or spread infection across the Specialty medicare Units in the MSSH in question.
2. Preparation of "SPECIALTY-WISE ACTION PLAN" to Control, Minimize and Mitigate environmental impacts and provide safeguards, following the 'Guidelines issued by Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India, Hand Book on Bio Medical Waste Management published by the Government of Tamil Nadu and other Information Resources on Hospital hygiene, hospital waste management and environmental protection

available in other Multi Specialty Hospitals such as All India Institute of Medical Sciences, New Delhi, Apollo Group of Hospitals in Chennai etc.

3. Preparation of "SPECIALTY- WISE Human Resource Training Manual" and placement of fully trained personnel at appropriate Specialty medicare Units to follow practices and procedures that ensure strict compliance of stipulated conditions.
4. Preparedness in terms of equipment, treatment units, trained staff and other requirements to comply with the management of Hazardous wastes, if any, generated in the MSSH in question. In this context, special note should be taken by the Authority above with regard to Mercury management).
5. Compliance to all the requirements of The Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2010, if applicable to any one or more Specialty Medicare Unit(s) of the MSSH in question.
6. Strict and full compliance of all the requirements of Rules and Directives of the Atomic Energy Regulatory Board, in respect of providing 'Radiation related medicare services' and "Management of radiation related Wastes" generated during the operation of the MSSH in question.
7. Strict and full compliance of the E-Waste (Management and Handling) Rules, 2011.
8. All the vehicles operated by the Proponent inside the campus of the MSSH in question (for example, to shift staff from one unit to other and so on) should be "Battery operated" and not fuelled by petrol/diesel/gas.
9. In addition to the above conditions, if the Authority above, based on its experience in monitoring similar healthcare facilities in the State desires to impose more conditions, it may do so, as per law.

In order to create and promote awareness on "Environmental Protection measures in Healthcare Facilities" the Tamil Nadu Pollution Control Board is directed to erect and maintain informative KIOSKS at strategic points in the MSSH Complex in question. We make it abundantly clear that there is nothing to compromise in the matters relating to Ecology and Environment and therefore caution the Authority above to issue the "CONSENT TO OPERATE" only after carrying out a detailed inspection of the MSSH after it is established and fully satisfying itself of the complete compliance of all the terms and conditions as stipulated above.

63. ISSUE No.5:

For the foregoing reasons, the appellant is not entitled to the relief sought for and the appeal petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected MA is closed.

Before concluding the judgment, the Tribunal has to record its appreciation on the assistance rendered by Mr. P. Wilson, learned Senior Counsel, assisted by Mr. R. Nedumaran, Mr. R. Neelakandan, M. Sreenivasagan Advocates, Mr. A. Naveenathakrishnan, learned Advocate General and Mr. A. L. Somayaji, learned Additional Advocate General-I, assisted by Mr. Abdul Saleem, Advocate, Mr. P. Aravindh Pandian, learned Additional Advocate General-V, assisted by Mr. M. K. Subramanian, Advocate, and Mr. N. R. Chandran, learned Senior Counsel, assisted by Mr. L. G. Sahadevan, Advocate.

PROF. R. NAGENDRAN  
EXPERT MEMBER

JUSTICE H. CHOCKALINGAM  
JUDICIAL MEMBER