

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI

IN

O.A. No. 26 of 2025

IN THE MATTER OF:

Selvaraj Duraiswamy,
S/o.Duraiswamy,
No.8/29, Kattupakkam Main Road,
Kattakuppam, Kattivakkam, Ennore,
Thiruvallur, Tamil Nadu – 600 057

...APPLICANT

Versus

The Union of India,
Rep by its Secretary of Government,
Ministry of Environment, Forest
&Climate Change (MoEF&CC)
Indra Paryavaran Bhavan, Jor Bagh, New Delhi

...RESPONDENTNO.1

Tamil Nadu Generation and Distribution Corporation
(TANGEDCO), Represented by its Chariman cum Managing
Director, 4th floor, NPKRR Maaligai, 144, Anna Salai,
Chennai

...RESPONDENTNO.2

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It is certified that the above documents are copies of the originals.

Dated at Chennai this the 16th day of April 2025

Counsel for the Respondent No.2

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COUNTER AFFIDAVIT FILED BY THE 2ND RESPONDENT

I,R.SUNIL, son of K.N.RAJAPPAN, aged about 59 years, Chief Engineer, TNPGL, having office at 5th Floor, Western Wing, 144 Anna Salai, Chennai-600002, Chennai, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Chief Engineer and the Respondent No.2 in the application, and I am well acquainted with the facts of the case based on records. At the outset, I submit that the present Application filed by the Applicant is not maintainable in Law or in facts.
2. I deny all the contentions raised by the Applicant in the present application except to those that are specifically admitted hereunder.
3. I submit that the Applicant inter-alia of the application is seeking the following reliefs from this Hon'ble Tribunal:

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- A. Direct the 2nd Respondent to obtain fresh clearances under the EIA Notification, 2006 and CRZ Notification, 2011 for its 2x660MW Ennore SEZ Thermal Power Plant at Voyalur Village, Ponneri Taluk, Tiruvallur District, Tamil Nadu.
- B. Injunct the 2nd Respondent from continuing with any construction or other activity until fresh clearances are obtained as required by the CRZ Notification, 2011 and the EIA Notification, 2006.
- C. Direct the 1st Respondent to initiate action against the 2nd Respondent for illegally continuing and carrying on construction activity without valid and subsisting clearances under the EIA Notification, 2006 and CRZ Notification 2011.
- D. Issue such other orders as it deems fit in the interest of the case and render justice.

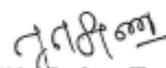
4. I humbly submit that it is apposite that the following facts are brought before this Hon'ble Tribunal:

- a. The Tamil Nadu Electricity Board was formed on July 1, 1957 under section 54 of the Electricity (Supply) Act 1948 in the State of Tamil Nadu as a vertically integrated utility responsible for power generation, transmission and distribution. The electricity network has since been extended to all villages and towns throughout the State. TNEB was restructured on 01.11.2010 into TNEB Limited; Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) and Tamil Nadu Transmission Corporation Limited (TANTRANSCO). Further, TANGEDCO have been re-structured on 24.01.2024 as Tamil Nadu Power Generation Corporation Limited (TNPGL), Tamil Nadu Power Distribution Corporation Limited (TNPDC) and Tamil Nadu Green Energy Corporation Limited (TNGECL).
- b. The 2 X 660 MW Ennore SEZ Thermal Power Project "Power Project" was proposed to cater to the ever - growing electricity demand of the State of Tamil Nadu. The project is estimated to provide employment to 3000 people directly and 2000 people indirectly

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- e. The Respondent No.2 had obtained the prior Environment Clearance (EC) and Coastal Regulation Zone (CZR) Clearance for the present power project vide EC dt. 07.01.2014 & CRZ clearance dt. 01.01.2014.
- d. The following are the expenses incurred and invested towards the development of the Ennore SEZ Thermal Power Plant:
- Total Cost of the Project :Rs. 9,800 Crs
 - Revised Cost of the Project: Rs. 18,085.49 Crs
 - So far invested :Rs.11,259.64 Crs
- e. The progress of the power project activities were stalled for more than a period of 2 years due to pending court cases before the Hon'ble Madras High Court and the Hon'ble Supreme Court even though EPC contract was awarded to M/s BHEL on 27.9.2014. That only after the receipt of final verdict from Hon'ble Supreme Court, M/s BHEL had commenced the work on 19.10.2016 and construction activities.
- f. Thereafter, an amendment was obtained from the MoEF &CC for change in plant capacity from (2 X 800 MW to 2 X 660 MW) on 14.08.2018 due to spare management of units TNPGL.
- g. That both EC and CRZ clearance were extended for two years as per notifications 12.04.2016 and 06.03.2018 respectively by MoEF&CC.
- h. Furthermore vide F.No.J-13012/36/2010-IA.II (T) dt.04.02.2019, the MoEF & CC had extended the validity of the EC dt. 07.01.2014 stating that the validity of the existing EC automatically got extended to seven years i.e. till 06.01.2021.
- i. Thereafter, the MoEF & CC vide communication F.No.J-13012/36/2010-IA. II(T) dt.09.04.2021 had extended the validity of the EC & CRZ Clearance (Combined)


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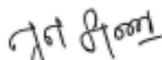
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for another 3years i.e. up to 31.12.2023.The relevant extracts are reproduced hereunder:

"Expert Appraisal Committee in its 4th Expert Appraisal Committee (Thermal Power) meeting held on 17th November 2020 through Video Conferencing amended the proposal for grant of validity of the Environment Clearance. The recommendations of the SCZMA and information, clarifications and documents by TANGEDCO, the Ministry of Environment, Forest and Climate Change grants approval for extending validity of the Environmental Clearance dt. 07th July, 2014 and CRZ Clearance dt. 01st January 2014 for further 3 years i.e. 31.12.2023 in terms of the EIA Notification, 2006 as amended and CRZ Notification, 2011 read with amendment vide SO 1002(E) dated 06.03.2018 and strict compliance of following additional conditions:

....."

- j. That, as per MoEF & CC, SO 221 (E) dated 18.01.2021 – the validity of the CRZ clearance stood extended to 31.12.2024 as the period between 01.04.2020 to 31.03.2021 need not be considered for the calculation of validity period of EC & CRZ clearance due to Covid-19 pandemic. This was informed by the Respondent to the MOEF&CC vide letter dt. 20.11.2023 stating that the Respondent was continuing the work till 31.12.2024.
- k. That due to the fact the existing EC&CRZ clearance was supposed to be expiring on 31.12.2024, the necessary extension application was submitted to MoEF & CC on 20.11.2024 requesting for one year extension of existing EC & CRZ clearance for the power project as per the provisions of the MoEF & CC – OM dt 13.12.2022 to commission the captioned power project.
- l. That pursuant to the same, the Expert Appraisal Committee (Thermal Sector) in its 18th Meeting dt. 24.01.2025 after discussion, deferred the proposal seeking the following additional information for further consideration of the proposal:



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- Credible document indicating the completion of 70% of construction work at the project site.
- Recommendations of the Coastal Zone Management Authority concerned for extending the validity of the CRZ clearance dt. 01.01.2014.
- EC&CRZ transfer letter in the name of M/s. Tamil Nadu Power Generation Corporation Limited (TNPGL)
- Point wise compliance to the observations made by the Hon'ble NGT in its Order dated 23/09/2024 in Miscellaneous Application [13 of 2024 (SZ)] along with the relevant supporting documents.

m. As per the directions of MOEF&CC vide its MOM dt 3.2.2025, the 2nd Respondent vide letter dt. 14.02.2025 requested the District Environment Engineer / TNPCB/ Member Secretary/ District CRZ Committee to issue the recommendation of District CRZ Committee to SCZMA for extension of existing EC & CRZ Clearance of the Ennore SEZ Thermal Power Plant (2X660 MW) for one year till 31.12.2025 in order to complete the power project.

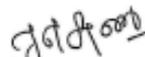
5. I submit that the Applicant has filed the captioned Application before this Hon'ble Tribunal in gross abuse of process of law. I further submit that the Applicant has been repeatedly approaching this Hon'ble Tribunal for different pretexts with an attempt to stall the construction process at the power project. I submit that the Applicant's pleadings in the present Application reek of misrepresentation with the motive to mislead this Hon'ble Tribunal.
6. I submit that the 2nd Respondent has invested a cost of around Rs.11,259.64 Crores from public Exchequer and 80% of captioned project works are completed. The EC & CRZ extension application is under consideration by MoEF &CC for want of additional details viz, Recommendation of SCZMA for 1 year extension and compliance of direction of NGT order in MA 13 of 2024.

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7. I submit that the averments under the Para 1 and 2 of the application are false and completely denied. I submit that the EC and CRZ clearance was obtained on 07.01.2014 and 01.01.2014 respectively. There after the said clearances were automatically extended as per the OM dt. 12.04.2016 and 06.03.2018 respectively issued by the MoEF & CC. That furthermore an extension of further three years was issued by MoEF & CC vide letter dt. 09.04.2021 having the validity extended up to 31.12.2023 for both EC & CRZ clearance. Thereafter, the validity was extended for one more year i.e. up to 31.12.2024 as per the SO No.221(E)dt.18.01.2021 issued by MoEF & CC. It is pertinent to mention herein that the Notification bearing SO No. 221(E) dt. 18.01.2021 was applicable to the present power project automatically. That before the expiry of the validity, the 2nd Respondent had applied for an extension of one more year as per OM dt. 13.12.2022 issued by MoEF & CC. On the other hand, the allegations of deviation in alignment issues pertaining to coal pipe conveyor and cooling water pipe lines are already settled by the order dt. 31.01.2022 passed by this Hon'ble Tribunal in OA No. 162 of 2021 and MA 13 of 2024 order dt 23.9.2024. The Respondent has been complying with the order passed by the Hon'ble Tribunal.
8. I submit that the averments under the Para 3 and 4 of the application are misleading in nature and completely denied. It is reiterated that the CRZ clearance was initially valid for 5 years which was to be subsequently extended for 7 years if the work was commenced within 5 years as per the notification dt 06.03.2018 issued by MoEF & CC. That if such application is made with in time, further 3 years of extension could be granted based on the recommendations of the State Coastal Zone Management Authority (SCZMA). The Respondent has obtained the necessary recommendation of SCZMA which was submitted to MoEF & CC for the extension beyond 7 years. The validity was extended for 10 years i.e. up to 31.12.2023 vide MOEF&CC order dt. 09.04.2021.
9. I submit that the averment under the Para 5 and 6 of the application are false, untrue, misleading and denied in their entirety. That the MoEF &CC, vide letter dt. 01.02.2019 promptly stated that since the EC was valid on the date of Notification dt.29.04.2015 and accordingly, the validity of the existing EC automatically got extended to seven years


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ie., till 06.01.2021. The Appellant is trying to mislead this Hon'ble Tribunal by is representing facts which are a matter of record.

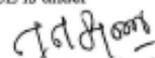
10. I submit that the averments under the Para 7 and 8 of the application are false, untrue, misleading in nature and completely denied. The MoEF & CC vide order dt. 09.04.2021 had extended the validity of EC and CRZ Clearance for further three years i.e. upto 31.12.2023. Therefore, the Applicant's averment does not hold any merit.

11. I submit that the averments under the Para 9 of the application that the 2nd Respondent does not have a valid clearance under the CRZ Notification as on date is false, un true and hence denied. I submit that the 2nd Respondent has applied vide proposal no. IA/TN/THE/506571/2024 dated 19.11.2024 along with CAF and Form 6 seeking validity extension of the EC dt. 07.01.2014 under the provisions of EIA Notification 2006 and validity extension of CRZ dt. 01/01/2014. I further submit that the Expert Appraisal Committee (Thermal Sector) in its 18th Meeting dt. 24.01.2025 after discussion deferred the proposal seeking the following additional information for further consideration of the proposal:

- Credible document indicating the completion of 70% of construction work at the project site.
- Recommendations of the Coastal Zone Management Authority concerned for extending the validity of the CRZ clearance dt. 01.01.2014.
- EC & CRZ transfer letter in the name of M/s. Tamil Nadu Power Generation Corporation Limited (TNPGL)
- Point wise compliance to the observations made by the Hon'ble NGT in its Order dated 23/09/2024 in Miscellaneous Application [13 of 2024 (SZ)] along with the relevant supporting document.

As per the above requirement, District CRZ committee held on 04.04.2025 has considered the proposal and recommended to SCZMA. The MOM is awaited. On receipt of SCZMA recommendation, the same will be submitted to MoEF & CC for considering the Extension of EC & CRZ clearance for 1 year till 31.12.2025.

Necessary, transfer of EC & CRZ application in the Name of TNPGL is under consideration by SCZMA.


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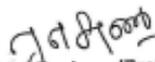
The work for removal of abandoned concrete structures in deviated route of pipe conveyor is awarded and work is under progress to comply the directions of Hon'ble NGT in its Order dated 23/09/2024 in Miscellaneous Application [13 of 2024 (SZ)].

12. I further submit that presently, the proposal for extending the validity which was filed within the expiry period is under process for want of additional details/recommendations from SCZMA.
13. I submit that the averments under the Para 10 of the application is false, un true and denied. It is stated that the subject letter dt. 20.11.2023 was issued by the 2nd Respondent for exercising the exemption granted by the SO No.221(E) dated 18.1.2021 issued by the MoEF & CC. The 2nd Respondent being a State Distribution Licensee desirous of completing the construction of the power project has been diligently putting efforts to comply with the conditions of the notifications issued by the MoEF & CC.
14. I submit that the averments under the Para 11 of the application are completely false, vexatious and misleading therefore, are denied in their entirety. I submit that it is an admitted fact that the EC dt.07.01.2014 and CRZ clearance dt.01.01.2014 was extended for three years till 31.12.2023 vide communication dt. 09.04.2021 issued by the MoEF & CC.
15. I submit that the averments under the Para 12, 13 and 14 are admitted facts and do not warrant any response.
16. I submit that the averments under the Para 15 of the application are false, untrue and completely denied. I submit that the 2nd Respondent had promptly approached the concerned department and complied with extension and MoEF & CC had extended the validity for 7 years vide letter dt. 04.02.2019.
17. I submit that the averments under the Para 16 of the application are admitted facts and do not warrant any response.
18. I submit that the averments under the Para 17 of the application are false, vexatious and completely denied. I state that the MoEF & CC duly extended the validity of EC&CRZ clearance for three years till 31.12.2023 after obtaining the recommendation of State Coastal Zone Management Authority (SCZMA).

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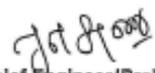
19. I submit that the averments under the Para 18 of the application are false, vexatious and completely denied. I submit that the letter dt.20.11.2023 submitted by the 2nd Respondent to the MoEF & CC was for intimating that in view of the SO 221(E) dt. 18.01.2021 the period between 01.04.2020 and 31.03.2021 had to be excluded for calculating the validity of the EC and CRZ Clearance. I submit that the applicability of the Notification bearing SO No. 221(E) dt. 18.01.2021 issued by the MoEF & CC was automatic viz the power project. The letter dt.20.11.2023 was submitted as a matter of record for the perusal of MoEF & CC and not an application. as the notification mentioned above did not envisage any such application for seeking such exclusion of the period between 01.04.2020 and 31.03.2021.
20. I submit that the averments under the Para 19 of the application are false, vexatious, misleading in nature and denied. I submit that the 2nd Respondent had approached MoEF & CC on 20.11.2024 vide PARIVESH portal requesting to extend the validity period of EC & CRZ Clearance as per the Office Memorandum bearing F.No. 1 A3-22/28/2022- 1 A.111 [E181584] dt.13.12.2022 issued by the MoEF & CC to ensure continuity of the project work beyond 31.12.2024 stating the reasons for delay in execution. It is pertinent to note that the power project from the commencement of construction activities has been mired by either (i) litigation (ii) the unprecedented covid pandemic (iii) natural calamities such as floods and cyclones in the State of Tamil Nadu due to which the commissioning of the power project is getting delayed. The delay in commissioning of the power project has led to escalation of cost and disrupted the power source planning of the 2nd Respondent.
21. I submit that the 2nd Respondent being a Government of Tamil Nadu owned undertaking is strictly complying with the provisions of the EIA Notification, 2006 and CRZ Notification, 2011. Since, the 2nd Respondent's EC and CRZ Clearance needs extension, the extension application is under process with MOEF&CC. As per requirement of EAC held on 24.1.2025, ADS has been raised by MOEF&CC to obtain SCZMA recommendation for 1 year extension of existing EC&CRZ clearance. In this process, it is submitted that District CRZ committee held on 04.04.2025 has recommended the extension proposal to SCZMA and MoM is awaited.


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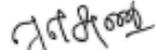
22. I submit that the averments under the Para 21 of the application are completely denied for being false and misleading. The 2nd Respondent had applied for extension application bearing No. IA/TN/THE/506751/2024 dt. 19.11.2024 through PARIVESH portal on 20.11.2024. The Minutes of the 18th Meeting of Expert Appraisal Committee held on 24/01/2025 also reflects 19.11.2024 as the date of the application. Therefore the Applicants allegations fall foul of being misleading and misrepresentation.
23. I submit that the averments under the Para 22 of the application are completely denied for being false, untrue, misleading and devoid of merit. The 2nd Respondent puts the Applicant to proof the same. The Minutes of the 18th Meeting of Expert Appraisal Committee held on 24/01/2025 clearly note that the extension application bearing No. IA/TN/THE/506751/2024 dt.19.11.2024 sought validity extension of EC dt. 07/01/2014 and CRZ Clearance dt. 01/01/2014. The relevant extracts are reproduced here in below:

"18.2.1: M/s Tamil Nadu Power Generation Corporation Limited (TNPGL) (Erstwhile TANGEDCO) has made an online application vide proposal no. IA/TN/THE/506751/2024 dt. 19.11.2024 along with CAF and Form 6 seeking validity extension of the EC dt. 07/01/2014 under the provisions of the EIA Notification 2006 and validity extension of CRZ dt. 01/01/2014. The proposed project activity is listed at item 1(d) Under Category "A" of the schedule of the EIA Notification, 2006 and appraised at Central Level."

24. I submit that the 2nd Respondent being a Government of Tamil Nadu owned undertaking is strictly complying with the provisions of the EIA Notification, 2006 and CRZ Notification, 2011. Since, the 2nd Respondent's EC and CRZ Clearance needs extension, the extension application is under process with MOEF&CC. As per requirement of EAC held on 24.1.2025, ADS has been raised by MOEF&CC to obtain SCZMA recommendation for 1 year extension of existing EC&CRZ clearance. In this process, it is submitted that District CRZ committee held on 04.04.2025 has recommended the extension proposal to SCZMA and MoM is awaited It is submitted that the project is so essential to meet out the ever growing power demand of State of Tamil Nadu and the project is executed with huge investment from public exchequer.

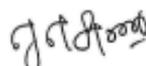

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25. I submit that the averments under the Para 24 and Para 25 of the application are wholly denied for being false, untrue, misleading and completely devoid of merit. I submit that it is an admitted fact that the MoEF & CC vide communication F.No.J-13012/36/2010-IA.II(T) dt.09.04.2021 had extended the validity of the EC & CRZ Clearance (Combined) for another 3 years i.e. upto 31.12.2023. Therefore, it cannot be said that the 2nd Respondent did not possess CRZ Clearance. Since, the extension application bearing No. IA/TN/THE/506751/2024 dt. 19.11.2024 is currently under process with MOEF&CC for consideration, the Applicant has no locus or no authority to comment so as to whether the extension application of allowed would be any use of the 2nd Respondent or not.
26. I submit that the 2nd Respondent's EC and CRZ Clearance needs extension, the extension application is under process with MOEF&CC. As per requirement of EAC held on 24.1.2025, ADS has been raised by MOEF&CC to obtain SCZMA recommendation for 1 year extension of existing EC&CRZ clearance. In this process, it is submitted that District CRZ committee held on 04.04.2025 has recommended the extension proposal to SCZMA and MoM is awaited.
27. I submit that after obtaining the final order passed by this Hon'ble Tribunal in MA application 13/2024 on 23.09.2024 in continuation of OA 162/2021 suo motu case by Hon'ble Tribunal and TNPGL informed to MoEF & CC on 12.11.2024 regarding recommencement of the pipe conveyor and CW pipe lines in the approved route in CRZ area by MoEF & CC as per CRZ clearance dt. 01.01.2014.
28. I submit that the 2nd Respondent's EC and CRZ Clearance needs extension, the extension application is under process with MOEF&CC. As per requirement of EAC held on 24.1.2025, ADS has been raised by MOEF&CC to obtain SCZMA recommendation for 1 year extension of existing EC&CRZ clearance. In this process, it is submitted that District CRZ committee held on 04.04.2025 has recommended the extension proposal to SCZMA and MoM is awaited
29. I submit that the averments under the Para 27 except the matter of record are denied. I submit that the Applicant here in filed WP No.16353 of 2021 before the Hon'ble Madras High Court "Madras HC" seeking directions to the TNCZMA, PWD for removing the illegally dumped soil and constructions erected by the 2nd Respondent in the back waters in


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"Konamudukku" and "Pazhankaivai" and restore the area to its original state. The Hon'ble Madras HC vide order dt. 11.08.2021 directed 2nd Respondent to file a status report to that extent. That thereafter, vide order dt. 22.10.2021, the 2nd Respondent was directed to remove the entirety of the rubbish, concrete and construction material had to be removed and a report had to be filed. I submit that the 2nd Respondent has been consecutively complying with the orders passed by the Hon'ble Madras HC for removal of such materials from time to time. A report dt.12.03.2024 received from the Public Works Department was submitted by TNPGL before the Hon'ble Madras HC on 13.3.2024 demonstrating that all orders passed by the Hon'ble Madras HC were complied with.

30. I submit that the averments under the Para 28 are a matter of record and warrant no response.
31. I submit that the averments under the Para 29 are denied except which are a matter of record. I state that the validity of EC & CRZ Clearance was continuing when 2nd Respondent approached MoEF & CC vide letter dt. 15.05.2024. The allegation that the 2nd Respondent had deceptively filed MA No.13 of 2024 in O.A No.122 of 2021 and O.A No.162 of 2021 is false, untrue, bald and misleading in nature. The MA was filed seeking leave of this Hon'ble Tribunal to proceed with the construction activity of the conveyance corridor **in an approved route and best possible route in Non-CRZ Area in the interest of project and environment.**
32. I submit that the 2nd Respondent's EC and CRZ Clearance needs extension, the extension application is under process with MOEF&CC. As per requirement of EAC held on 24.1.2025, ADS has been raised by MOEF&CC to obtain SCZMA recommendation for 1 year extension of existing EC&CRZ clearance. In this process, it is submitted that District CRZ committee held on 04.04.2025 has recommended the extension proposal to SCZMA and MoM is awaited.
33. I submit that the averments under the Para 31 are denied as the Petitioner has not been conducting any illegal construction activity.
34. I submit that the present Application filed by the Applicant is premature as the extension application dt.19.11.2024 bearing no IA/ TN/THE/ 506751/ 2024 is pending for want of additional details/Recommendations from SCZMA for consideration with MOEF&CC. Therefore, no cause of action has arisen for the Applicant to approach this Hon'ble Tribunal.



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TNPGL

144, Anna Salai, Chennai-600 002.

35. I humbly submit that the 2nd Respondent reserves its right to file additional counter affidavit with necessary documents as and when required.

As the process for extension of EC & CRZ Clearance for 1 year is under process, it is requested to permit the continuance of project work since, the project is so essential to meet out the ever growing power demand of State of Tamil Nadu and the Power project is executed with huge investment from public exchequer.

For the above reasons and circumstances, I pray that, this Hon'ble Tribunal may be pleased to dismiss this OA No. 26 of 2025 and pass any order or orders as this Hon'ble Court may deem fit considering the facts and thus render justice.

Solemnly affirmed at Chennai

This the 16th day of April 2025

And signed his name in my presence

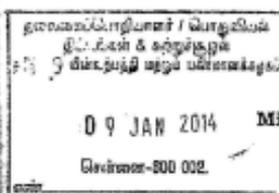
G. S. Srinivasan
Chief Engineer/Projects

TNPGCL

144, Anna Salai, Chennai-600 002.

BEFOREME

G. S. Srinivasan
 (1745/11)
 Advocate: Chennai



F.No. 11-80/2011-IA.III
 Government of India
 Ministry of Environment & Forests
 (IA Division)



Paryavaran Bhawan,
 CGO Complex, Lodhi Road,
 New Delhi - 110 003.

Dated: January 1, 2014

To,
 Chief Engineer (Projects),
 M/s Tamil Nadu Generation & Distribution Corp. Ltd.
 3rd Floor, Eastern Wing, NPKRR Manligai,
 144, Anna Salai, Chennai - 600 002

Contact Person Details:
 Shri Er.R.Ganapathy Sankaran,

Subject: CRZ Clearance for construction of coal conveyor and cooling water system for the proposed Ennore SEZ Super Thermal Power Station (2x800 MW) at Vayalur village, Pooneri Taluk, Thiruvallur District, Tamil Nadu by M/s Tamil Nadu Generation and Distribution Corporation Ltd. - Reg.

This is reference to letter No: 15686/EC3/2011-2 dated 04.10.2011 from Principal Secretary, Environment & Forests Department, Tamil Nadu and your letters dated 27.06.2012 and 19.11.2013 seeking prior CRZ Clearance for the above project under the Coastal Regulation Zone (CRZ) Notification, 2011. The proposal has been appraised as per prescribed procedure in the light of provisions under the Coastal Regulation Zone Notification, 2011 on the basis of the mandatory documents enclosed with the application viz., the Questionnaire, recommendation of State Coastal Zone Management Authority, EIA, EMP and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee constituted by the competent authority in its meetings held on 5th - 7th March, 2012 and 28th - 30th October, 2013.

2. It is inter-alia, noted that the proposal involves construction of coal conveyor and cooling water system for the proposed Ennore SEZ Super Thermal Power Station (2x800 MW) coal based Thermal Power project at the existing ash pond area at Vayalur village, Pooneri Taluk, Thiruvallur District, Tamil Nadu. The project area is falling in R.S. No. 1,2,47/1 of Ennore village, R.S. No. 143 of Puzhuthivakkum village, R.S.No. 2042 of Vayalur village. TANGEDCO is presently having about 1100 acres of land in Vayalur Village in Thiruvallur District for ash dyke of existing NCTPS. Due to improved ash management, it is proposed to reclaim 500 acres of the above land for setting up the proposed power project of 2 x 800 MW. Coal will be transported from Ennore Port through 4.5 km long closed conduit coal conveyor. It is proposed to draw sea water through the intake facility at North Chennai Thermal Power Station stage -II and the water used for

cooling is proposed to discharge to the existing cooling water canal located at North Chennai Thermal Power Station. Water at 13,790 KL/hr will be drawn from the existing channel within the NCTPS complex. Cooling water - 10, 220 KL/hr will be discharged in the existing outlet channel. The intake and outfall pipe line length will be 4 km. The pipelines and the coal conveyor cross Buckingham canal through CRZ.

3. The IRS, Anna University has demarcated the HTL/LTL. The power plant site is beyond CRZ limit. The Tamil Nadu Coastal Zone Management Authority (TNCZMA) has recommended the project vide letter no. 15686/EC3/2011-2 dated 04.10.2011.

4. The Expert Appraisal Committee, after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations, have recommended for the grant of CRZ Clearance for the project. Accordingly, the Ministry hereby accords necessary CRZ Clearance for the above project as per the provisions of Coastal Regulation Zone Notification, 2011, subject to strict compliance of the terms and conditions as follows:

5. SPECIFIC CONDITIONS:

- (i) "Consent for Establishment" shall be obtained from State Pollution Control Board under Air and Water Act and a copy shall be submitted to the Ministry before start of any construction work at the site.
- (ii) The temperature of outfall will be about 3.3 C higher than ambient conditions, the salinity will be 1.53 g/l at outfall.
- (iii) All the conditions/recommendations stipulated by the Tamil Nadu Coastal Zone Management Authority (TNCZMA) of letter no.15686/EC3/2011-2 dated 04.10.2011, shall be complied with.
- (iv) The coal will be transported from Ennore Port through closed conduit coal conveyor of 4.5 km.
- (v) The conveyor route shall not pass through any habitation as presented and assured before the committee.
- (vi) Explore to develop Green belt along the conveyor.

- (ix) The proponent shall submit Bank Guarantee to the PCB for the amount to be fixed by the SPCB so as to impose accountability to meet the standards.
- (x) All the recommendation of the EMP shall be complied with letter and spirit. All the mitigation measures submitted in the EIA report shall be prepared in a matrix format and the compliance for each mitigation plan shall be submitted to MoEF along with half yearly compliance report to MoEF-RO.
- (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) The project shall be executed in such a manner that there shall not be any disturbance to the fishing activity.
- (xiii) It shall be ensured that there is no displacement of people, houses or fishing activity as a result of the project.
- (xiv) The project proponent shall set up separate environmental management cell for effective implementation of the stipulated environmental safeguards under the supervision of a Senior Executive.
- (xv) The funds earmarked for environment management plan shall be included in the budget and this shall not be diverted for any other purposes.

6. GENERAL CONDITIONS:

- (i) Appropriate measures must be taken while undertaking digging activities to avoid any likely degradation of water quality.
- (ii) Full support shall be extended to the officers of this Ministry/ Regional Office at Bengaluru by the project proponent during inspection of the project for monitoring purposes by furnishing full details and action plan including action taken reports in respect of mitigation measures and other environmental protection activities.
- (iii) A six-Monthly monitoring report shall need to be submitted by the project proponents to the Regional Office of this Ministry at Bengaluru regarding the implementation of the stipulated

existing ones, if necessary in the interest of environment and the same shall be complied with.

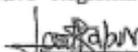
- (v) The Ministry reserves the right to revoke this clearance if any of the conditions stipulated are not complied with the satisfaction of the Ministry.
- (vi) In the event of a change in project profile or change in the implementation agency, a fresh reference shall be made to the Ministry of Environment and Forests.
- (vii) The project proponents shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of land development work.
- (viii) A copy of the clearance letter shall be marked to concerned Panchayat/local NGO, if any, from whom any suggestion/representation has been made received while processing the proposal.
- (ix) State Pollution Control Board shall display a copy of the clearance letter at the Regional Office, District Industries Center and Collector's Office/Tehsildar's office for 30 days.

7. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification 1994, including the amendments and rules made thereafter.

8. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.

9. 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 that the project has been accorded CRZ Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry of Environment and Forests at <http://www.envfor.nic.in>. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of

11. Status of compliance to the various stipulated environmental conditions and environmental safeguards will be uploaded by the project proponent in its website.
12. Any appeal against this 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.
13. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parisad/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.
14. The proponent shall upload the status of compliance of the stipulated 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.
15. The environmental statement for each financial year ending 31st 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 Clearance conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.


 (Lalit Kapur)
 Director (IA-III)

Copy to:

1. The Secretary, Environment & Forests Department, Govt. of Tamil Nadu, Saint Geroje Port, Chennai.
2. The Chairman, Central Pollution Control Board, Parivesh Bhavan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110 032.
3. The Chairman, Tamil Nadu Coastal Zone Management Authority and Principal Secretary, Govt. of Tamil Nadu, Environment and Forests (EC.3) Department, Secretariat, Chennai - 9.
4. The Chairman, Tamil Nadu State Pollution Control Board, Chennai.
5. The Director, Environment Department, Govt. of Tamil Nadu, Chennai.
6. The CCF, Regional Office, Ministry of Environment & Forests(SZ), Kendriya Sadan, IVth floor, E&F wings, 17th Main Road, Koramangala II Block, Bangalore - 560 034.
7. Guard File.
8. Monitoring File.



J 13012/36/2010-IA,II (T)
Government of India
Ministry of Environment & Forests

SPEED POST
for CE/C/P&

Ph: 011-2436 4067
e-mail: sarejmoef@yahoo.com
Paryavaran Bhawan
CGO Complex, Lodi Road
New Delhi-110 003
Dated: January 7, 2014

To

M/s TANGEDCO (Tamil Nadu Electricity Board),
5th Floor, Western Wing,
NPKRR Maligai, 144, Anna Salai,
Chennai- 600 002.

Sub: 2x800 MW Ennore SEZ Supercritical Imported Coal based
Thermal Power Plant by M/s TANGEDCO at Village Vayalur, in
Ponneri Taluk, in District Thiruvallur, in Tamil Nadu. - reg.
Environmental Clearance.

Sir,

The undersigned is directed to refer to your letters dated 26.03.2012, 27.03.2012, 30.06.2012 and 16.07.2012 on the subject mentioned above. The Ministry of Environment & Forests has examined the application.

2. It is noted that the proposal is for setting up of 2x800 MW Ennore SEZ Supercritical Imported Coal based Thermal Power Plant by M/s TANGEDCO at Village Vayalur, in Ponneri Taluk, in District Thiruvallur, in Tamil Nadu. The proposed plant will be established in the existing ash dyke of M/s North Chennai Thermal Power Station (NCTPS). Land requirement will be 500 acres out of which 130 acres will be developed under green belt. About 40 acres of area will be used for external corridor including sea water and coal conveyor. The co-ordinates of the site are located within Latitude $13^{\circ}17'02''$ N to $13^{\circ}17'57.3''$ N and Longitude $80^{\circ}18'07''$ E to $80^{\circ}19'05.5''$ E. Imported Coal requirement will be 4.29 MTPA, which will be obtained from Indonesia. MoU has been signed with M/s MMTC Ltd., New Delhi on 23.06.2012 for supply of Coal. Ash and sulphur contents in imported coal will be 12% and 0.7-0.8% respectively. About 0.412 MTPA of fly ash and 0.103 MTPA of bottom ash will be generated. Fly ash generated shall be proposed to use for Cement Industry. Twin-flue Stack of 275m shall be provided. Water requirement will be 14,545 m³/hr (755 m³/hr raw water + 13,790 m³/hr cooling water from sea), which will be met from existing intake of M/s North Chennai Thermal Power Station. Discharge will be also through outlet of M/s NCTPS system. Coal will be imported through Ennore Port from where it will be transported through pipe conveyor to the TPP site. There are no national parks, wildlife sanctuaries, heritage sites,

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tiger/biosphere reserves etc. within 10 km of the project site. Public Hearing was held on 23.02.2011. Cost of the project will be Rs.9180.0 Crores.

3. The project has been considered in accordance with the provisions of the EIA notification issued by the Ministry of Environment & Forests vide S.O. 1533 (E), dated September 14, 2006.

4. Based on the information submitted by you, as at Para 2 above and others and presentations made before the Expert Appraisal Committee (Thermal Power) in its 50th Meeting held during June 25-26, 2012 by you and your consultant viz. M/s Ramky Enviro Engineers Ltd., Hyderabad, and in the 1st Meeting of the re-constituted Expert Appraisal Committee (Thermal Power) held during September 19-20, 2013, the Ministry of Environment and Forests hereby accords environmental clearance to the above project under the provisions of EIA notification dated September 14, 2006, subject to the compliance of the following Specific and General conditions:

A. Specific Conditions:

- (i) Vision document specifying prospective plan for the site shall be formulated and submitted to the Regional Office of the Ministry within **six months**.
- (ii) Harnessing solar power within the premises of the plant particularly at available roof tops shall be undertaken and status of implementation shall be submitted periodically to the Regional Office of the Ministry.
- (iii) No transportation of imported coal by road shall be permitted.
- (iv) Sulphur and ash contents in the coal to be used in the project shall not exceed 0.7 % and 12 % respectively at any given time. In case of variation of coal quality at any point of time, fresh reference shall be made to the Ministry for suitable amendments to environmental clearance condition wherever necessary.
- (v) Bi-flue stack of 275 m height shall be provided with continuous online monitoring equipments for SO_x, NO_x and Particulate Matter (PM_{2.5} & PM₁₀). Exit velocity of flue gases shall not be less than 22 m/sec. Mercury emissions from stack shall also be monitored on periodic basis.
- (vi) FGD shall be installed for both the units of 800 MW each.
- (vii) High Efficiency Electrostatic Precipitators (ESPs) shall be installed to ensure that particulate emission from the proposed plant does not exceed 50 mg/Nm³.

- (viii) 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.
- (ix) Utilisation of 100% Fly Ash generated shall be made from **day one** of operation of the plant. Status of implementation shall be reported to the Regional Office of the Ministry from time to time.
- (x) 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.
- (xi) Fly ash shall be collected in dry form and storage facility (silos) shall be provided. Unutilized fly ash shall be disposed off in the ash pond in the form of slurry form. Mercury and other heavy metals (As, Hg, Cr, Pb etc.) will be monitored in the bottom ash as also in the effluents emanating from the existing ash pond. No ash shall be disposed off in low lying area.
- (xii) Ash pond shall be lined with HDPE/LDPE lining or any other suitable impermeable media such that no leachate takes place at any point of time. Adequate safety measures shall also be implemented to protect the ash dyke from getting breached.
- (xiii) 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.
- (xiv) A long term study of 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.
- (xv) Continuous monitoring for heavy metals in and around the existing ash pond area shall be immediately carried out by reputed institutes like IIT, Chennai.
- (xvi) 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

- (xvii) COC of atleast 1.3 shall be adopted.
- (xviii) A well designed rain water harvesting system shall be put in place which shall comprise of rain water collection from the built up and open area in the plant premises. Action plan and road map for implementation shall be submitted to the Regional Office of Ministry.
- (xix) Hydrogeology of the area shall be reviewed annually from an institute/ organization of repute to assess impact of surface water and ground regime (especially around ash dyke). In case any deterioration is observed specific mitigation measures shall be undertaken and reports/ data of water quality monitored regularly and maintained shall be submitted to the Regional Office of the Ministry.
- (xx) Waste water generated from the plant shall be treated before discharge to comply limits prescribed by the SPCEB/CPCB.
- (xxi) 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.
- (xxii) Green Belt consisting of three tiers of plantations of native species 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 less than 2500 per ha with survival rate not less than 80 %.
- (xxiii) A common **Green Endowment Fund** shall be created and the interest earned out of it shall be used for the development and management of green cover of the area.
- (xxiv) The project proponent shall also adequately contribute in the development of the neighbouring villages. Special package with implementation schedule for free potable drinking water supply in the nearby villages and schools shall be undertaken in a time bound manner.
- (xxv) An amount of Rs 37.00 Crores shall be earmarked as one time capital cost for CSR programme. Subsequently a recurring expenditure of Rs 7.40 Crores per annum till the life of the plant shall be earmarked as recurring expenditure for CSR activities. Details of the activities to be undertaken shall be submitted within one month of the issue of this letter along with road map for implementation.
- (xxvi) CSR scheme should address Public Hearing issues and shall be undertaken based on need based assessment in and around the villages within 5.0 km of the site and in constant consultation with

the village Panchayat and the District Administration. As part of CSR prior identification of local employable youth and eventual employment in the project after imparting relevant training shall be also undertaken. Development of fodder farm, fruit bearing orchards, vocational training etc. can form a part of such programme. Company shall provide separate budget for community development activities and income generating programmes. Vocational training programme for possible self employment and jobs shall be imparted to identify villagers free of cost.

- (xxvii) It shall be ensured that in-built monitoring mechanism for the CSR schemes identified is in place and annual social audit shall be got done from the nearest government institute of repute in the region. The project proponent shall also submit the status of implementation of the scheme from time to time.
- (xxviii) An Environmental Cell shall be created at the project site itself and shall be headed by an officer of the company of appropriate seniority and qualification. It shall be ensured that the head of the Cell shall directly report to the Head of the Organization.

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.

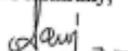
- (vii) Regular monitoring of ambient air ground level concentration of SO₂, NO_x, PM_{2.5} & PM₁₀ and Hg shall be carried out in the impact zone and records maintained. If at any stage these levels are found to exceed the prescribed limits, necessary control measures shall be provided immediately. The 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) 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.
- (ix) 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>.
- (x) 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.
- (xi) 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_{2.5} & PM₁₀), SO₂, NO_x (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.
- (xii) The environment statement for each financial year ending 31st 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.

- (xiii) **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.**
- (xiv) 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_x (from stack & ambient air) shall be displayed at the main gate of the power plant.**
- (xv) 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.
- (xvi) 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.
- (xvii) Full cooperation shall be extended to the Scientists/Officers from the Ministry / Regional Office of the Ministry / CPCB/ SPCE who would be monitoring the compliance of environmental status.
5. The Ministry of Environment and Forests reserves the right to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the Ministry. The Ministry may also impose additional environmental conditions or modify the existing ones, if necessary.

6. The environmental clearance accorded shall be valid for a period of 5 years from the date of issue of this letter to start operations by the power plant.
7. 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.
8. 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.
9. 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.
10. 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,


 (Dr. Saroj)
 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 State 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 Chief Conservator of Forests, Regional Office (SZ), Kendriya Sadan, 4th Floor E&F Wings 17th Main Road, 1 Block, Koranmangala, Bangalore -560 034.
7. The District Collector, Thiruvallur District, Govt. of Tamil Nadu.
8. Guard file.

(Dr. Saroj)
 Scientist 'F'



No. J-13012/36/2010-IA-II(T)
 Government of India
 Ministry of Environment, Forest and Climate Change

3rd Floor, Vayu Block,
 Indira Paryavaran Bhawan, Jor Bagh Road,
 Aliganj, New Delhi-110003

Dated: 14.08.2018

To

The Chief Engineer (Projects)
 M/s Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO)
 5th Floor, Western Wing, NPKRR Maaligai,
 144, Anna Salai, Chennai-2.

Sub: 2x800 MW Power Generation Ennore SEZ coal based Thermal Power Project, Village Vayalur, Ponneri Taluk, Tiruvallur District, Tamil Nadu by M/s TANGEDCO- reg. amendment in EC.

Sir,

The undersigned is directed to refer to your online application No. **IA/TN/THE/10506/2010** dated 8.6.2018 on the above subject.

- It has been noted that you have requested for an amendment in Environmental Clearance for reducing the size of the units from 2x800 MW to 2x660 MW. It has been noted that Environmental Clearance has been issued for 2x800 MW Ennore Supercritical Imported Coal based Thermal Power Plant vide Ministry's letter dated 07.01.2014. It has also been noted that the CRZ Clearance was also obtained for the proposed foreshore facilities (Coal conveyor and cooling /coolant water pipe lines) of the proposed project vide Ministry's F.No.11-80/2011-IA.III, dated 01.01.2014.
- It has been informed by you that TANGEDCO has adopted the capacity of units as 2x660 MW instead of 2x800 MW to have uniformity in unit size and spare management for the captioned power project while calling tenders. In order to establish the Project under single EPC (Engineering-Procurement-Construction) cum Debt Financing Basis, TANGEDCO floated International Competitive Bidding. The project was awarded to the lowest Bidder M/s BHEL on 27.09.2014, and the work was commenced on 09.10.2014. Subsequently a competitive firm of EPC tender has filed a case twice in the Hon'ble High court of Madras to cancel the award to M/s BHEL and requested to award the EPC contract to them. After hearing the case Hon'ble High Court of Tamil Nadu issued judgment in favour of TANGEDCO on 07.04.2015 and 18.10.2016 respectively. The work by M/s BHEL was held up for more than 2 years due to cases pending before Hon'ble High Court. On receipt of final verdict from the Hon'ble Supreme court, M/s BHEL again commenced the work on 19.10.2016 and works in various fronts are under progress.
- It has also been informed by you that the reduction in unit size of the proposed project involves reduction in both consumption of resources and pollution level from the proposed power plant. The time schedule for completion of power project is 42 months

from LOI and expected to achieve COD by 2019-20. A comparative statement of 2x800 MW and 2x660 MW details the same as follows:

S.No.	Description	Requirement for 2x800 MW	Requirement for 2x660 MW	Change
1	Land	500 acres	408 acres	Reduction in area of 92 acres
2	Water	17180 m ³ /h	12,950 m ³ /h	Reduction of water requirement 4230 m ³ /hr
3	Coal @ 85% PLF	4.549 MTPA	3.79 MTPA	Reduction in coal requirement 0.759 MTPA
4	Ash generation	0.364 MTPA	0.303 MTPA	Reduction in ash generation 0.061 MTPA
5	Project Cost	11,153 Crores	9,799.02 Crores	Reduction in project cost Rs.1354.11 Crores.
6	Gross Energy Generation @85% PLF	11,913.6 MU	9828.72 MU	Reduction in gross power generation 2084.88 MU

5. The proposal has been considered in the EAC (Thermal Power) in its 18th meeting held on 27.6.2018. In acceptance of the EAC recommendations and in view of the clarifications furnished by you, the Ministry hereby amends the Environmental Clearance dated 7.1.2014 for reducing the unit size from 2x800 MW to 2x660 MW, subject to following additional conditions:

- i. An area of 92 acres which shall be available after reduction in size of the units shall be utilised for raising greenbelt in addition to the greenbelt stipulated earlier.
 - ii. Revised emission standards issued vide dated 07.12.2015 shall be achieved at the time of commissioning of the plant.
 - iii. The capital CER budget shall be in line with Ministry's OM dated 1.5.2018 and the amount shall be spent in the surrounding villages in line with the Ministry's guidelines dated 1.5.2018.
6. All other conditions stipulated in the Ministry's even letter dated 7.1.2014 shall remain same as applicable.

This issues with the approval of the Competent Authority.

Yours faithfully,

Copy to: -

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
3. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi- 110032.
4. The Additional Principal Chief Conservator 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.
5. The Principal Secretary to Government, Environment and Forests Department, Government of Tamil Nadu, No.1, Jeenis Road, Panagal Building, Ground Floor, Saidapet, Chennai-600 015
6. The Chairman, Tamil Nadu Pollution Control Board, 76, Mount Salai, Guindy, Chennai - 600 032.
7. The District Collector, Thiruvallur District, Govt. of Tamil Nadu, Thiruvallur Collector Office, Master Plan Complex, NH 205, Thiruvallur, Tamil Nadu 602001.
8. Guard file/Monitoring file.
9. Website of MoEF&CC.


(Dr. S. Kerketta)
Director, IA.I



No. J-13012/36/2010-IA-III(T)
Government of India
Ministry of Environment, Forest and Climate Change

3rd Floor, Vayu Block,
 Indira Paryavaran Bhawan, Jor Bagh Road,
 Aliganj, New Delhi-110003

Dated: 01.02.2019
 04

To

The Chief Engineer (Projects)
 M/s Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO)
 5th Floor, Western Wing, NPKRR Maaligai,
 144, Anna Salai, Chennai-2.

Sub: 2x660 MW Ennore SEZ Coal based Supercritical Thermal Power Project, Village Vayalur, Ponneri Taluk, Tiruvallur District, Tamil Nadu by M/s TANGEDCO- reg. extension of validity of EC.

Sir,

The undersigned is directed to refer to your online application No. **IA/TN/THE/10506/2010** dated 6.12.2018 on the above subject.

2. It has been noted that you have requested for extension of validity of Environmental Clearance dated 7.1.2014 for a period of five years. It has been noted that Environmental Clearance has been issued for 2x800 MW Ennore Supercritical Imported Coal based Thermal Power Plant vide Ministry's letter dated 07.01.2014. Further, an amendment in the said Environmental Clearance for reducing the unit size from 2x800 MW to 2x660 MW has been issued vide Ministry's letter dated 14.8.2018.

3. It has been informed that the project activities were held up for more than 2 years due to pending court cases in Hon'ble High Court of Madras though EPC contract was awarded to M/s BHEL on 27.9.2014. After receipt of final verdict from Hon'ble Supreme Court, M/s BHEL has commenced the work on 19.10.2016 and construction activities at various fronts are under progress. It has been informed that the physical progress and financial progress of the project has been achieved by 20% and 40%, respectively.

4. It is to inform that the EC dated 7.1.2014 was originally valid for five years, i.e. till 6.1.2019. Further, the Ministry's Notifications vide S.O. 1141 (E) dated 29.4.2015 and S.O. 2944 dated 14.9.2016 stipulated the validity of EC as seven years instead of five years. Further, it may be extended by the regulatory authority concerned by a maximum period of three years if an application is made to the regulatory authority by the applicant within the validity period. The regulatory authority may also consult the Expert Appraisal Committee, as the case may be, for grant of such extension.

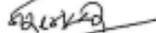
5. Further, the Ministry vide Office Memorandum dated 12.4.2016 clarified that the ECs which have not completed five years on the date of publication of Notification i.e. 29.4.2015, their validity will stand automatically extended to seven years.

6. The Ministry has examined your application. In the present case, the EC was valid on the date of Notification dated 29.4.2015 and accordingly, the validity of the existing EC automatically get extended to seven years, i.e. till 6.1.2021.

7. In view of the above, **you are now requested to approach the Ministry at least three months before the expiry of seven years validity, i.e. before 6.1.2021 for further extension, if required.**

This issues with the approval of the Competent Authority.

Yours faithfully,


(Dr. S. Kerketta)
Director, IA.I

Copy to: -

1. The Additional Principal Chief Conservator 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.
2. Guard file/Monitoring file.
3. Website of MoEF&CC.


(Dr. S. Kerketta)
Director, IA.I

F. No. 22-27/2015-IA-III
 Government of India
 Ministry of Environment, Forest and Climate Change
 (IA Division)

Indira Paryavaran Bhawan
 All Ganj, Jor Bagh Road
 New Delhi- 110003.

Dated the 12th April, 2016

OFFICE MEMORANUDM

Subject: Notifications issued by the Ministry of Environment, Forest and Climate Change *vide* S.O. No. 1141 (E) dated 29.04.2015 and S.O. No. 2571 (E) dated 31.08.2015 under the provisions of the EIA Notification 2006 regarding extension of Validity of Environmental Clearance-Clarification regarding.

The undersigned is directed to inform that in respect of the subject mentioned above, the Ministry has decided to clarify the applicability of the Notifications as under:

- (i) The Environmental Clearance of the projects which had not completed five (5) years on the date of publication of Notification i.e. 29.04.2015, their validity will stand automatically extended to seven (7) years.
- (ii) The Environmental Clearance of the projects which have completed five (5) years on the date of publication of Notification i.e. 29.04.2015 and the project proponents submitted application for extension of their validity within the validity period of five (5) years, the validity of such environmental clearances will also be extended to seven (7) years.
- (iii) The Environmental Clearance of the projects which have completed five (5) years on the date of publication of Notification i.e. 29.04.2015 and application of seeking extension of validity has not been submitted within the validity period by the project proponent, their extension of validity will be decided on case to case basis.

This issues with the approval of the Competent Authority.


 (Dr. Satish C. Garkoti)
 Scientist 'F'

To

1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs / SEACs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:

1. PS to HMEFCC
2. PPS to Secretary (EFCC)
3. PPS to SS(SK)
4. PS to JS(MKS)/PS to JS(BS) / P & to J4(46)



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (iii)
PART II—Section 3—Sub-section (iii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 895] नई दिल्ली, मंगलवार, मार्च 06, 2018/फाल्गुन 15, 1939
No. 895] NEW DELHI, TUESDAY, MARCH 06, 2018/PHALGUNA 15, 1939

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 6 मार्च, 2018

का.अ. 1002(अ).—केंद्रीय सरकार ने, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की अधिसूचना सं.का.अ.19(अ), तारीख 6 जनवरी, 2011 (जिसे इसमें इसके पश्चात् तटीय विनियम जोन अधिसूचना, 2011 कहा गया है), द्वारा कनिष्ठ तटीय क्षेत्रों को तटीय विनियमन जोन घोषित किया है और उक्त जोन में उद्योगों, प्रचालनों और प्रसंस्करणों की स्थापना पर निर्बंधन अधिरोपित किए गए थे;

और केंद्रीय सरकार ने तटीय विनियम जोन अधिसूचना के अधीन जारी की गई समाशोधन की वैधता के विस्तार से संबंधित और उक्त अधिसूचना के अधीन कार्यालय समाशोधन पर विचार करने के लिए राज्य सरकारों के साथ विभिन्न पक्षधारियों से अन्वेषण प्राप्त किया है;

और राष्ट्रीय तटीय जोन प्रबंधन प्राधिकरण ने 1 नवंबर, 2017 को आयोजित अपनी 32वीं बैठक में यह भी विनिश्चय किया कि ऊपर वर्णित विषयों पर विचार की आवश्यकता है;

और केंद्रीय सरकार, उपर्युक्त को ध्यान में रखते हुए, तटीय विनियम जोन अधिसूचना, 2011 में निम्नांकित संशोधनों को करने का प्रस्ताव करती है;

और केंद्रीय सरकार की पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (4) के उपबंध को ध्यान में रखते हुए यह राय है कि ऊपर तटीय विनियम जोन अधिसूचना, 2011 का संशोधन करने के लिए उक्त नियमों के नियम 5 के उपनियम (3) के खंड (क) के अधीन सूचना भी अपेक्षा से अधिमूर्ति प्रदान करना लोक हित में है।

अतः, अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) के खंड (घ) के साथ तल्लिखित उक्त पर्यावरण (संरक्षण) अधिनियम 1986 (1986 का 20) की धारा 3 की उपधारा (1) और उपधारा (2) के अंतर्ग

द्वारा प्रस्ताव सचिवों का प्रयोग करते हुए, तटीय विनियम जौन अधिसूचना, 2011 में निम्नलिखित और संशोधन करती है, अर्थात् :-

1. उप-पैरा 4.2 में, खंड (v) के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात् :-

“(v) इस अधिसूचना के अधीन परियोजना के अनुरूप समाशोधन, उक्त समाशोधन के जारी होने की तारीख से सात वर्ष की अवधि के लिए वैध होगा;

परंतु, निर्माण क्रियाकलाप, समाशोधन के जारी होने की तारीख से पांच वर्ष की अवधि के भीतर प्रारंभ करना होगा और उक्त समाशोधन के जारी होने की तारीख से सात वर्ष की अवधि के भीतर निर्माण कार्य पूरा करना होगा तथा प्रथम आरंभ करना होगा ;

परंतु यह और कि संबद्ध राज्य/संघ राज्य क्षेत्र तटीय जौन प्रबंधन प्राधिकरण द्वारा समाशोधन की वैधता के विस्तार के लिए निष्पत्ति के साथ वैधता अवधि के भीतर आवेदन द्वारा संबद्ध प्राधिकारी को लिए गये आवेदन की दशा में वैधता की अवधि अधिकतम तीन वर्ष की अवधि के लिए बढ़ायी जा सकेगी;

2. उप-पैरा 4.2 के पश्चात् निम्नलिखित उप-पैरा रखा जाएगा, अर्थात् :-

*4.3 अनुज्ञेय क्रियाकलापों के लिए कार्योत्तर समाशोधन.-

- मभी क्रियाकलाप, जो अथवा इस अधिसूचना के उपबंधों के अधीन अनुज्ञेय है, परंतु ऐसे निर्माण का आरंभ, जो पूर्व समाशोधन के बिना किया गया है, केवल ऐसी दशा में विनियमितीकरण के लिए विचार किया जावेगा, जिनके विनिर्दिष्ट समय में विनियमितीकरण के लिए परियोजना को लागू किया है और ऐसी परियोजना, जो मीअरवेड के मानकों के अतिक्रमण में हो, उसका विनियमितीकरण नहीं होगा;
- संबद्ध तटीय जौन प्रबंधन प्राधिकरण, उक्त प्रस्तावों के विनियमितीकरण से संबंधित विनिर्दिष्ट सिफारिशें देगा और प्रकाशित करेगा कि सिफारिशों को देते समय मीअरवेड विनियमों का अतिक्रमण नहीं हुआ है;
- ऐसी दशाएं, जहां निर्माण अपेक्षित मीअरवेड समाशोधन के बिना इस अधिसूचना की तारीख के पहले आरंभ हो गया है, उन पर विचार केवल पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा ही किया जाएगा, परंतु यह अनुरोध उक्त मंत्रालय में उक्त विनियमितीकरण के लिए 30 जून, 2018 तक प्राप्त हो गया हो।

[सा. सं. 19-27/2015-आईए-III]

रीतेश कुमार सिंह, संपुक्त सचिव

टिप्पण : पून अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में संख्या का.सा. 19(अ) तारीख 6 नवम्बर, 2011 द्वारा प्रकाशित की गई थी और उपपश्चात् उसे निम्नानुसार संशोधित किया गया था :-

1. का.सा. 2557 (अ), तारीख 22 अगस्त, 2013;
2. का.सा. 1244 (अ), तारीख 30 अप्रैल, 2014;
3. का.सा. 3085 (अ), तारीख 28 नवंबर, 2014;
4. का.सा. 383 (अ), तारीख 4 फरवरी, 2015;
5. का.सा. 556 (अ), तारीख 17 फरवरी, 2015;
6. का.सा. 938 (अ), तारीख 31 मार्च, 2015;
7. का.सा. 1599 (अ), तारीख 16 जून, 2015;
8. का.सा. 2557 (अ), तारीख 20 अक्टूबर, 2015.

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. का.का.नि. 1227 (अ), तारीख 08 अक्टूबर, 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 6th 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 notificat on;

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

AND WHEREAS, the Central Government taking into account the above, proposes to make the following amendments in 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 insertec, 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.

- (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 30th June, 2018.

[F. No. 19-27/2015-1A-III]

RITESH KUMAR SINGH, Jt. 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 (F), dated the 6th January, 2011 and subsequently amended as follows: -

1. S.O. 2557 (F), dated the 22nd August, 2013;
2. S.O. 1244 (F), dated the 30th April, 2014;
3. S.O. 3085 (F), dated the 26th November, 2014;
4. S.O. 383 (F), dated the 4th February, 2015;
5. S.O. 556 (F), dated the 17th February, 2015;
6. S.O. 938 (F), dated the 31st March, 2015;
7. S.O. 1599 (F), dated the 16th June, 2015;
8. S.O. 3552 (F) dated the 30th December, 2015;
9. S.O. 1212 (F), dated the 22nd March, 2016;
10. S.O. 4162(F), dated 23rd December, 2016;
11. S.O. 621(F), dated 23rd February, 2017;
12. S.O. 1393 (F), dated 3rd May, 2017;
13. S.O. 2444 (F), dated 31st July, 2017; and
14. G.S.R 1227(E), dated 06th October, 2017.



F. No. J-13012/36/2010-IA.II (T)
 Government of India
 Ministry of Environment, Forests and Climate Change
 (IA Division)

2nd Floor, Vayu Block
 Indira Paryavaran Bhawan
 Jor Bagh Road, Aligarj
 New Delhi - 110 003

Dated: 09th April, 2021

To,

The Chief Engineer / Projects - J
 M/s Tamil Nadu Generation and Distribution Corporation (TANGEDCO)
 5th Floor, Western Wing, NPKRE Madhavai
 144, Anna Salai, Chennai - 600 002

Sub: 2x660 MW Ennore SEZ Thermal Power Plant by M/s. TANGEDCO at Vayalur Village, Ponneri Taluk, District Tiruvallur, Tamil Nadu - Extension of validity of Environmental Clearance - reg.

Sir,

This has reference to your online application no. IA/TN/THE/173531/2020 on 16th September, 2020 for extension of validity of the Environmental Clearance dated 7th January, 2014.

2. The Ministry of Environment, Forest and Climate Change has considered the proposal for grant of extension of validity of Environment Clearance dated 7th January, 2014 (i.e. till 6th January, 2014) and amendment dated 14th August, 2018 for change in project capacity i.e. from 2x800MW to 2x 660MW under the provisions of EIA Notification, 2006 and amendments therein.

3. Following are the details submitted by Project Proponent for the instant proposal.

- (i) The EC for establishing 2x800MW was granted by the Ministry on 7.1.2014. Public hearing for the project was conducted on 23.2.2012. The configuration has been changed to 2x660MW vide Ministry's amendment letter dated 14.8.2018.
- (ii) CRZ Clearance for coal pipe conveyor, cooling water and discharge pipelines under CRZ Notification, 2011, was granted by the Ministry on 1.1.2014 based on the TNCZMA recommendations dated 4.10.2011.
- (iii) The current time schedule for the completion of the power project is 2022-23. The works are progressing in a fast track basis to commission the project within the time schedule. Physical progress of around 45% and financial progress of 55% has been achieved.
- (iv) Considering slippages due to cyclones and Covid-19 lock down and other force majeure, commissioning of the project is delayed. Progress achieved so far for main plant is around 45%.
- (v) It is estimated that extension of validity of EC for 3 more years is essential to complete the project works including provision of PGD for compliance of latest environmental norms. vi. It is expected that all the works to be done by the

Unit-2 are expected to commission by May 2022 and August 2022 including installation of FGD.

Work for installation of FGD is in process and it is expected that the work will be completed for commencement by April 2021 and scheduled to be completed by April 2023.

Environmental Clearance has been issued by MoEFCC for the project based on the submission that the existing ash dyke of NCTPS will be utilized for the ash disposal, since, the captioned project itself is being developed over the abandoned primary ash pond of NCTPS.

EDCO has proposed augmentation of volume of the existing NCTPS Ash pond by raising 5 m under technical guidance of IIT Madras. After the above augmentation, the carrying capacity of Ash Dyke will increase to around 1,00,000 m³. The above work will be completed along with the completion of the captioned power project.

The proposed augmentation of the ash pond will cater to the bottom ash disposal. Further bottom ash is being evacuated by Govt. departments and agencies for filling purposes and for brick manufacturing. The coordinates of the ash pond are as below:

Point	Latitude	Longitude
A	13°17'5.63"N	80°18'45.46"E
B	13°15'51.87"N	80°18'31.97"E
C	13°15'54.08"N	80°18'24.54"E
D	13°17'12.30"N	80°18'6.42"E

EDCO applied to Tamil Nadu Coastal Zone Management Authority on 12.02.2020 to issue recommendation for extension of CRZ Clearance 1.1.2014, valid for 3 years.

The area of Green Belt proposed to be developed is 130 Acres. Around 10 Acres are already developed with suitable type plantation. It is submitted that around 40 Acres per Year will be developed as Green belt in the next 3 years within power plant before commissioning of the power plant. The selection of species for Green Belt will be based on the recommendations of District Forest Officer, Vallur District.

Expert Appraisal Committee in its 4th Expert Appraisal Committee (lower) meeting held on 17th November, 2020, through Video Conferencing recommended the proposal for grant of extension of validity of Environmental Clearance. The recommendations of the SCZMA were examined in CRZ Sector in the State. Based on the recommendations of the EAC and in view of the clarifications of the SCZMA and information, clarifications and documents submitted by TANGEDCO, the Ministry of Environment, Forest and Climate Change has granted approval for extends the validity of the Environmental Clearance dated 12.02.2014 & CRZ Clearance dated 1st January, 2014 for further 3 years till 12.02.2023 in terms of the EIA Notification, 2006, as amended and CRZ Notification, 2011 read with amendment vide S.O. 1002 (E) dated 06.03.2018 and compliance of following additional conditions:

1. Flue-gas Desulphurisation (FGD) shall be installed and the progress report (physical and financial) shall be submitted as part of compliance report.

2. The ash pond (about 353 acres) augmentation by increasing the dyke height from 6 m to accommodate additional & unutilised ash generated from 2x600

measures such as HDPE liner, high concentration slurry disposal system, ash water recycling system, dyke stability measures, and minimum distance of 500 m from the water bodies.

- iii. The safety and structural stability of the ash pond is to be ascertained once in three years by reputed agency which has expertise in the field of geo-technical aspects, to avoid breaching as Ennore creek is less than 1 km from the said ash pond.
- iv. Greenbelt consisting of three tiers of plantation of native species of at least 20 m width around the periphery of the ash pond (353 acres) shall be developed.

5. All other conditions stipulated in this Ministry's letter of even no. dated 7th January, 2014, amendment letter dated 14th August, 2018 and CRZ Clearance dated 1.01.2014 shall remain same.

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

Yours faithfully,

(Signature)
9.11.2021
(Yogendra Pal Singh)
Scientist E

Email Id: yogendra78@nic.in
Telefax: 01124695365

Copy to:

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi - 110 001.
2. The Chairman, Central Electricity Authority, Sewa Bhawan, R. K. Puram, New Delhi - 110 066.
3. The Chairman, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032
4. The Additional Director General of Forests, Regional Office (SEZ), first and second floor, Handloom Export Promotion Council, 84, Cathedral Garden Road, Nungambakkam, Chennai - 600 034
5. The Principal Secretary, Environment and Forest Department, Government of Tamil Nadu, Fort Saint George, Secretariat, Chennai - 600 009.
6. The Chairman, Tamil Nadu Pollution Control Board, No. 76, Mount Road, Mount Salai, Guindy, Chennai - 600 032
7. The District Collector, Tiruvallur District, First Floor, Collectorate, Tiruvallur - 602 001
8. Guard file/ Monitoring file
9. Website of MoEF&CC

(Signature)
9.11.2021
(Yogendra Pal Singh)
Scientist E



भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-अ.-18012021-224513
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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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No. 201]

नई दिल्ली, सोमवार, जनवरी 18, 2021/पौष 28, 1942
NEW DELHI, MONDAY, JANUARY 18, 2021/PAUSHA 28, 1942

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 18 जनवरी, 2021

का.आ. 221(ख).— केंद्रीय सरकार, तत्कालीन पर्यावरण और वन मंत्रालय में, पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) के अधीन अपनी शक्तियों के प्रयोग करते हुए, पर्यावरण मंत्रालय निम्नलिखित अधिसूचना, 2006 (जिसे इनके बाद उक्त अधिसूचना कहा गया है) संख्या का. आ. 1533 (अ), तारीख 14 मिनंबर, 2006 द्वारा प्रकाशित किया जा चुका है, उक्त अधिसूचना की अनुसूची में सभी संबंधित सूचीबद्ध नई परियोजनाओं या क्रियाकलापों के लिए उनके विस्तार और आधुनिकीकरण और/वा उत्पाद मिश्रण में परिवर्तन किया जा सकता है यथान्विति, भूमि को अधिप्राप्त करने के निवाच, परियोजना प्रबंधन द्वारा किती भी संनिर्माण कार्य वा भूमि को तैयार करने से पूर्व संबंधित विनियामक प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति अपेक्षित होगी।

और कोरोना वायरस (कोविड-19) के प्रकोप को देखते हुए और तत्पश्चात इसके नियंत्रण के लिए घोषित लॉकडाउन (कुल वा आंशिक) ने, क्षेत्र में परियोजनाओं वा क्रियाकलापों के कार्यान्वयन को प्रभावित किया है। पर्यावरण और वन जलवायु परिवर्तन मंत्रालय उक्त अधिसूचना में अनुज्ञात अधिकतम अवधि से परे पूर्व पर्यावरणीय अनापत्तियों की विशिष्टता के विस्तार के लिए अनुरोधों की संख्या प्राप्ति में है, क्योंकि कोविड 19 महामारी अभी तक समाप्त नहीं हुई है।

अतः अब, केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1988 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, नोक द्वित 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 मंत्रालय अधिसूचना का.आ.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 अंतर्विष्ट किसी बात के होते हुए, 1 अप्रैल 2020 से 31 मार्च 2021 की अवधि में कोरोना वायरस (कोविड-19) के प्रकोप को देखते हुए और तत्पश्चात् इसके नियंत्रण के लिए घोषित लॉकडाउन (कुल या आंशिक) की वृष्टि में इस अधिसूचना के उपबंधों के अधीन मंजूर संदर्भ की शर्तों की विधिमाम्यता 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 विधिमाम्य समझे जाएंगे।";

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

"9 क. इस अधिसूचना में अंतर्विष्ट किसी बात के होते हुए, 1 अप्रैल 2020 से 31 मार्च 2021 की अवधि में कोरोना वायरस (कोविड-19) के प्रकोप को देखते हुए और तत्पश्चात् इसके नियंत्रण के लिए घोषित लॉकडाउन (कुल या आंशिक) की वृष्टि में इस अधिसूचना के उपबंधों के अधीन मंजूर पूर्व पर्यावरणीय अनापत्ति की विधिमाम्यता 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 विधिमाम्य समझे जाएंगे।";

[फा. सं. 22-25/2020-आईए.111]

शीता मेनन, संयुक्त सचिव

टिप्पण्य : मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) संख्या का.आ. 1533 (अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की गई थी और अधिसूचना अधिसूचना संख्या का.आ. 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 14th September, 2006, making the requirement of prior

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 (n) 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 14th 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 1st April, 2020 to the 31st 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 1st April, 2020 to the 31st 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.23-25/2020-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 14th September, 2006 and was last amended vide the notification number S.O. 4254(E), dated the 27th November, 2020.



Powering Tamil Nadu's Progress...

From
 Mr. B. Mohan, B.E.,
 Chief Engineer/Projects-I,
 TANGEDCO (A Successor entity of TNEB),
 3rd Floor Western Wing, NPKRR Maaligal,
 144, Anna Salai, Chennai -2

To
 The Director,
 Ministry of Environment, Forests & Climate Change,
 (A Division II (Thermal),
 Indira Paryavaran Bhawan,
 Jor Bagh Road, Aliganj,
 New Delhi-110 003

Ref. No. CE/P-1/SE/C/P&E/EE/EMC-II/F. Ennore SEZ TPP/D. 467/23, dt. 20.11.2023

Sir,

Sub: TANGEDCO - Ennore SEZ TPP (2X660 MW) Validity of Environmental Clearance and CRZ Clearances - Intimation on continuation of works - Reg.

- Ref: 1. Environmental clearance MoEF Lr No.J-13012/36/2010-IA-II(T)
 ,dt 7.1.2014
 2. CRZ clearance F.No 11-80 / 2011 - IA.III Dt 1.1.2014
 3. Amendment in EC issued vide MoEF's Lr dt 14.08.2018
 4. Extension of Validity of EC issued by, MoEF Lr No.J-13012/36/2010-IA-II(T) dt 4.2.2019
 5. MoEF order for extension of EC&CRZ vide dt 9.4.2021
 6. MoEF & CC Gazette notification, dt. 18.01.2021

TANGEDCO have obtained Environmental and CRZ clearance for Ennore SEZ TPP (2 X 800 MW) on 07.01.2014 and 01.01.2014 respectively with validity of 5

years vide ref (1) & (2) cited above . For the convenience of spare Management, the sizes of the units are reduced from 2x800 MW to 2x660 MW. Necessary amendment in Environmental clearance for the reduced size of units was obtained from MoEF&CC/New Delhi on 14.08.2018 Vide ref (3) cited above.

In the mean time, the EPC contract for the captioned project was awarded to the lowest bidder M/s BHEL on 27.09.2014 and the work was commenced on 09.10.2014. Subsequent to the case filed by the competitive firm of EPC tender, the project works were stalled for more than two years and resumed on 19.10.2016 consequent to the final verdict came in favour of TANGEDCO on 18.10.2016 from Hon'ble Supreme Court of India.

Further, MoEF has recommended the Extension of validity of EC for 2 years vide ref (4) cited above and further 3 years up to 31.12.2023 vide ref (5) cited above.

Regarding present stage work around 65% of Project works have been completed and the balance work is under progress. The validity of the EC & CRZ clearance is expiring on 31.12.2023 as 10 years will be completed on that date.

However, as per MoEF & CC notification, dt. 18.01.2021, "due to COVID-19 pandemic prevalent in India, for the all ongoing projects, validity period of E.C. shall not be counted from 01.04.2020 to 31.03.2021 for the purpose of calculation" Vide ref 6) cited above.

In this connection, it is informed that TANGEDCO shall continue to carry on with the project activities beyond 31.12.2023 for one more year and approach the Ministry or extension of E.C. cum CRZ clearance well before 31.12.2024, if required.

For kind information please.

Yours faithfully

[Signature]
Chief Engineer/Projects-I/2
TANGEDCO



[Handwritten initials]



From
 Er.R.Sunil, B.E.,
 Chief Engineer/Projects,
 TNPGL (Erstwhile TANGEDCO),
 5th floor, Western wing,
 NPKRR Maaligal,144, Anna Salai, Chennai 2-

To
 The Director/IA-I (Thermal) &
 The Member Secretary,
 Thermal Project Sector,
 Ministry of Environment and Climate Change, Govt. of India,
 Indira Paryavaran Bhawan,
 Third Floor, Vayu Wing, Johrbaugh Road, Alliganj,
 New Delhi-110003.

Lr.No.CE/Pr/SE/C/P&E/EE/C/EMC-II/AEE/C/F/Ennore SEZ TPP/D 569/24,Dt.18.11.24

Sir,

Sub: TANGEDCO - Ennore SEZ TPP - 2 x 660 MW supercritical Thermal power project – Extension of validity of EC & CRZ clearance for one more year till 31.12.2025 - Requested – Reg.

- Ref: 1) Environmental Clearance issued vide MOEF/GOI's Lr.No.J13012/36/2010 - IA.II (T) dated 07.01.2014
 2) CRZ Clearance issued vide MOEF/GOI's Lr. F.No.11-80/2011- IA.III, dated 01.01.2014
 3) Amendment in EC issued vide MOEF's lr dt 14. 08.2018
 4) Extension of validity issued by MOEF Lr NOJ-13012/36/2010-IA-II(T) dt 4.2.2019
 5) Extension of validity issued by MOEF Lr NOJ-13012/36/2010-IA-II(T) vide dt 9.4.2021
 6) MoEF & CC notification, dt. 18.01.2021
 7) Office memorandum issued by MoEF & CC (IA Div) DT 13.12.2022
 8) Lr.No.CE/Pr/SE/C/P&E/EE/C/EMC-II/AEE/C/F/Ennore SEZ TPP/D 467/23,Dt.20.11.2023

1. This is with reference to Tamil Nadu Power Generation corporation Limited (Erstwhile TANGEDCO) project namely Ennore SEZ TPP (2 x 660 MW) Supercritical Thermal Power Plant at Voyalur Village, Ponneri Taluk, Tiruvallur District, Tamil Nadu.
2. TNPGL (Erstwhile TANGEDCO) has obtained prior Environmental Clearance (EC) for this project vide reference (i) cited above, EC dated 07.01.2014 & CRZ clearance dt 1.1.2014, (ii) Amendment EC dated 14.08.2018, and (iii) Extension EC dated 04.02.2019, and the same was extended thereafter which is valid till December 2024 as per provision of notification under reference (6) cited above. The same was intimated from this office to MoEF & CC under reference (8) cited above.
3. The project was commenced after obtaining requisite EC and CRZ clearance from MOEF&CC on 7.1.2014 and 1.1.2014 respectively. Due to site and technical requirement of pipe conveyor and CW line there is slight change in the above corridor in CRZ area. Hence a suo moto case was filed by Hon'ble NGT in OA no.162/2021 and NGT directed to obtain amendment in CRZ clearance for the change in route of pipe conveyor and CW lines.
4. Hence necessary EIA study and CRZ mapping were carried out through MOEF&CC approved agencies. Further as per OM dt 19.2.21 of MOEF&CC, necessary application was filed with District CRZ committee for revised adjacent route to obtain recommendation. District CRZ committee and State CRZ committee have recommended the amendment in EC&CRZ clearance on 19.4.2023 and 9.8.2023 respectively. Based on the recommendations, online application was filed with MOEF&CC to issue amendment in EC&CRZ clearance to the revised route of Pipe conveyor and CW lines.
5. The subject was discussed in EAC (Thermal) meeting held on 16.10.2023 and

However The EAC (Thermal) has issued MoM dt 31.10.2023 to apply amendment under Violation category as per CRZ regulations 2019 and EPA 2006.

6. Again it is applied for reconsideration of amendment based on OM dt 19.2.21 of MOEF&CC, as per CRZ regulations 2011 since Govt of Tamilnadu is still adopting CRZ regulations 2011 and necessary clarification obtained from Director/Environment/GOTN on 20.11.2023 was also submitted to MOEF&CC on 28.11.2023.
7. While pursuing the amendment with MOEF&CC it was informed that as SOP dt 7.7.2021 is stayed by Hon'ble Supreme court to deal such issues, it is advisable to adopt the originally approved route of Pipe conveyor and CW lines in CRZ area instead of approaching Amendment in EC&CRZ clearance for revised route of Pipe conveyor and CW lines in CRZ area.
8. Hence TANGEDCO has decided to adopt the originally approved route for Pipe conveyor and CW pipelines in CRZ area and best possible route in Non CRZ area to speed up the project for commissioning to avoid expense in the form of Interest during construction from Public exchequer.
9. Hence necessary application under 7(ii) c of OM dt 11.04.2022 of MOEF &CC was submitted to MOEF&CC informing the adoption of originally approved Route in CRZ area and slight deviation in non CRZ area and subsequently the same was submitted before Hon'ble NGT through Misc. petition and affidavit for information.
10. After hearing on 19.9.24 and 23.9.24, now Hon'ble NGT has disposed off the case on 23.9.24 with direction to stick on the originally approved route in CRZ area. (Copy of Hon'ble NGT order is enclosed) .The same has been intimated

11. Currently, the project is in construction phase with progress of around 70% completion. Major works such as FGD, cooling tower are under construction.
12. Hence, it is requested that one year extension of existing EC & CRZ clearance for the above captioned project may be granted as per the provisions of OM dt 13.12.2022 cited under ref (7) in order to complete the project."



[Handwritten Signature]
Chief Engineer / Projects
Chief Engineer/Projects
TNPGL
144, Anna Salai, Chennai-600 002.

F.No. 1A3-22/28/2022-1A.111 [E 181584]
 Government of India
 Ministry of Environment, Forest and Climate Change
 Impact Assessment Division

Indira Paryavaran Bhawan
 3rd Floor, Vayu Wing, Jor Bagh Road
 Ali Ganj, New Delhi-110003

Dated: 13th December, 2022

OFFICE MEMORANDUM

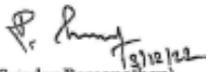
Subject: Clarification on the amendment to EIA Notification 2006 issued vide S.O. No. 1807(E) dated 12/04/2022 with regard to validity of Environment Clearance - regarding.

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

- 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 SEIAAs/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.

Item No: 4 and 5

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original 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.

...Respondent(s)



सत्यमेव जयते

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"

...Applicant(s)

Versus

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

...Respondent(s)

Date of hearing: 31.01.2022

CORAM:

HON'BLE Mr. JUSTICE T. S. MAKRISHNAN, JUDICIAL MEMBER
HON'BLE Dr. SATYAGOPAL KORLAPATI, 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. Vijaya Mehanathan for R9 and R10
Mr.s Revathia Manivannan for R7

ORDER

1. Judgment pronounced through Video Conference. Application is disposed of with directions vide separate Judgment. All pending interlocutory application(s), if any, also stands disposed of, in view of the disposal of the Applications.



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

.....E.M.
(Dr. Venkagopal Korlapati)

O.A. No.122/2021 (SZ)

O.A. No.162/2021 (SZ)

31st January, 2022. 2022



**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No. 122 of 2021 (SZ)**

&

Original Application No. 162 of 2021(SZ)
(Through Video Conference)

IN THE MATTER OF

R. Ravimaran
S/o Ramachandran
No.42, Beach Road, Thazhankuppam
Ennore, Chennai- 600057

....Applicant(s)



1. Union of India
Rep by its Secretary
The Ministry of Environment, Forest and Climate Change
Jorbagh, New Delhi
2. The Tamil Nadu Coastal Zone Management Authority
Rep by its Director
Department of Environment,
No.1, Jeeris Road, Panagal Building,
Ground Floor, Saidapet, Chennai- 600 015
3. The Public Works Department,
State of Tamil Nadu
Rep by its Secretary
Fort St. George, Chennai.
4. Tamil Nadu Generation and Distribution Corporation (TANGEDCO)
Rep by its Chairman cum Managing Director
10th Floor, NPKRR Mahilgai, M4, Anna Salai,
Chennai- 600 002
5. North Chennai Thermal Power Station,
Rep by its Chief Engineer
Athipattu, Chennai, Thiruvallur (district) 600120
6. The Tamil Nadu Pollution Control Board
Rep by its Member Secretary
No. 76, Mount Salai, Chennai.



Versus

1. Union of India
Rep by its Secretary
The Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhawan Jorbagh,
New Delhi- 110003
2. The Chief Secretary to Govt. of Tamil Nadu
Govt Secretariat, Fort St. George,
Chennai Tamil Nadu- 600 009
3. The Principal Secretary to Government,
Public works Department,
Govt Secretariat, Fort St. George,
Chennai Tamil Nadu- 600 009
4. The Secretary to Govt. of Tamil Nadu
Department of Environment, Climate Change and Forests
Govt Secretariat, Fort St. George,
Chennai Tamil Nadu- 600 009
5. The Principal Secretary to Govt. of Tamil Nadu
Department of Energy,
Govt Secretariat, Fort St. George,
Chennai Tamil Nadu- 600 009
6. Tamil Nadu Coastal Zone Management Authority
Rep by its Member Secretary,
First Floor, Bengal Building
Saidapet, Chennai- 600 015
7. The Chairman
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
New Delhi 110 002
8. The Chairman,
Tamil Nadu Pollution Control Board
No. 76, Anna Salai, Guindy,
Chennai, Tamil Nadu- 600 032
9. Tamil Nadu Generation and Distribution Corporation
Rep by its Chairman cum Managing Director,
6th Floor, TANTRANSO Building,
144 Anna Salai



Tiruvallur District,
First Floor, Collectorate,
Tiruvallur- 602 001

12. The Chief Engineer,
Public Works Department, WRO,
State Ground Water and Surface,
Water Resources Data Center,
Taramani, Chennai- 600 113

... Respondent(s)

O.A. No. 122 of 2021

For Applicant(s):

Mr. A. Yogeshwaran

For Respondent(s):

Mr. M.R. Gokul Krishan for R1
Dr. D. Shanmuganathan for R2 and R3
Mr. Vijaya Mehanathan for R4 and R5
Mr. S. Sathya Jith for R6.

O.A. No. 162 of 2021

For Applicant(s):

Suo Morte

For Respondent(s):

Mr. M.R. Gokul Krishan for R1
Dr. D. Shanmuganathan for R2 to R6,
R11, R12
Mr. S. Sathya Jith for R8
Mr. Vijaya Mehanathan for R9 and R10
Mrs. Revathi Meshivannan for R7

Judgment Reserved on: 17th January, 2022

Judgment Pronounced on: 31st January, 2022

CORAM:

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

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

Whether the Judgment is allowed to be published in the Internet - Yes/No

Whether the Judgment is to be published in the All-India NGT Reporter - Yes/No

JUDGMENT

Delivered by Justice K. Ramakrishnan, Judicial Member.

1. Original Application no. 122 of 2021 was filed by one Mr. R. Ravimaran, resident of Thazhankuppam Village, Ennore and a

and it is not part of the Environmental Clearance/CRZ Clearance granted to the 5th respondent and in violation of the same.

2. According to the applicant, 5th respondent, Power Station is located in Kattupalli Island in Ennore and Puzhuthivakkam Villages. Between the island and the mainland is the Kosasthalaiyar River and its expansive backwaters. The Buckingham canal runs through the backwaters. The backwater connects the Ennore estuary to the Pulicat lagoon system. The backwaters, referred to as "Paraval" in Tamil along with the Ennore creek and the Pulicat lagoon are of great ecological importance, in addition to serving as a "flood sink" and a buffer against salinity intrusion.

3. The 6th respondent North Chennai Thermal Power Station (TPS) operates several units of coal-fired thermal power plants totalling 1,830 megawatt (MW) coal-fired power station in Tamil Nadu. The 8th Respondent's power plant is owned and operated by 4th respondent, Tamil Nadu Generation and Distribution Corporation (TANGEDCO). The power station comprises three 210 megawatt coal-fired units which were commissioned between 1994 and 1996, as well as two 600 MW units commissioned in 2013. Another 800 MW power plant called NCTPS Stage III is currently under construction.

4. The fly ash generated from the currently operational thermal power plant is transported in slurry form through ageing pipelines to the ash pond (which is unlined), a source of contamination and constructed in violation of prescribed norms, which have been discharging slurry into the water bodies. The google earth images of the area available from 2002 onwards show that ash has been leaked into the environment for several decades. Due to tidal action, the ash from the flood plains is washed away into the river system and hence huge quantity of ash has been washed into the environment.



सत्यमेव जयते

5. The ash is the waste generated by burning of coal and the term fly ash is used therein to include both fly ash and bottom ash. Fly ash generated by Thermal Power Plants both fly ash and bottom ash are serious pollutants, apart from containing Nickel (Ni), Cadmium (Cd), Antimony (Sb), Arsenic (As), Chromium (Cr), Lead (Pb), Mercury (Hg) they are also radioactive.

6. 5th respondent has been illegally discharging ash into the Kosasthalaiyar, its flood plains and the Buckingham canal for decades and has severely contaminated the area. Aggrieved by this illegality, the applicant approached this Tribunal by filing original application No. 08 of 2016 and this Tribunal after

to the severity of the hazardous levels of contamination in the region. The illicit discharge of ash continues till date and no steps have been taken to replace the old pipelines and to prevent further contamination and the contamination caused is yet to be cleaned up.

7. While things stood thus, the 5th respondent commenced unloading pipelines and it was hoped that it was for replacing the leaking pipelines in ~~the~~ ^{the} statements made by the 5th respondent before this ~~the~~ ^{the} Tribunal in OA No. 8 of 2016. However, to the ~~shock~~ ^{shock} of the residents including the applicant, 5th respondent began construction work for construction of a bridge like structure on which to carry the new pipelines for carrying ash from the Stage II power plant under construction by encroaching the Kosasthaliam river and the Paratal, obstructing and diverting water flow and interfering with tidal movement so essential for flushing and healthy fish populations.
8. The 5th respondent has ~~reclaimed~~ ^{reclaimed} areas of the Kosasthaliam river in order to construct structures ~~by~~ ^{by} encroaching into the same for the purpose of construction of the structure. Encroachment and reclamation of water body is illegal and cannot be permitted in law. Water bodies cannot be reclaimed for any such activity. Even a bridge cutting across a water body

flow and ecology of the water body. Further, though it is a permissible activity under the CRZ Notification in certain zones, the same can be constructed only after obtaining necessary CRZ Clearances, as admittedly this area falls under CRZ zone covered by the CRZ Notification. In this case no such clearance was obtained for the purpose of laying pipelines through CRZ area.

9. The EIA studies conducted for the purpose of obtaining Environment Clearance and CRZ Clearance for this project of Thermal Plant Stage-III did not disclose the necessity for construction of pipeline and as such people in the locality did not object to the same during public hearing. The 5th respondent had committed fraud in obtaining the clearance.

10. The scrutiny of the permissions obtained by the 5th respondent shows that no permission has been obtained for construction of pipelines to carry ash from the power plant. In fact, the entire EIA report is silent on pipelines and the EIA report has been prepared on the basis that 100% ash generated will be utilized without disposing the same in the ash pond. In fact, no ash pond area has been identified in the EIA reports and no clearance for the same has been obtained.

11. The Environmental clearance and CRZ clearance dated 20.01.2016 obtained by the 5th Respondent is limited only to

Trestles for Coal Conveyor c) Seawater intake from forebay d) Glass Reinforced Plastic pipes for cooling water intake and coolant water outlet. Thus, handling or conveyance of coal ash slurry through CRZ areas is not part of the Environmental Clearance/CRZ clearance obtained by the 5th respondent.

12. The applicant also extracted some portion of the study in the application as follows:

- a. Table 2.5.1.1 (Page 2.7) contains the detailed land break up for the project. There is no land allocation for ash pipeline.
- b. Page TOR-14 contains the layout for the project. Ash pipeline connecting the power plant to the ash dyke is not part of the layout for which EC/CRZ is sought.
- c. TOR xiv, Page No. TOR-3 does not respond to a question whether the site requires any filling. Since the ash pipeline corridor would have to cross the Kosasthalai River and backwaters, it necessarily involves filling at least for the construction of columns to support the ash pipelines. EIA states "No fill material is envisaged as the proposed site is almost plain."
- d. Page 9.1, Section 9.5.1 states "100% utilization of fly ash in dry form is envisaged. Closed trucks and containers would be used for this as far as possible." Conveyance of ash in slurry form through pipelines was not envisaged.
- e. Table 2.5.1.2 -- Ash dyke is to be used only for emergency disposal for not more than 8 days. Ash pipeline being constructed is a permanent structure for routine use, as no such structure would be required if the maximum conceived usage of ash dyke under emergency conditions is for more 8 days/year.
- f. TOR XIII, Page TOR-3 seeks details of water body/nallah passing across the site. The EIA states: "No water body/nallah are passing across the site." The ash pipeline is being constructed across the Kosasthalai River and its backwaters leading to obstruction, diversion and disturbance of water flow and channel movement.
- f. TOR XIX, Page TOR-4 requires the assurance that a minimum of 500 metres distance of plant boundary is kept from HFL of water system/streams etc. The EIA states "The proposed site is 500m away from the High Tide Line Sea and 100m away from the canal. The ash pipeline corridor traverses the intertidal area, the canal, the Kosasthalai River and its backwaters.
- g. In Additional TOR for coastal-based TPPs, Page TOR-12 of EIA, it is stated as below against the respective entry:
 - b) The proposed project site doesn't include marshy areas and backwaters.
 - c). No water body/nallah are passing across the site. So no diversion of canals envisaged.
 - e). There are no marshy areas in the proposed site.

Water (Prevention and Control of Pollution) Act, 1974 does not cover handling or discharge of coal ash slurry. "Trade effluent" mentioned in the Water Act includes only Cooling Water Blowdown, Desalination plant reject, DM plant reject, waste water from service water system. So, the ongoing construction is thus illegal as it is being carried out without a valid Consent to Establish under the Water (Prevention and Control of Pollution) Act, 1974 and the Prevention and Control of Pollution) Act, 1981 as well. The construction will affect the water bodies and it is in violation of the conditions imposed in the Environmental Clearance dated 20.01.2016. The construction was against the recommendations made by the Tamil Nadu Coastal Zone Management Authority for CRZ Clearance and this will affect the livelihood of the fishermen community in that area. Though, this was brought to the notice of the authorities, no action was taken and the 5th respondent is hurriedly carrying on with the construction activity during lockdown periods well. So, the applicant has no other remedy except to approach this Tribunal seek the following interim as well as final reliefs:

INTERIM RELIEF:

Pending disposal of the present application, the applicant prays that this Hon'ble Tribunal be pleased :

A. issue an order Injunction restraining the 5th respondent from continuing with its ongoing construction of structures to carry pipelines to transport coal

B. Direct the 4th and 5th respondents to utilize the pipelines procured by them to replace the leaking, ageing pipelines carrying ash slurry from the 1st and 2nd phase Thermal plants. So as to prevent further contamination of the environment.

C. Direct the payment of compensation for environmental harm on account of the violation committed by the 5th respondent.

D. Direct respondents 1 and 2 to prosecute the 5th respondent for violation of the CRZ Notification, 2011 and for encroachment of the Kosasthalaiar and its backwaters.

E. Issue such other orders as it deems fit in the interest of the case and render justice.

14. Respondent nos. 4 and 5 filed reply statement contending that

the application is not maintainable as it is barred by limitation and the allegations are ~~inadequate~~ ^{not} factual as well as legally.

The Tamil Nadu Electricity Board was formed on 1st July, 1957 under Section 54 of the Electricity (Supply) Act, 1948 in State of

Tamil Nadu which was responsible for power generation, transmission and distribution. The electricity network has

since been extended to all villages and towns throughout the State. Tamil Nadu Electricity Board was restructured on

01.11.2010 into Tamil Nadu Electricity Board Limited, Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) and Tamil Nadu Transmission Corporation Limited (TANTRANSCO).

15. Respondent nos. 4 and 5 proposed to establish 1x800 MW,

NCTPP stage III Super Critical Thermal Power Plant which is

only an expansion unit in the vacant land available within the

existing North Chennai Thermal Power Station complex at

Ennore and Puzhuthivakkam Villages of Ponneri taluk

the three stages of NCTPS and is developed to generate power using the existing features of NCTPS Stage I and Stage II within the industrial land of NCTPS complex, which is enclosed in a pucca compound wall constructed during 1990. The Chennai Metropolitan Development Authority has declared the subject complex as "industrial land". Based on the power demand and financial status of the Electricity Board, these power plants were executed in a phased manner utilising the public exchequer. Stage I power plant of installed capacity of 3x210 MW was being operated since 1992 onwards and Stage II power plant of installed capacity of 2x600 MW commissioned from 2017 onwards inside the NCTPS complex.

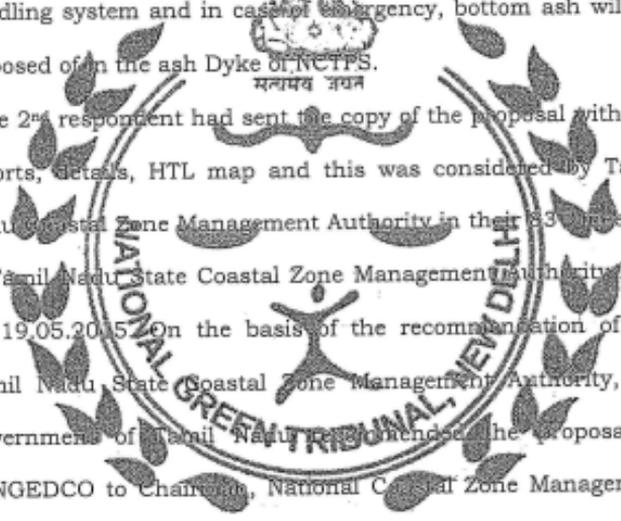
17. The on-going NCTPS Stage III project is now being established to offset the power demand of Tamil Nadu using the existing facilities without any further acquisition of the land from the public and the progress of the work is in a good phase. The work was being executed through two Engineering, Procurement and Construction contractors, namely, M/s BHEL, New Delhi and M/s BGR Energy System Limited, Chennai. They were engaging sub-contractors for procurement of construction materials, execution of work etc.

18. Public hearing was conducted in respect of this project on 05.03.2015 under the Chairmanship of the District Collector

Notification, 2006 to the Ministry of Environment, Forest and Climate Change, the 1st respondent herein and the project presentation was made by the TANGEDCO in the Tamil Nadu State Coastal Zone Management Authority on 19.05.2015, wherein under the heading of Fly Ash Management, it had been informed that there would be no ash disposal in sea/river and 100 per cent dry fly ash collection in silos of one day (24 hrs) ash generation capacity of the proposed plant and also that bottom ash would be disposed through dry bottom ash handling system and in case of emergency, bottom ash will be disposed of in the ash Dyke of NCTPS.



19. The 2nd respondent had sent the copy of the proposal with the reports, details, HTL map and this was considered by Tamil Nadu Coastal Zone Management Authority in their 83rd meeting of Tamil Nadu State Coastal Zone Management Authority held on 19.05.2015. On the basis of the recommendation of the Tamil Nadu State Coastal Zone Management Authority, the Government of Tamil Nadu recommends the proposal of TANGEDCO to Chairman, National Coastal Zone Management Authority and MoEF&CC. In the Letter No. 10173/EC.3/2015 dated 16.06.2015 of the Principal Secretary to Government also, it has been mentioned that TANGEDCO had informed that the proposed project would be taken within the existing NCTPS



27.11.2015. Under Sl. No. II- Revised Layout of NCTPS complex prepared by the Institute of Remote Sensing, Anna University, Chennai various units viz. Stage I (3x210 MW), Stage II (2x600 MW) and facilities viz. Coal conveyor, cooling water inlet/outlet and Bottom Ash disposal line to the ash dyke of NCTPS along with the Demarcation of HTL/LTL and CRZ Delineation for NCTPS Stage III (1x800 MW) at Ennore village, Ponneri Taluk, Tiruvallur District are detailed and under Sl. No. X- Explore various avenues for utilisation of bottom ash, wherein it has been mentioned that the Bottom ash of the proposed plant would be collected through dry bottom handling system and used for brick manufacturing and road laying purpose and excess, being disposed into the existing ash dyke of NCTPS. From the presentations submitted, it was contended that ash pipeline for the project using the ash dyke of NCTPS has been furnished to MoEF&CC.

20. The Rapid Environment Impact Assessment Study for the project was made by NABEE accredited environment consultant, M/s Ramo Enviro Engineering Ltd, Hyderabad and submitted by TANGEDCO to MoEF&CC for obtaining Environmental Clearance and CRZ clearance. After considering the documents produced and the project proposal, the 1st respondent issued Environmental Clearance and CRZ clearance

of North Chennai Thermal Power Plant and they were carrying out the work strictly in accordance with law. The issuance of Environmental Clearance was published in the newspaper on 03.02.2016 in English and Tamil and the same was circulated in the offices of local authorities.

21. They obtained consent to establish from Tamil Nadu Pollution Control Board with various conditions vide Consent Order No. 170124499798 dated 13.02.2016 under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and Consent Order No. 170124499798 dated 13.02.2017 under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981. They have started the work only after obtaining necessary clearances and permissions. The reliefs claimed will not come under Section 17 and 18 of the National Green Tribunal Act, 2010 and any grievance will have to be filed within a period of six months under Section 14 (3) of the Act with an extended period of 60 days. The work has been started by the 1st respondent in the year 2016 and the application was filed with on 30.05.2021 which is long after the period provided.

22. As per Environmental Clearance conditions under 7B. General Conditions-SI. No.(VIII), utilization of 100% fly ash generated shall be made from 4th year of operation only. As mentioned in the fly ash utilization of the Rapid EIA report fly ash utilization

date of three years from the date of commissioning and 100 per cent within target date of four years from the date of commissioning. So during initial stage of operation of the unit, fly ash utilisation system is required for wet disposal to ash pond in slurry form, for which pipeline is essentially required.

23. It was clearly mentioned in the Environmental Clearance that ash pond water will be collected, treated and reused for slurry making. A Recovery Water Pump House was located near ash dyke of NCTPS with one number recovery water pipe line will be established. The decanted ash water is collected in the Recovery Water Pump House and pumped into the ash water sump located inside the power plant through recovery water pipe line for a length about 2.8 km as shown in the EIA report and CRZ delineation map of Anna University referred to earlier.

24. No Objection Certificate from 3rd respondent-PWD, was obtained and a lease agreement was executed for construction of bridge for crossing the water bodies coming within CRZ I B zone Buckingham Canal and Deshpandiswar River up to the existing ash dyke of NCTPS for the disposal of the ash. As per MoEF&CC Notification No. 19-31/2015-IA-III, GOI IA-III Division Circular dated 27.02.2015 in CRZ areas, permissible activities, which are integral and ancillary to the execution of approved projects including that of construction of temporary

approval as they are minor in nature and without damaging the environment. The temporary approach road with ash/other material shall also be removed as per PWD lease agreement after construction of the bridge for lying of ash slurry pipeline and hence there is no encroachment and reclamation of Kosasthalaiyar River and flood plains. No damage has been caused to environment on account of laying down the pipeline for disposal of ash from ~~the ash pond~~ the existing ash dyke of NCTPS. They denied the allegations regarding nature of impact alleged. According to them, the necessity for laying down pipeline for carrying ash slurry to the ash pond for emergency needs was mentioned in the application for Environmental Clearance and study was also conducted for that purpose and this was known to the authorities as well. There will not be any leakage caused by laying down of pipeline as apprehended by the applicant because of the quality of pipeline now used.

25. The construction of the temporary bridges etc will not amount to deviation from the Environmental Clearance granted. For line no. 1 entire length of 5129 meters of ash slurry disposal has been erected in August, 2020 and the entire 100 per cent work has been completed. For procurement of new cast Basalt lined pipe, purchase order has been placed with M/s Turbo Engineers, Coimbatore for a length of 10,450 meters for a pipe

into effect from March, 2020. Line No. 3 (Total Length of 4942 meters) pipe has been replaced with new pipes from ash dyke to NCTPS gat for about 3892 meters out of 4942 metres and 78.7 per cent work has been completed. As regards line No. 2 (Total Length of 5511 meters) worn out old pipes dismantling works is in progress and replacement of pipes with the available quantity 3500 metres will be taken up shortly.

26. In the meantime, the respondent's Turbo Engineers vide their letter dated 27.04.2020 and 10.06.2021 informed their inability to supply the balance quantity due to COVID-19 second wave and huge quantity of cost escalation. Action is being taken for getting supply of the same. Huge amount has been spent for the purpose of pipes and it is being delayed due to non-availability of tenderers. They have not committed any illegality and as such there is no merit in the application and they prayed for dismissal of the application.

27. The 1st respondent filed reply affidavit contending that EIA Notifications clearly state that where Environmental Clearance is required then they will have to obtain prior Environmental Clearance before starting the work. For this project online proposal was received on 26.05.2015 and after considering the same, TOR was issued for preparation of EIA/EMP report on 28.05.2012 and thereafter the validity of

due deliberations, they recommended CRZ Clearance for foreshore facilities on 16.06.2015 and the recommendations of the Coastal Zone Management Authority dated 16.06.2015 is annexed as R-1 along with the counter.

28. The reconstituted Expert Appraisal Committee, (Thermal Power) in its 38th meeting held on 25th -26th June, 2015 based on information submitted by the project proponent in EIA/EMP report provided during the discussion made before the Expert Appraisal Committee and they sought certain information and documents including information on utilisation and disposal of fly ash and also observed that it will consider the comments/remarks of CRZ sector of the Ministry regarding the said proposal. EAC deferred the proposal. Copy of the minutes 38th meeting of EAC was produced as R-2 along with the counter.

29. The proposal was again taken by EAC, (Thermal Power) in its 46th meeting held on 26th -27th November, 2015 wherein the project proponent provided following information in response to the observations made by the Committee in its previous meeting pertaining to utilization and disposal of fly ash which is reproduced below:

"(x). Regarding fly ash utilisation, at present, TANGEDCO is disposing the fly ash by allotment to the cement companies and the companies have established silos to collect the fly ash from

purposes. Excess, if any, will be disposed through existing ash dyke of NCTPS."

30. The Committee noted that EAC (CRZ) has recommended to grant CRZ Clearance for the following foreshore facilities for the aforesaid thermal power plant:

- i. Coal conveyance should take place in closed conveyor and that there could be no open stacking of the coal in the CRZ area.
- ii. The intake water pipeline should be laid as per provisions of CRZ Notification, 2011.
- iii. Disposal of hot water shall meet TNSPCB norms.
- iv. Water temperature should be monitored at outlets of each of the unit (3 phases) and water pre-cooling channel joining Ennore creek.

31. A copy of the same was produced as annexure R-3.

32. On the basis of the clarifications and documents produced, the Expert Appraisal Committee recommended the project for grant of Environmental Clearance and CRZ Clearance subject to compliance of the conditions of EAC (CRZ) and following additional specific environmental safeguards/conditions.

- I. Explore the feasibility of multiple distributing pipe for the discharge of cooling water into pre-cooling channel and also the widening of the pre-cooling channel.
- II. PC shall endeavour to enter into MoUs with NIPER, Associations of Cement Industries and Municipal Authorities for ensuring full of ash utilization.
- III. As compared, FGD shall be installed to restrict emission below threshold limits.

33. On the basis of the recommendations made by the EAC, the MoEF&CC granted Environmental Clearance vide their letter No. J-13012/14/2012-IA. II (T) dated 20.01.2016 under the provisions of the EIA Notification, 2006 with certain general as well as specific conditions and the Environmental Clearance

"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 N /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. (A.) Specific Condition:

(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.

(xi) Construction activity shall be carried out strictly as per the provisions of CRZ Notification, 2011. No construction works other than those permitted in Coastal Regulation Zone Notification shall be carried out in Coastal Regulation Zone area.

(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 monsoon...

(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.

(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.

(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 a ...

7. (B.) General Conditions:

(viii) Utilization of 100% Fly Ash generated shall be made from 4th year of operation. Status of implementation shall be reported to the Regional Office of the Ministry from time to time."

34. The inspection report submitted before the Tribunal on 15.09.2021 clearly shows that laying a pipeline for transmitting slurry across Kosathalayar Backwater has not been covered under the clearances granted. The Joint Committee has given certain recommendations which may be considered by this Tribunal and as appropriate orders.

35. As per order dated 07.08.2020, when this Tribunal admitted the matter, appointed a Joint Committee comprising of (1) The District Collector, Tiruvallur District or a Senior Officer not below the rank of Assistant Collector or Sub Divisional Magistrate as deputed by the District Collector, (2) a Senior Officer from the Integrated Regional Office, Ministry of Environment, Forest and Climate Change (MoEF & CC), Chennai, (3) a Senior Officer from Tamil Nadu Coastal Zone Management Authority (TNCZMA), Chennai (4) a Senior Officer from not below the rank of Superintending Engineer from Tamil Nadu Public Works Department and (5) Irrigation

taken report if there is any violation found with following Terms of Reference:

- i. The impact of construction of pipeline on riverine environment and also on environment in general.
- ii. Whether there is any violation of CRZ Notification, 2011 or 2019 whichever is applicable or EIA notification, 2006 as amended from time to time.
- iii. Whether the environmental clearance cum CRZ clearance granted for the unit has covered the work of laying pipeline for discharge of ash slurry in the Kosathalaiyar river basin,
- iv. Whether on account of the laying down of the pipeline, is there any damage caused to the environment and if so, what is the nature of damage caused and the remedial measures to be taken and also assess the environmental compensation for the damage caused to the environment.

36. In this matter, Joint Commission has filed its inspection report dated nil e-filed on 14.09.2021 which reads as follows:



1. We respectfully submit that the Appellant had filed Original Application No.122 of 2021(SZ) alleging certain irregularities in laying of pipelines along the Kosathalaiyar river by the 4th Respondent the Tamil Nadu Generation and Distribution Corporation (TANGEDCO) and the 5th respondent, the North Chennai Thermal Power Station (NCTPS). It was alleged by the appellant though Environmental Clearance and CRZ clearance was obtained for this project, there was no specific permission granted under both these clearances for laying of pipelines across Kosathalaiyar River for discharging of ash slurry. The appellant has also stated that even in the Environmental Impact Assessment (EIA) report, the place allotted for ash pond and disposal of ash slurry through pipelines at present by them have not been mentioned which is a gross violation of CRZ notification and also against the terms and conditions imposed while granting Environmental Clearance.

2. Based on the above, the applicant has sought the reliefs in the

... .. by directing the Respondents 1 to 5 to demolish the illegal

from Stage-1 and Stage-2 Thermal Power Plants so as to prevent further contamination of environment.

3. It is further stated that in order to ascertain the genuineness of the allegations made in the application and the alleged violations of CRZ notification as well as the conditions granted in Environmental Clearance, the Hon'ble National Green Tribunal (SZ) in its order dated 07.06.2021 directed to constitute a Joint Committee comprising of (1) The District Collector, Thiruvallur District or a Senior Officer not below the rank of Sub-Divisional Magistrate or Assistant Collector as deputed by the District Collector (2) a Senior Officer from the Ministry of Environment, Forests and Climate Change (MoEF& CC), Integrated Regional Office, Chennai (3) a Senior officer from the Tamil Nadu Coastal Zone Management Authority (TNCZMA), Chennai (4) a Senior officer not below the rank of Superintending Engineer from Public Works Department (PWD) Irrigation Department (5) a senior officer from Tamil Nadu Pollution Control Board (TNPCB) deputed 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. The PWD/WRO will be the nodal agency for co-ordination.

4. The Committee was directed to ascertain (i) the impact of construction of pipeline on riverine environment and environment in general (ii) whether there is any violation of CRZ Notification 2011 or 2019 whichever is applicable or EIA Notification 2006 as amended from time to time (iii) Whether the Environmental clearance cum CRZ clearance granted for the unit has covered the work of laying pipeline for discharge of ash slurry in the Kozesthalaiyar river basin (iv) whether on account of laying down the pipeline, is there environmental damage caused any, environmental compensation if so what is the nature of damage caused and remedial measures to be taken and also assess the environmental compensation for the damage caused to the environment. The Committee is ordered to submit a report to the Hon'ble Tribunal on or before 23.07.2021.

5. In pursuance to the directions of the Hon'ble Tribunal in O.A.No. 122 of 2021 (SZ), the following Joint Committee members inspected the site on 14.07.2021 to submit the factual observed on the ground as below:

- a) Sr.A.Muthalys,
Superintending Engineer, Water Resources Department / PWD,
Chennai.
- b) Dr. C.Kelleperumal,
Director, Ministry of Environment, Forest & Climate Change (MoEF&
CC), Chennai.
- c) Dr.P. Kamaraj,
District Environmental Engineer, Tamil Nadu Pollution Control Board
(TNPCB), Gummidipoondi, Thiruvallur District.
- d) Sr.R. Jahn Manoharan,
Assistant Executive Engineer, Assistant Conservator of Forest
(I/C), Department of Environment, PanagalMalligal, Chennai-15.
- e) Thiru.P.Selvam,
Revenue Divisional Officer, Ponneri, Thiruvallur District.

6. The Committee had a preliminary discussion with the TANGEDCO& NCTPS officials before inspection and the following facts and figures have been furnished by them as below:

- i). Water is being used for pumping out the ash slurry generated by burning of coal into the ash pond, which is filtered, treated and put into reuse. The ash slurry will be having water and ash in the ratio of 12:1.

- v). Both the Stage-1 & 2 Thermal plants have been designed for 40% Wet bottom and hence generation of ash slurry is inevitable. Only the Stage-3 Thermal Plant is designed for a Dry bottom and hence ash will be disposed to the ash pond as a contingency plan in case of emergency only.
- vi). The pipelines of Stage-1 were commissioned during 1994-95 and hence more than 25 years old. They have become rusty, corroded and brittle with numerous cracks. There are total 8 Nos. of series of pipelines of which 5 Nos. carries ash slurry and 3 Nos. being used for recycling the filtered water.
- vii). Out of the above 5 Nos., Line 1 & 5 was replaced and got completed during August 2020. These pipes were brought second-hand from Ennore Thermal Power Station (ETPS). They are Cast Basalt-lined having an Outer diameter of 406mm and Inner diameter of 356mm. Replacement of Line 2 & 3 is in progress and 50% work has been completed till date. Line 4 is yet to be replaced. The total cost of replacement is Rs.95 Lakhs. The timeline for replacement of all the 8 Nos. pipelines is by December 2021 to comply with the orders of the Hon'ble Tribunal in Applications No.8 of 2016, 152 of 2016 & 195 of 2016.
- viii). Both the series of ash pipelines of Stage-1 & 2 comprising 13 Nos.(8+5) starts near the Stage-2 Entrance Gate outside, cross the adjoining Buckingham Canal and Backwaters by supporting bridges.
- ix). Laying of ash pipelines for Stage-3 is in progress at an estimated cost of Rs.6.36 Crores. The pipelines will be laid parallel to the existing pipelines of Stage-1 & 2. It cross the Buckingham Canal and the adjoining Backwaters by RCC supporting Bridges. Piling work for the supporting Bridges is in progress.
- x). Combined Environmental Clearance for expansion of 1 x 800MW North Chennai Thermal Power Plant (Stage-3) and CRZ clearance for foreshore facilities at villages of Ennore&Puzhudiyaikkam, PonnarTaluk, Thiruvallur District was granted by the MoEF& CC dated 20.01.2016. It is valid up to 7 years from the date of Issue i.e 19.01.2023.

7. It is also submitted that PWD/WRD accorded 'No Objection Certificate' vide Letter No.DB/TS(3)/NCTPP Stage-III Project TANGEDCO /2019/ Dated 12.09.2019 for the Proposed Construction of pipe carrying bridge across Buckingham canal & Backwaters for Stage-3 (1x 800 MW) Thermal Power Plant with specific terms and conditions. One such condition is to obtain clearances from Environment, PCB, CRZ etc., and other mandatory clearances if any before commencement of project by the TANGEDCO.

8. It is further submitted that the Joint Committee inspected the pipeline crossings across Buckingham Canal, Backwaters and the Ash Pond. Although leakage of fly ash from pipelines were not noticed at the time of inspection, accumulation of fly ash deposits still persists in Backwaters and Buckingham Canal. This is due to the leakage of ash slurry from the aging pipes and also direct letting out from the plant into these water bodies as well. As a result, Buckingham canal and backwaters have become a cesspool of ash. This has grossly reduced the exchange of tidal prism by checking of flow due to ash deposits. The livelihood of fisher folks have been vastly affected and paved way for abatement of fishing activities. Mangrove patches vanished considerably due

9. It is submitted further that Environmental Clearance (EC) was granted to TANGEDCO for their expansion of 1 x 600 MW (Stage -III) of North Chennai Thermal Power Plant and CRZ Clearance for foreshore facilities at villages of Ennere&Puzhuvakkam in PonneriTaluk of Thiruvallur District by the MoEF& CC dated 20.01.2016 based on the information, clarification, documents and presentation made by TANGEDCO subject to compliance of specific terms and conditions under the provisions of EIA Notification dated September 14, 2006 & subsequent amendments therein and CRZ Notification 2011. The conditions state that i) Disposal of hot water shall meet the Tamil Nadu Pollution Control Board (TNPCB) norms. ii)Water temperature shall be monitored at outlets of each of the unit (3 Stages) and also at pre-cooling channel joining Ennore Creek iii)Construction activity shall be carried out strictly as per the provisions of CRZ Notification 2011. No construction work other than those permitted in CRZ Notification shall be carried out in Coastal Regulation Zone. iv).The Sulphur and ash content of coal shall not exceed 0.8% and 8% respectively. If any change arises, the same should be got amended from the Ministry for EC.v)A long term study of radio activity and heavy metal contents on coal to be used shall be carried out by a reputed institute and thereafter in-built mechanism for continuous monitoring for radio activity and heavy metals in coal & fly ash shall be put in placevi) 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. vii) 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.

At this juncture, it is submitted to the Hon'ble Tribunal that the fly ash generated from the Stage-1 & 2 Thermal Power Plants have greatly reduced the exchange of tidal prism with the sea due to checking of ash deposit to considerable depth in Buckingham Canal & Backwaters . The fly ash contains heavy metals and potentially hazardous like Selenium, Arsenic, Mercury, Chromium, Lead, Silica and Titanium which leads to poisoning of biota. These heavy metals are carcinogens and percolates into soil strata altering the ground water potential and non-compliance of potability. As a result, drastic depletion of flora and faunas has been visualized surrounding the Ennore Creek. Moreover, Mangrove patches vanished considerably leaving traces alone due to fly ash sediments. In view of the above, the TANGEDCO must strictly fulfill and comply with the conditions imposed in the Environmental Clearance and CRZ Clearance without violations and deviations for Stage-3 TPP unlike the environmental damage already caused by the operation of Stage-1 & 2 Thermal Plants due to ash deposit in the water bodies and the air-borne fly ash in the nearby villages causing respiratory diseases.

10. It was alleged in the application that the structures constructed by the Respondents 4 & 5 (TANGEDCO & NCTPS) for transporting ash slurry through pipelines across Backwaters of Kosasthalayar River is illegal and the same should be demolished by the Respondents 1 to 5 and also to direct the Respondents 4 & 5 to replace the ageing pipelines for transporting ash slurry from Stage-1 and Stage-2 Thermal Power Plants so as to prevent further contamination of environment.

On scrutiny of the EIA report, it is mentioned that the total ash generated from the power plant will be about 806.4 TPD (Tons Per Day) for each unit considering maximum ash content of 12% in the imported coal. The quantum of bottom ash generated and fly ash generated will be 161.26 and 645.12 Tons Per Day respectively considering calorific value of 6000 Kcal/Kg and unit heat rate

that of construction of temporary bridges over creeks or backwaters, temporary make-shift infrastructure / constructions required for completing the main permitted activity, transportation of men and material by any mode, etc. will not be deviation from the conditions of approval because the project proponents often undertake such works either on the direction of local authorities or necessitated during construction which are very minor in nature serving the public at large without damaging environment.

Environmental Clearance issued states that Environmental clearance for expansion by addition of 1 x BDDMW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities at Village Ennore & Puzhudiavakkam, Taluk of Ponneri, District Thiruvallur, Tamil Nadu by M/s. Tamil Nadu Generation & Distribution Corporation Ltd. (TANGEDCO). As per the EC obtained, the CRZ clearance is granted only for construction of following foreshore facilities for this Stage-III TPP.

- 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 6m / 8m from ground level.
- iii. Sea water intake from fore bay 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.

With regard to the replacement of ageing pipes, it is in progress and expected to be completed by December 2021 pursuant to the timeline framed by this Hon'ble Tribunal (SZ) in Applications No.8 of 2016, 152 of 2016 & 198 of 2016.

11. It is further submitted that the leakage of ash pipelines and accumulation of fly ash in Buckingham Canal and Backwaters has become an everyday phenomena and these facts have been already dealt by the Hon'ble

Tribunal (SZ) in Applications No.8 of 2016, 182 of 2016 & 198 of 2016. In this regard, the Hon'ble Tribunal (SZ) constituted an Expert Committee comprising Central Pollution Control Board (CPCB), IIT, Madras, Tamil Nadu Pollution Control Board (TNPCB) in its order dated 25.05.2018 to ascertain the status of fly ash / bottom ash disposal, damage caused to the environment, environmental compensation if so what is the nature of damage caused and remedial measures to be taken and also assess the environmental compensation for the damage caused to the environment. The Hon'ble Green Tribunal (SZ) passed orders dated September 11, 2017 for failure of Tamil Nadu Pollution Control Board (TNPCB) to contain the fly ash leak and the Tamil Nadu Coastal Zone Management Authority (TNCZMA) for failing to protect salt pans, mangroves from converting into ash ponds. Subsequently, Hon'ble Green Tribunal (SZ) passed orders dated December 21, 2017 to deposit the required funds to PWD/WRD for removing the accumulated fly ash from Buckingham Canal & Backwaters and also ordered TANGEDCO to replace the ash slurry pipes as early.

The Expert Committee findings indicated contamination of ground water wells and Backwaters with heavy metals in abnormal level. The air pollution level due to fly ash was alarming and exposed to respiratory diseases. The Expert Committee also noted NCTPS had no response protocol in the event of Dyke breach or pipeline burst. The Committee had also recommended non-permeable (Geo Membrane) lining for the Ash pond/ Dyke to avoid percolation of fly ash into soil strata there by reducing the ground water pollution.

in the completed stretch of Backwaters & Buckingham Canal and the orders of the Hon'ble Tribunal left un-addressed till date.

Further the TANGEDCO had remitted an amount of Rs.16.46 Crores as Environmental compensation to TNPC Board for the period 01.11.2004 to 12.11.2019 as assessed by the TNPCB based on the findings on the violations noticed by the Joint Committee constituted by the Hon'ble Green Tribunal(SZ) in O.A No.8 of 2016,152 of 2016 & 198 of 2016 with regard to the accumulation of fly ash in riverine environment.

13.The Hon'ble Green Tribunal (SZ) in its order dated 07.06.2021 directed the Joint Committee to ascertain the following facts given below:

- (i) *The impact of construction of pipeline on riverine environment and environment in general.*

The impact on environment has not been assessed yet due to the fact that the construction of pipelines across water bodies has not been commenced by TANGEDCO. Proper construction methodology must be adopted while crossing the river and canal so that damage to the riverine environment would be minimum and negligible. The water bodies must be restored to their original condition after the completion of work.

- (ii) *Whether there is any violation of CRZ Notification 2011 or 2019 whichever is applicable or EIA Notification 2006 as amended from time to time.*

Environmental Clearance issued states that Environmental clearance for expansion by addition of 1 x 800MW (Stage-III), North Chennai TPP and CRZ Clearance for foreshore facilities at Village Ennore & Pazhudiakkam, Taluk of Ponneri, Thiruvallur District, Tamil Nadu by M/s. Tamil Nadu Generation & Distribution Corporation Ltd.(TANGEDCO).As per the EC obtained, the CRZ clearance is granted only for construction of following foreshore facilities for Stage-III TPP.

- a) Coal conveyor having length of 3.5 km and elevation of 5 m for coal transportation from Ennore Port to NCTPS Stage-III TPP.
- b) Supporting trusses (Steel frames) for coal conveyor at about 6m /8m from ground level.
- c) Sea water intake from fore bay 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.
- d) GRP(Glass Reinforced Plastic)pipes on the ground level for cooling water inlet and coolant water outlet.

Hence it is pertinent that Environmental Clearance and CRZ Clearance was granted for foreshore facilities only and not for laying of pipes which is a gross violation as per CRZ rules 2011.

- (iii) *Whether the Environmental clearance cum CRZ clearance granted for the unit has covered the work of laying pipeline for discharge of ash slurry in the Kasathalaiyar river basin.*

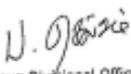
The Environmental Clearance cum CRZ clearance was granted for expansion of 1 x 800MW TPP and foreshore facilities only. On scrutiny, it was evident that laying of pipelines for transmitting slurry across Kasathalaiyar Backwaters has not been covered in the present scope.

- (iv) *Whether on account of laying down the pipeline, is there environmental damage caused any, environmental compensation if*

of emergency only. It must be ensured that new pipes must be laid intact to avoid any leakage of fly ash into the water bodies thereby environmental damage will be averted

It is, therefore, prayed that this Hon'ble Tribunal may take on record the above status report based on the observations made by the Joint Committee and pass appropriate and further orders as this Hon'ble Tribunal may deem fit and necessary in the circumstances of the case and thus render justice.

Assistant Executive Engineer,
Assistant Conservator of Forest (I/c),
Department of Environment,
Panagal Maligal, Chennai-600 015.


Revenue Divisional Officer,
Ponneri, Thiruvallur District.
Representing
District Collector,
Thiruvallur District.


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Gummidipoondi,
Thiruvallur District.
Representing
Joint Chief Environmental Engineer(M),
Tamil Nadu Pollution Control Board,
Chennai Zone.


Superintending Engineer,
Water Resources Department / PWD,
Chennai - 600 005.


Director,
Ministry of Environment,
Forest & Climate Change (MoEF&CC),
Chennai - 600 006.

37. Thereafter, the matter was considered along with other connected matters.

38. The Tamil Nadu Pollution Control Board filed a report signed

REPORT FILED ON BEHALF OF THE 6TH RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.

I, S. Ragupathi, S/o. R. Sanganan, Hindu, aged about 57 years, having office at No.76, Mount Salsai, Guindy, Chennai-600 032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board and I am filing this Report on behalf of the 6th Respondents Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the Hon'ble National Green Tribunal(SZ), Chennai in its order dated.07.06.2021 in O.A.No.122 of 2021 directed as follows:

"Para 15 : the members of the committee as well as the official respondents immediately through e-mail, so as to enable them to comply with the direction and for filing their independent response to the allegations made in the application and also for filing their independent report as directed by this Tribunal"

3. It is respectfully submitted that, in compliance of the above Hon'ble NGT order, the area was inspected by officials of the JCEE(M), TNPCB, Chennai on 14.07.2021. During inspection, the following were observed:

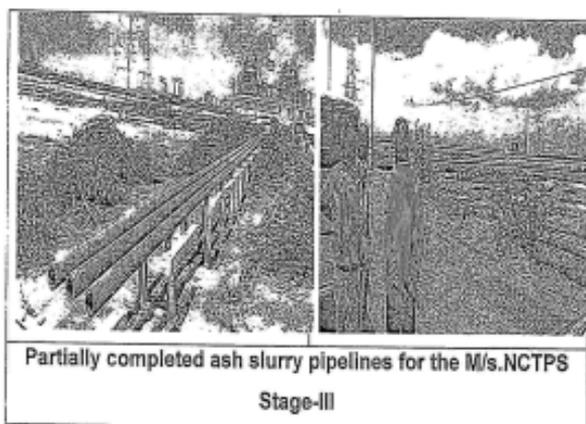
- i) Water is being used for pumping out the ash slurry, generated by burning of coal in Stage I and Stage II of North Chennai Thermal Power Plants, into the ash pond, which is filtered and put into reuse. Everyday about 48,000 Tons of wet ash slurry is

being pumped into ash pond which contributes 3,300 Tons of Fly ash.

- ii) The ash pond is located about 5kms from the Thermal Plant sprawling at an area of about 245 Hectares.
- iii) The total quantity of ash deposited was 65 Lakh Cubic metre, out of which 22 Lakh Cubic metre has been already removed and transported. Hence left out with 43 Lakh cu.m of ash at present.
- iv) Both the Stage-1 & 2 Thermal Power Plants have been designed for 40% Wet bottom and hence generation of ash slurry is inevitable. Only the Stage-3 Thermal Power Plant is designed for a dry bottom and hence ash will be disposed to the ash pond as a contingency plan in case of emergency only.
- v) The pipelines of Stage-1 were commissioned during 1994-95 and hence more than 25 years old. They have become rustic, corroded and brittle with numerous cracks. There are total 8 Nos. of series of pipelines of which 5 Nos. carry ash slurry and 3 Nos. being used for recycling the filtered water.
- vi) Out of the above 5 Nos of pipelines, Line 1 & 5 were replaced and got completed during August 2020. These pipes are old used pipelines brought from Ennore Thermal Power Station (ETPS). They are Cast Basalt-lined having an outer diameter of 406 mm and Inner diameter of 356mm. Replacement of Line 2 & 3 is in progress with new Cast Basalt pipes, but for Line 4, the unit is yet to procure new pipes. The TANGEDCO has committed a timeline for replacement of all the 5 Nos. of pipelines by December 2021, to comply with the orders of the Hon'ble Tribunal in Application No. 2 of 2018 (TPP) dated 11.08.2018.

cross the adjoining Buckingham Canal and Backwaters by supporting bridges.

- viii) The pipelines cross across Buckingham Canal, Backwaters and the Ash Pond. Although leakage of fly ash from pipelines were not noticed at the time of inspection, accumulation of fly ash deposits still persists in Backwaters and Buckingham Canal, due to the leakage of ash slurry from the ageing pipes. As a result, Buckingham canal and backwaters have become a cesspool of ash. The ash pond is found deposited with huge quantum of ash to an average depth of about 4 metre. Excavation and transportation of ash from the ash pond is noticed and requires removal on large scale. The earthen bund is about 7 metre height surrounding the ash pond of which a portion of bund has been raised another 3 metre height to augment the storage of ash. Raising of bund for the entire circumference is incomplete. The pond is devoid of Geomembrane lining. There are no mechanisms for spraying / trickling of water to control spreading of ash in the air causing air pollution.
- ix) Laying of ash pipelines for Stage-3 (3 lines reported as one for Fly ash slurry, one for Bottom ash slurry and third one for recovery of water from Ash pond) was in progress and the pipelines will be laid parallel to the existing pipelines of Stage-1 & 2. It crosses the Buckingham Canal and the adjoining Backwaters by RCC supporting Bridges. Piling work for the supporting Bridges and laying of pipelines were stopped temporarily and it was reported that the unit has stopped the piling work and pipeline laying due to the case filed before the Tribunal.



4. It is respectfully submitted that Combined Environmental Clearance for expansion of 1 x 800MW North Chennai Thermal Power Plant (Stage-3) and CRZ clearance for the following foreshore facilities at villages of Ennore & Puzhuvivakkam in Ponneri Taluk of Thiruvallur District has been granted by the MoEF & CC dated 20.01.2016 with certain conditions. The validity of EC is up to 7 years from the date of issue i.e 19.01.2023.

- a) Coal conveyor having length of 3.5 km and elevation of 6 m for coal transportation from Ennore Port to NCTPS Stage - III TPP.
- b) Supporting trestles (Steel frames) for coal conveyor at about 6 m/8 m from ground level.
- c) Sea water intake from fore bay of NCTPS stage -II intake & outlet pipe to pre cooling channel of NCTPS for discharge

5. It is respectfully submitted that vide para 6 of EC issued, it is mentioned that the 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.

6. It is submitted that on scrutiny of the Environmental clearance and CRZ Clearance, it is noticed that there is no specific mentioning about the laying of pipelines in CRZ area for conveying the bottom ash to the ash dyke or bring back the ash pond water from the ash dyke to the plant for reuse except the mentioning of "Ash pond water will be collected, treated and reused for slurry making".

7. It is respectfully submitted that the TANGEDCO must strictly fulfill and comply with the conditions imposed in the Environmental Clearance and CRZ Clearance without violations and deviations for Stage-3 TPP, unlike the environmental damage already caused by the operation of Stage-1 & 2 Thermal Plants due to ash deposit in the water bodies and the air-borne fly ash in the nearby villages causing nuisance and air pollution.

8. It is further submitted that the leakage of ash pipelines provided for NCTPP Stage 1 and accumulation of fly ash in Buckingham Canal and Backwaters has become an everyday phenomena and these facts have been already dealt by the Hon'ble Tribunal (SZ) in Applications No.8 of 2016, 152 of 2016 & 198 of 2016. In this regard, the Hon'ble

Pollution Control Board (CPCB), IIT, Madras, TamilNadu Pollution Control Board (TNPCB) in its order dated 25.05.2019 to ascertain the status of fly ash / bottom ash disposal, damage caused to the environment, environmental compensation if so what is the nature of damage caused and remedial measures to be taken and also assess the environmental compensation for the damage caused to the environment. Also, Hon'ble Green Tribunal (SZ) passed orders dated December 21, 2017 to deposit the required funds to PWD/WRD for removing the accumulated fly ash from Buckingham Canal & Backwaters and also ordered TANGEDCO to replace the ash slurry pipes as early.

In pursuance to the orders dated December 21, 2017 in Applications No.8 of 2016, 152 of 2016 & 198 of 2016 by the Hon'ble National Green Tribunal (SZ), TANGEDCO deposited a sum of Rs.28.50 Crores to PWD/ WRD for the work of Dredging the Backwaters (Kosathalaiyar River) deposited with fly ash between NCTPS Main gate up to KPL (Kamarajar Port Limited) Main gate for a length of 2400 metres. In addition, they had also deposited Rs.66.23 Lakhs for removal of fly ash deposited in the adjoining Buckingham Canal between NCTPS Main gate up to KPL Main gate for a length of 2400 metres. Though the works have been reported to be completed in all aspects by December 2020, accumulation of fly ash still persist in

01.11.2004 to 12.11.2019 as assessed by the TNPC Board based on the findings of the violations noticed by the Joint committee constituted by the Hon'ble NGT in the above said cases.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such order as it may deem fit and proper in this facts and circumstance of the case and thus render justice.


 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD,
 No.76, MOUNT SALAL, CHENNAI-600 032.
BEFORE ME

VERIFICATION

I, S. Ragupathi, S/o. Thiru. Sanganan , working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.


 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD,
 No.76, MOUNT SALAL, CHENNAI-600 032.

39. In the meantime, on the basis of the newspaper reports published in Times of India, Chennai Edition dated 01.07.2021 under the caption "Another Pipeline Leak at Ennore, Power Plant" and also another newspaper report published in New Indian Express, Chennai Edition dated 13.07.2021 under the caption "TANGEDCO Violating Rules in Ennore and also

2021. It was noted in the newspaper reports that TANGEDCO was deviating the line in violation of the rules and carrying out the project against the conditions imposed in the clearances granted apart from mentioning about breach of ash slurry pipe, causing spilling of large scale fly ash slurries in the residential area causing pollution.

40. On the basis of the newspaper report, while admitting the matter, this Tribunal appointed a Joint Committee consisting of (1) The District Collector, Tiruvallur District, (2) a Senior Officer from Ministry of Environment, Forests and Climate Change, (MoEF&CC) Integrated Regional Office, Chennai, (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 Organisation (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 appointed by its Chairman to inspect the area and submit a report under following Terms of Reference:

The committee is directed to ascertain as to whether i) there are any violations of conditions imposed in the clearances and permissions granted for Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO), II) whether there was any deviation from the proposed alignment of the line as permitted

water bodies and if so, what is the nature of damage caused to the water bodies on account of the same and the remedial measures to be taken for restoring the damage caused to the water bodies.

The committee is also directed to assess the environmental compensation, if there is any damage caused to the environment on account of the alleged act of the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) to be recovered from them including the expenses required for carrying out the remediation measures and restore the damage caused to the environment including the rectifying the contamination, if any, caused to the water body and the water quality in that area.

41. Apart from this, Tamil Nadu Pollution Control was also directed to file independent report regarding the pollution caused and the action taken in this regard.

42. 7th respondent filed a reply statement contending that they have verified the newspaper reports and in respect of similar issue another case is pending as O.A. No. 08 of 2019 where also a Committee was formed in which Central Pollution Control Board is a member and a detailed report on pipeline leak and status of surrounding area were submitted during August, 2019. The water is being used for pumping out the ash slurry generated from burning of coal in Stage I and Stage II of North Chennai Thermal Power Plants into the ash ponds. It is filtered there and the filtered water is reused. Everyday about 48,000 tons of wet ash slurry is being pumped into ash pond which contributes 3,300 tons of fly ash. Stage I and Stage II Thermal Power Plants have been designed for 40 per cent wet ash and generation of ash slurry is inevitable. The pipelines used for

for recycling the filtered water. The ash pond is located about 5 kms from the Thermal Power Plant.

43. Out of 5 numbers of pipelines carrying fly ash slurry, Line 1 and 5 were replaced and got completed during August, 2020. These pipes were old used pipes brought from Ennore Thermal Power Station. They are Cast Basalt-lined having an outer diameter of 406 mm and inner diameter of 356 mm. Replacement of Line 2 and 3 is in progress with new cast basalt pipes, but for Line 4, the unit is yet to procure new pipes. They committed a timeline for replacement of all the 5 numbers of pipelines by December 2021 complying with the order of the Tribunal in C.A. No. 08 of 2016, 152 of 2016 and 198 of 2016.

44. It is also mentioned therein that the power plant takes breakdown and maintenance work in the pipelines, whenever leaks are detected. The unit has patrol team which keeps patrolling the pipelines and the pumps are stopped soon after leaks are detected. The present status of the replaced pipelines is detailed below:

S.No.	Description of pipeline	Outer diameter	Pipe thickness	Length of pipeline	Present status
1.	Ash slurry disposal line-1	406mm	6mm	5129m	Old pipeline. Tender invited. Scheduled for replacement by December 31, 2021
2.	Ash slurry disposal line-2	406mm	6mm	5405m	Replaced with second hand pipeline from ennore TPP
3.	Ash slurry disposal line-3	406mm	6mm	4942m	Replaced with new pipeline

45. They have further mentioned that they propose to conduct ambient air quality monitoring and ground water monitoring in the nearby areas. The leakage occurred in pipeline 2 on 01.07.2021 at 07:20 AM and the pump was stopped at 07:25 AM, the portion of the pipeline damaged was repaired and the pipeline was put into service by 12:30 PM on the same day. They have further mentioned in the reply that after collecting the necessary details, the final report will be filed. As regards the violation of Environmental Clearance conditions and consent conditions, it is for the respective authorities to take action.

46. Respondents 9 and 10 have filed reply statement contending that they have reiterated more or less the contentions raised by them in the counter statement filed by them in G.A. No. 22 of 2021. As regards the deviation is concerning, they have categorically stated that they have not deviated. After detailed survey and geo-technical georotation of the site, a cold conveyor route was finalized in order to cross water body and land portions encountered in the alignment in the shortest route crossing the water body. There was a development of place whereby M/s Chettinad Coal Yard and connected infrastructure facilities being developed by the said private body which was falling in the vicinity of the Ennore SEZ project's

system is subsequently preferred to avoid spillage of coal. Closed pipe Conveyor has to be erected in a smooth curved line and as such the routing of pipe conveyor was designed suitably in a curvilinear manner as per the technical requirement to erect pipe conveyor to avoid spillage of coal dust from environmental friendly approach. The length of conveyor from Ennore Port Limited to project site is 4500 meters, the length of conveyor under execution is only 328 meters.

47. The general public from Kallupattam village agitated and conducted dharna on 19.07.2021. After discussions with the people and to avoid law and order situation, the Thasildar, Ponneri after discussions with the Revenue Divisional Officer, Ponneri, requested TANGEDCO to suspend the work temporarily till the completion of peace meetings which was proposed to be held on 23.07.2021 and after the peace meetings, the work was resumed on 24.07.2021.
48. On the basis of the request made by the Revenue Officials, the work has been temporarily stopped on 27.07.2021 and the removal of filling sand has been commenced on 04.08.2021 and completed from Pler No. 12 to Pler No. 19 (172.5 meters removed out of total 230.3 meters). The removal of filling sand in the balance area (about 57.8 meters) is under progress and will be completed on or before 31.10.2021.

disposal pumping was stopped immediately and the pipeline flushed with sea water to clear the ash to avoid ash settling in the pipeline. The pipeline puncture was arrested by welding and the line was put in to use at 12:25 PM on the same day. The size of the puncture was very small and the leakage of ash slurry through this puncture is very less quantity. There was no air pollution caused on account of the same and there was no contamination of water as well. They denied the allegations regarding unlawful dumping of ash in nearby water bodies. However, spillage of ash that occurred due to unforeseen pipe leaks and for the same subject Tamil Nadu Pollution Control Board by its proceedings no.s T2/TNPCB/NET/F.31005/RL/2019-2 dated 25.11.2019 had levied Rs 461 crores as environmental compensation for ash pollution to the water bodies and the surrounding areas. 1,94,543m³ ash settled around the ash pipeline have been removed. TANGEDCO paid an amount of Rs 28.50 crores for dredging of ash in Kosasthalaiyar River and 53.68 lakhs for dredging of ash in Buckingham Canal. PWD on DCW basis. PWD has dredged about approximately 4,35,000 m³ of ash in the Kosasthalaiyar River and 89,600 m³ in the Buckingham Canal.

50. They are fully complying with the recommendation nos. 1 and

- I. That submissions were made to the Committee during site inspection on 23.08.2021 and in subsequent discussions had in the District Collectorate, Thiruvallur District, held on 24.08.2021 under the Chairmanship of the District Collector, Thiruvallur District.
- II. That the report states - "TANGEDCO submitted to the committee that laying of new ash pipeline corridor was informed during public hearing and during presentations made to MoEF & CC but records for the same were not made available". In this connection, it is informed that the public hearing meeting for NCTPS Stage-III project was conducted on 05.03.2015 under the Chairmanship of the District Collector of Tiruvallur, along with the public and other Department officials. The proceedings of the public hearing were recorded. Wherein among other things, it has been very well intimated that in case of emergency the bottom ash would be disposed in the existing ash pond of NCTPS page No.3 of the recorded minutes of public hearing meeting - which is now submitted to the Committee.
- III. That the State level CZMA had very well been appraised about disposal of dry bottom ash in the Ash dyke of NCTPS in case of emergency- refer para.4 - (iv) of the report.
- IV. That the project presentation and additional details was made by the TNEB before EAC of GOI on 27.10.2015 and appraised of the route of the proposed bottom ash disposal line of NCTPS Stage-III project in addition to ash slurry pipelines of NCTPP Stage-1 and 2 crossing the Buckingham canal and backwater of Ennore creek to existing Ash dyke of NCTPS thro the CRZ delineation map prepared by Institute of Remote Sensing, Anna University/Chennai, showing ash pipe corridor in CRZ Zone IV- Refer para.4-X(VI) of the report.Hence it is submitted that TNCZMA and MoEF& CC had been appraised with details and made available.
- V. That the CRZ map of Institute of Remote Sensing, Anna University/Chennai, showing ash pipe corridor in CRZ Zone IV- Refer para.4-X(VI) of the report.Hence it is submitted that TNCZMA and MoEF& CC had been appraised with details and made available.

delineation for NCTPP Stage-III (1 X 800 MW) Project' showing revised layout showing all the units of NCTPS and its facilities of the Ash Line corridor of NCTPS Stage 1, 2 and 3 crossing the water bodies coming within CRZ-IB zone Buckingham Canal and Kosasthalaiyar River up to the existing Ash Dyke of NCTPS for the disposal of ash through pipelines as being done at present in the other two phases of NCTPS Stage 1 and 2, has also been submitted then.

- VI. That as mentioned the Rapid EIA report, Fly Ash utilisation will be met at 50% within target date of one year from the date of commissioning, 70% within target date of two years from the date of commissioning, 90% within target date of three years from the date of commissioning and 100% within target date of four years from the date of commissioning. From the above Rapid EIA report, it could be seen that for disposal of Fly Ash during initial years of operation, Fly ash disposal system is required for wet disposal to ash pond in slurry form for which pipeline is essentially required. This has also been furnished in the Rapid EIA report which mentions that Fly ash disposal system will also contain a provision for wet disposal to ash pond in slurry form.
- VII. That the capacity of fly ash storage silos are of one day capacity (24 Hours) only and during contingency of truckers strike, etc. disposal of fly ash including bottom ash has to be disposed to the existing Ash Dyke of NCTPS through pipelines only for which the proposed construction of ash pipelines is required.
- VIII. That the Rapid EIA report and the aforesaid CRZ map also shows and mentions about the place allotted for the existing Ash Pond of NCTPS and the disposal of ash through pipeline as being done at present for the other two existing Power Plants. It has also been mentioned in the Rapid EIA report that it is proposed to

- X. That laying off Ash Slurry pipeline for the project has also been informed to the MoEF& CC also as detailed below.
- XI. That the project presentation and additional information was made by TANGEDCO before the Expert Appraisal Committee of GOI on 27.10.2015 along with combined Layout of NCTPS complex prepared by the Institute of Remote Sensing, Anna University, Chennai, depicting various units of NCTPS Stage I, II and III which clearly shows the Ash pipe corridor containing Ash disposal slurry pipe line of Stage I, II and III crossing B'Canal, back water leading to existing NCTPS Ash dyke.
- XII. That to explore various avenues for utilization of Bottom ash, it has also been submitted that ash would be issued to brick manufacturing units and during emergency fly ash/Bottom ash would be pumped in the form of slurry to the existing Ash dyke of NCTPS.
- XIII. That in the presentation submitted to MoEF& CC on 27.10.2015, the Ash slurry disposal pipelines crossing B'Canal and Back waters in CRZ zone IV leading to Ash dyke has been clearly depicted.
- XIV. That from the foregoing, it is stated that the CRZ map and EIA report shows the pipelines and all the project details had been disclosed to the MoEF& CC and discussed in the public hearing held on 05.03.2015.
- XV. That as the CRZ map of Institute of Remote Sensing, Anna University/ Chennai and the Rapid EIA report are the required documents submitted to the State level CZMA and then the documents are submitted to the MoEF& CC for issuance of the EC and CRZ clearance, the work of laying of pipeline for discharge of ash slurry across the Buckingham Canal and Kosasthalaiyar River has been very well depicted while applying for the EC and CRZ clearance itself.

- XVII. That as per the EIA Report - "Ash water shall be collected, treated and reused for ash slurry making and 100% fly ash utilization will be met after 4th year of commissioning of the Unit".
- XVIII. That in the Environmental Impact Assessment report submitted to the District and State Coastal Zone Management Authority and MoEF& CC, it has already been informed that NCTPS Stage-III is only an expansion unit of NCTPS and existing ash dyke of NCTPS will be utilized for Stage-III for disposal of dry bottom Ash and fly ash during emergency condition. 100% Fly Ash utilization will be met only after 4th year of commissioning of unit. During first, second and third year of operation only 50%, 75 % and 90% of fly ash will be utilized and balance will be disposed to the Ash dyke of NCTPS. Hence Ash Slurry pipe lines are to be laid for collecting Ash water and reuse and to dispose Ash during initial years of operation and during emergency/ contingency situations arises during Truckers strike due to non- lifting of Fly Ash by off takers which will lead to stopping of the Power plant and in turn loss of generation since the power plant will be operated 24 hours to maintain the power grid.
- XIX. That the following paragraph was submitted to the committee -

"As per CRZ 2011 rules under para.4(i) (a), water front and foreshore facility only requires specific CRZ clearance and the above ash slurry pipeline coming in CRZ zone IV is a permitted activity and not a water front/foreshore facility".

Hence it is submitted that for those projects which are listed under this notification and also attract EIA notification 2006 for such projects clearance under EIA notification only shall be

- XX. That all the necessary, permission of State PWD (Authority of Inland water body) has been obtained before commencing the mandatory ash pipe line work of NCTPS Stage III in the existing ash corridor along the other side of patrolling road for the convenience of maintenance work.
- XXI. That with respect to the report of the Joint Committee, it is submitted that the finding of the committee that CRZ clearance was not obtained for the laying of pipelines for the transport of ash slurry is erroneous and unsustainable for the reason that the said construction of the pipeline is an allied activity related to the establishment of the approved NCTPS Stage-III project, for which the EC and CRZ clearances and approvals have already been accorded. In reference to the same, it is submitted that the MoEF & CC vide Notification No.19-31/2015-IA-III dated 27.02.2015, has observed that activities which are allied to the establishment of the approved project **including the construction of temporary bridges etc, will not amount to deviation from clearance that was granted.** Hence, it is submitted that the said construction of the pipeline is well within the norm.
- XXII. That since the Committee has recommended to resume the activity only after obtaining amendment to the existing CRZ clearance from a MoEF& CC, further action will be taken only after requesting a necessary clarification from MoEF in this regard and ensuring the amendment to the EC if necessary.
- XXIII. That the ash pipeline is an incidental / ancillary activity necessary for the operation of the thermal power plant and the same is permissible under the CRZ areas as per the notification

the erection of pipelines is not an illegal act. I further submit that there is no violation and there is no construction of illegal structures to carry pipelines to transport coal ash across the backwaters and main channel of the Kosasthalaiyar River.

- XXV. That, though there is no specific mention of CRZ clearance for ash slurry pipe lines of Stage-III project, there is no violation on the execution of ash slurry pipe lines of NCTPS Stage-III in the existing ash line corridor of NCTPS.

51. As regards recommendation no. 2 of the Joint Committee is concerned, they are taking all necessary steps and following action has been taken which is as follows:



Action Taken/Present Status on Recommendation -2:

- a. That the ECHS works in the water body area has been temporarily stopped on 27.07.21. As requested by Revenue officials, EPC contractor, M/s.BHEL has been informed to remove the filling sand with immediate effect. Removal of filling sand has been started on 04.08.2021 and removal completed from Pier No.12 to Pier No.19 (19500/25000 cum) and removal of the filling sand in the balance area are under progress.
- b. That in order to comply the directions issued by the Hon'able NGT (SZ) committee, M/s. BHEL have been informed to take necessary action on war footing basis to cut the already cast piles located in the water body upto the river bed level including removal of dumped sand within October'31, 2021.

52. As regards recommendation no. 4 is concerned, they have mentioned that they have already committed to replace the old

II. Action Taken/Present Status on Recommendation - 4:

- I. **That in ASDL No.1** - (5129 mtrs) - Administrative approval for procurement of New cast basalt pipe has been submitted to TANGEDCO Headquarters and it is under process and will be completed by June 2022.
- II. **That in ASDL No.2** - (5511 mtrs) - 1160 meters of new cast basalt pipe lines have been replaced with available 3498 metres pipes and work is being carried out on emergency basis and will be completed by December 2021.
- III. **That in ASDL No.3** - (4942 mtrs) - New- cast basalt pipe has been replaced successfully from ash dyke to NCTPS gate and there are no leaks developed in this pipeline.
- IV. That 7390 meters of pipes have been supplied and being replaced out of 10452 meters of ordered quantity for Line 2 & 3 for a value of Rs.8.36 Crores .Supply of pipes has been delayed due to Covid-19& lock down.
- V. **That in ASDL No.4** - (4942 mtrs) - Tender for procurement of 4942m of new cast basalt pipes for a value of Rs. 4.32 Crores has been lodged due to non-acceptance of validity by the bidders, exorbitant steel price hike and non acceptance of LD terms of TANGEDCO dated 06.01.2021. Fresh administrative approval has been accorded by TANGEDCO Head quarters for Rs.7.3 crores. Procurement action is under process with Board Level Tender Committee at TANGEDCO Headquarters and will be completed by May 2022.
- VI. **That in ASDL No.5** - (5511 mtrs) - Administrative approval for procurement of New cast basalt pipe has been submitted to TANGEDCO Headquarters and it is under process and will be completed on June 2022.
- VII. That due to Covid pandemic, Nationwide lock down has been imposed from March 2020 to September 2020 as per the guidelines of Government of India. Afterwards partial lockdown

53. They have also given details of various actions taken for complying with the other recommendations made by the Joint Committee and they have undertaken to remove the fly ash disposals dumped in the Buckingham Canal and the Kosasthalaiyar River before March, 2022. They have also given details of nature of action taken and present status of recommendation no. 10 of the Committee which reads as follows:



Action Taken/Present Status on Recommendation - 10:

- i. **Kosasthalaiyar river:** That the PWD had desilted 4.35 lakhs m³ of ash/silt from the Kosasthalaiyar river and dumped the silt on the banks. Out of which 2.5 lakhs m³ have already been removed by M/s.TPIPL. The removal of balance 1.85 lakhs m³ is under progress. The above removal work will be arranged to be completed before Mar'22.
- ii. **Buckingham Canal:** That PWD has desilted the Buckingham canal and dumped the silt on the banks. The total quantity desilted by PWD in Buckingham canal is about 89,600 m³. Out of which 70,000 m³ have already been removed by M/s.TPIPL. The removal of balance 19,600 m³ is under progress. The above removal work will be arranged to be completed before Mar'22.

Quantity of ash present in the river as assessed by the previous committee in OA 8/2016	Quantity of ash due to leakage post committee inspection	Total ash present in river	Quantity of ash desilted/dredged	Storage of dredged material	Start & Stop date of desiltation	Balance quantity to be removed from Banks of Kosasthalaiya river	Ultimate utilization of desilted materials
3.25 lakhs m ³	1.10 lakhs m ³ (assessed by PWD)	4.35 lakhs m ³ (assessed by PWD)	4.35 lakhs m ³	4.35 lakhs m ³	15.06.2020 to Dec'20	Out of 4.35 lakhs m ³ ash 2.50 lakhs m ³ ash lifted by M/s.TPIPL. Balance 1.85 lakhs m ³ ash lifting work is under progress.	Used for land filling by TPIPL near NCTPS-I ash dyke

Buckingham canal [NCTPS-I main gate (Ch.20.00) to KPL maingate(Ch.22.40)]

Quantity of ash present in the river as	Quantity of ash due to leakage post committee	Total ash present in	Quantity of ash desilted/dredged	Storage of desilted material	Start & Stop date of desiltation	Balance quantity to be removed / desilted	Ultimate utilization of desilted
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previous committee in OAS/2016							
77,331 m ³ (from Ch.20.00 to 22.40 Km)	56,669 m ³ (assessed by PWD) (From Ch.20.00 to 22.40 Km)	1,34,000 m ³ (assessed by PWD) (From Ch.20.00 to 22.40 Km)	89,600 m ³ (From Ch.20.80 to 22.40 Km)	89,600 m ³	Nov'20 to Mar'21	Out of 89,600 m ³ ash 70,000 m ³ ash lifted by M/s.TPIP L. Balance 19,600 m ³ ash lifting work is under progress.	Used for land filling by TPIPL near NCTP S-I ash dyke

iii. That, further an estimate has been evolved to remove the ash deposited in Buckingham canal for 200 m length at pipeline crossing by NCTPS-II based on the letter received from the District Collector, Thiruvallur.

54. They have also undertaken that they will remit the Environmental Compensation of Rs. 4,12,20,000/- imposed to the Tamil Nadu Pollution Control Board. They have further submitted that quantum of compensation assessed by the

2016 for the same cause. They have also mentioned that certain works have been done for the purpose of complying with the recommendations nos. 12, 13 and 14 of the Joint Committee report. So, they prayed for passing appropriate orders after considering their objections.

55. Apart from filing their counter, they have also filed response to the recommendation of the Joint Committee report which was already extracted in the reply filed out and as such we are not extracting the same again.

56. As per order dated 24.09.2021, this Tribunal had considered the Joint Committee report e-filed on 23.09.2021 after extracting the same in Para 2 of the order. This Tribunal had directed the Committee to inspect the area again and ascertain as to whether the recommendations made by them have been complied with by respondents 9 and 10 in O.A. No. 162 of 2021 and if not what is the stage of remediation suggested by them to be carried out by respondents nos. 9 and 10 and directed them to file a further report.

57. Thereafter, the Joint Committee filed further report dated nil e-filed on 26.10.2021 which was extracted in Para 4 of the order dated 27.10.2021 which reads as follows:

1. Preamble

It is respectfully submitted that a case, O.A.No.162 of 2021, has been *Suo-Motu*

In all these newspaper report, the allegation was that the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) has deviated the pipeline alignment in violation of the rules and carrying out the project against the conditions imposed in the clearances granted. Also, TANGEDCO constructing the bridge for supporting coal conveyor and sea water pipeline for proposed Ennore SEZ and for conveying bottom ash slurry from Stage III project to existing ash pond by dumping construction debris along the river course without getting CRZ clearance. Further, it has been alleged that there was leaks in the bottom ash slurry conveyance lines from NCTPS I which resulted large scale spillage into water bodies causing air pollution and water contamination. Also stated that the Controller and Auditor General's report had mentioned about the ash dumping is contaminating the ground water in those areas.

It is respectfully submitted that the Hon'ble Tribunal in the order dated.30.07.2021 directed vide,

Para 9 - In order to ascertain the genuineness of the allegations made in the newspaper report and also the alleged violations, the Hon'ble Tribunal appointed a joint committee comprising of (1) The District Collector, Tiruvallur District (2) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF & CC), Integrated Regional Office, Chennai, (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 Organisation (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.

Para 10 - The Committee is directed to ascertain as to whether i) there are any violations of conditions imposed in the clearances and permissions granted for Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO), ii)whether there was any deviation from the proposed alignment of the pipe as permitted under the clearances granted without obtaining any approvals of modification of the same from the appropriate authorities, iii) whether there was any leakage of ash pipe resulting in spillage of fly ash in the neighbouring areas and if so, what is the nature of damage caused on account of the same, iv)whether there was any air pollution or water contamination caused on account of the spillage of fly ash due to leakage of pipe lines, v)whether any unlawful dumping of fly ash is being done in the nearby water bodies and if so, what is the nature of damage caused to the water bodies on account of the same and the remedial measures to be taken for restoring the damage caused to the water bodies.

Para 11 - The committee is also directed to assess the environmental compensation, if there is any damage caused to the environment on account of the alleged act of the Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) to be recovered from them including the expenses required for carrying out the remediation measures and restore the damage caused to the environment including the rectifying the contamination, if any, caused to the water body and water quality in that area.

It is submitted that in due compliance of the order of the Hon'ble Tribunal, the Joint Committee inspected the area in question and submitted a report to the Hon'ble Tribunal, during September 2021.

2. Orders of the Hon'ble Tribunal

3. Submissions made by NCTPS Stage I, II, III and IV (Ennore SEZ) to the Committee

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 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.

Table 1: Submissions made by M/s NCTPS and Ennore SEZ to the committee

Sl. No	Recommendations of the Committee vide report submitted to Hon'ble NGT during September, 2021	Submissions by NCTPS
1.	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.	NCTPS -III During the meeting, it was submitted that the Ash slurry pipeline work for NCTPS Stage III Project has very well been depicted in the CRZ map coming in CRZ IV, and the same had been submitted to the MOEF on 27/10/2015 itself and that the nature of work is not involving waterfront or foreshore facility and it is a permitted activity as per CRZ Rules 2011 and that as per para 4(i)-(b) of above CRZ 2011, for those projects listed under this notification and also attract EIA notification 2006, for such projects clearance under EIA notification only shall be required subject to being recommended by the concerned State CZMA. Project Presentation was made by TNEB(TANGEDCO) in the State Level CZMA on 19/5/2015 wherein it had been informed that 100 % dry fly ash collection in silos of one day (24 hours) generation capacity and also that bottom ash would be disposed through dry bottom ash handling system and in case of emergency, bottom ash will be disposed in the Ash Dyke of NCTPS.

	<p>for the operation of the thermal power plant and the same is permissible under the CRZ areas as per the notification of MOEF &CC and CRZ rules. Hence amendment to the existing CRZ clearance is not required.</p> <p>However, since the Committee has recommended to resume the activity only after obtaining amendment to the existing CRZ clearance from MOEF&CC, necessary action/ clarification in this regard will be arranged to be obtained by NCTPS Stage III (Respondent 10) through TANGEDCO HQ (Project & Environment wing), if necessary and that TANGEDCO will extend full cooperation to the Committee.</p> <p>NCTPS -IV (Ennore SEZ)</p> <p>It was reported that the construction works within the CRZ area has been stopped and the same will be resumed after getting necessary amendment from MoEF&CC as directed by the committee.</p>
2.	<p>The TANGEDCO shall expedite removal of debris and dredged material from Kosathalayar river and restore natural flow within October 31, 2021.</p>
	<p>NCTPS III</p> <p>Removal of the brickbat construction debris used to facilitate commencing piling for 8 nos. in the waterway area on both east and west side of the existing RCC bridge at the Kosathalayar river back waters was started on 11/7/2021 itself and carried out during 8/2021 and about 15 m³ cleared and stacked at a distance of about 100m and the same was shown to the Committee on 20/10/2021.</p> <p>Removal of balance brickbat construction debris of about 150 m³ dumped in the land area was also requested to be cleared away from the site.</p> <p>The Committee informed to clear away the brickbat construction materials away from that area and utilized somewhere else for filling. It was submitted that the same will be cleared early and utilized for filling in low lying areas in the project plant premises. It was also informed to the Committee that there was no obstruction caused so far for the movement of fishing boats and during inspection also, fishermen boats were found ferrying through the back waters under the existing</p>

As requested by the Revenue Officials, removal of filling sand has been started on 4.8.21 and removal completed from Pier No.19 (19500/25000 cum) and removal of the filling sand in the balance area are under progress. Also, action is being taken to cut the already cast piles located in the water body up to the riverbed level including removal of dumped sand within October 31st 2021.

The Filling Sand Removal Status in Backwater Area as on 20.10.2021.

Sl. No	Qty of Filling sand dumped in the water body(Cum)	Qty of Filling sand removed from in the water body(Cum)	Start date of Removal	Date of Completion	Present Point of disposal of Filling sand
1	25000	19500	04.08.2021	Still in progress	Nearby Stack Re claimer SR 1B & 1D

Ultimate mode of utilization /disposal of Filling sand :- For Enabling Works of Ennore SEZ Project work inside Plant Area.

Total Length of Sand filled = 230.30 m (PR-09 to PR-19)

Total Length of Filling Sand Removed = 172.50 m (PR-12 to PR-19)

- | | | |
|----|--|---|
| 3. | The TANGEDCO shall strictly fulfill and comply with the conditions imposed in the Environmental Clearance under the EIA Notification as amended and CRZ Clearance under the CRZ Notification as amended without violations and deviations for NCTPS Stage III and Ennore SEZ Power Plants unlike the environmental damage already caused by the operation of NCTPS Stage-I & II Thermal Plants due to ash deposit in the water bodies and the air-borne fly ash in the nearby villages causing nuisance and air pollution. | Assured by NCTPS Stage III and Ennore SEZ Power Plants to comply with the conditions imposed in the Environmental Clearance under the EIA Notification as amended and CRZ Clearance under the CRZ Notification as amended without violations and deviations. |
| 4. | The TANGEDCO shall procure and replace the existing ash slurry pipe lines 1, 2, 3, 4 & 5 pertaining to the NCTPS Stage I with new cast basalt pipe before December 2021 as already committed to the Hon'ble National Green Tribunal in Applications No.8 of 2016, 152 of 2016 & 198 of 2016. | Ash Slurry Disposal Line (ASDL) No.1 - (5129 mtrs) - Administrative approval for procurement of New cast basalt pipe has been submitted to HQ and it is under process and will be completed by June 2022.
ASDL No.2 - (5511 mtrs) - 1160 meters of new cast basalt pipe lines have been replaced with available 3498 metres pipes |

	<p>ASDL No.3 – (4942 mtrs) - New cast basalt pipe has been replaced successfully from ash dyke to NCTPS gate and there are no leaks developed in this pipeline.</p> <p>7390 meters of pipes have been supplied and being replaced out of 10452 meters of ordered quantity for Line 2 & 3 for a value of Rs.8.36 Crores .Supply of pipes has been delayed due to Covid-19& lock down.</p> <p>ASDL No.4 – (4942 mtrs) - Tender for procurement of 4942m of new cast basalt pipes for a value of Rs. 4.32 Crores has been lodged due to non-acceptance of validity by the bidders, exorbitant steel price hike and non acceptance of LD terms of TANGEDCO dated 06.01.2021. Fresh administrative approval has been accorded by TANGEDCO Head quarters for Rs.7.3 crores. Procurement action is under process with Board Level Tender Committee at HQ and will be completed by May 2022.</p> <p>ASDL No.5 – (5511 mtrs) - Administrative approval for procurement of New cast basalt pipe has been submitted to HQ and it is under process and will by completed on June 2022.</p> <p>Due to Covid pandemic, Nation wide lock down has been imposed from March 2020 to September 2020 as per the guidelines of Government of India. Afterwards partial lockdown was continued. At that time all the manufacturer have stopped/restricted their manufacturing activities.</p> <p>Hence procurement process got delayed and consequently works have also been delayed.</p>
5.	<p>The TANGEDCO shall also procure and replace the retrieved pipes from ETPS utilized for ash slurry pipe lines 1 & 5</p> <p>Administrative approval for procurement of New cast basalt pipe has been submitted to HQ and it will be completed by June 2022.</p>

<p>6. The TANGEDCO is stopping the pumps soon after identifying leaks, followed by flushing with water and replacing the damaged portion of the pipe. However, the TANGEDCO is not taking any measures to clean up the area, where leak has taken place. The committee suggests that in addition to stopping the pumps, repairing the pipes, the TANGEDCO shall also take measures to clean up the area, where ash slurry has leaked, and transfer the ash it into ash dyke.</p>	<p>Work has been awarded for cleaning the area where ash leak occurs and to transport the ash to ash dyke.</p>
<p>7. From the log books, the committee observed that, pipeline leaks due to pipe burst/rupture of joints due to ageing of pipes are very common and frequently (average frequency of one leak/week) taking place in old pipelines. Apart from the leaks due to pipeline bursts/rupture, pinhole leakage is taking place in all three old pipelines. The TANGEDCO is not taking measures to rectify pinhole leakages. If timely action is not taken to rectify these pinhole leakages, it may lead to a major leakage. The committee submits that the TANGEDCO shall immediately rectify the pinhole leakages in the pipelines that are noticed by the patrolling team.</p>	<p>Whenever pinhole leakage occurs, timely action is being taken to stop the pump immediately as and when noticed and pinhole leakages are attended by providing patch plates.</p>
<p>8. The TANGEDCO is replacing the portion of the old damaged pipeline with pipes retrieved from Ennore Thermal Power Plant to arrest leakage. After replacement, the damaged pipelines are laying at the place of leak itself. The committee submits that TANGEDCO shall take measures to remove all the old damaged pipelines lying in the</p>	<p>The old damaged pipe after replacement are being devoluted to NCTPS Store and in addition steps have been taken to devolute all the old damaged scattered pipe to NCTPS stores. More than 95% of the retrieved pipes have been devoluted to stores. Balance 5% will be devoluted within two days.</p>

9.	The TANGEDCO shall carry out patrolling of ash slurry disposal pipe lines round the clock to notice and avert the leakages of pipe lines, so as to prevent the disposal of ash into Kosasthalaiyar River, Buckingham Canal etc. till the replacement of existing pipe lines.	Separate gang (consisting of 12 Nos.) with Jeep for Patrolling of Ash slurry disposal line to a stretch of 5.5 KM is being carried out round the clock to avert leakage of pipe lines, so as to prevent the leakage of ash slurry to the Kosasthalaiyar River and Buckingham Canal.
10	During inspection, the committee observed that the ash previously removed from Kosasthalaiyar River and Buckingham canal was stored near the point of excavation. During rainfall, the ash will get into river & canal again. The committee submits that the TANGEDCO & PWD shall ensure that the removed ash shall be transferred to ash dyke.	

Kosasthalaiyar river: The PWD had de silted 4.35 lakhs m³ of ash from the Kosasthalaiyar river and dumped the silt on the banks and this work was completed during the end of Dec'20. Out of which 2.5 lakhs m³ have already been removed by M/s.TPIPL. The removal of balance 1.85 lakhs m³ is under progress. The above removal work will be arranged to be completed before March 2022.

Buckingham Canal: The PWD has de silted the Buckingham canal and dumped the silt on the banks and this work was completed during the end of March 21. The total quantity de silted in Buckingham canal is about 89,600 m³. Out of which 70,000 m³ have already been removed by M/s.TPIPL. The removal of balance 19,600 m³ is under progress. The above removal work will be arranged to be completed before Mar'22.

Kosasthalaiyar river [NCTPS-I main gate (Ch.20.00) to KPL main gate(Ch.22.40)]							
Quantity of ash present in the river as assessed by the previous committee in OA 8/2018	Quantity of ash due to leakage post committee inspection	Total ash present in river	Quantity of ash desilted/ dredged	Storage of dredge & material	Start & Stop date of desilting	Balance quantity to be removed from Banks of Kosasthalaiyar river	Ultimate utilization of desilted material
3.25	1.10 lakhs m ³ (assessed)	4.35 lakhs m ³ (assessed)	4.35 lakhs m ³	4.35 lakhs	15.06.2020 to	Out of 4.35 lakhs m ³ ash 2.50 lakhs m ³ ash silted by M/s.TPIPL. Balance 1.85	Used for land filling by TPIPL

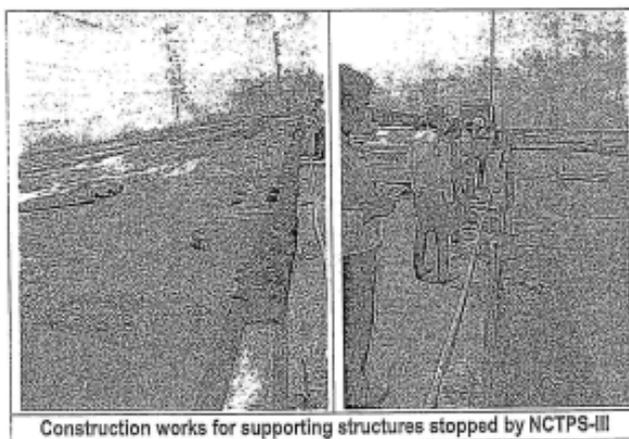
Buckingham canal [NCTPS-I main gate (Ch.20.00) to KPL main gate(Ch.22.40)]							
Quantity of ash present in the river as assessed by the previous committee in O.A. B2015	Quantity of ash due to leakage post committee inspection	Total ash present in river	Quantity of ash deslotted/dredged	Storage of deslotted material	Start & Stop date of deslotted	Balance quantity to be removed/deslotted from Banks	Ultimate utilization of deslotted materials
77,331 m ³ (from Ch.20.00 to 22.40 Km)	56,669 m ³ (assessed by PWD) (From Ch.20.00 to 22.40 Km)	1,34,000 m ³ (assessed by PWD) (From Ch.20.00 to 22.40 Km)	89,600 m ³ (From Ch.20.50 to 22.40 Km)	89,600 m ³	Nov/20 to Mar'21	Out of 89,600 m ³ ash 70,000 m ³ ash lifted by M/s. TPIPL. Balance 19,600 m ³ ash filling work is under progress.	Used for land filling by TPIPL near NCTPS-I ash dyke

Further an estimate has been evolved to remove 200 m length in 'B' Canal at pipeline crossing by NCTPS-II based on the letter received from the collector, Thiruvallur.

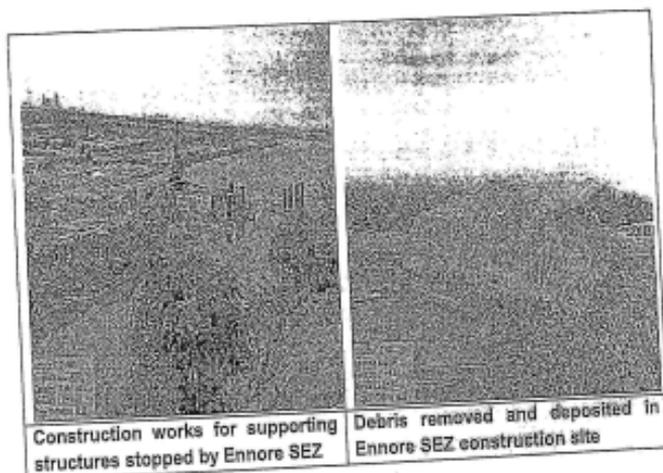
<p>11 The NCTPS Stage-I shall remit the environmental compensation of Rs.4,12,20,000/- (Rupees Four crore twelve lakhs & twenty thousand only) assessed by the Committee for continuing the disposal of ash slurry in water bodies.</p>	<p>The leakages through Ash slurry disposal lines have been minimized now and the leakages of ash slurry in water bodies have been averted to the maximum extent. It is submitted that as all we know, TANGEDCO is a service oriented organisation which provides free power supply to agriculture services, weavers, huts, and also provides power supply to domestic consumers at subsidiary rates. Moreover TANGEDCO is now facing severe financial crunch. Hence, it is prayed and submitted that the assessment by the committee to remit the environmental compensation of Rs. 4,12,20,000/- (Rupees four crore twelve lakhs & twenty thousand only) is very huge and a burden to TANGEDCO. Hence it is requested that NGT committee may please reconsider and recommend to waive off the Environmental compensation. It is also submitted that</p>
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12	The unit shall provide dust nets/mesh towards Seppakkam village to minimize the impacts of fly ash dust and stack emissions.	The work was awarded for providing dust net/mesh of size 2mm X 2mm near Seppakkam Village to a length of 324 m and height of 3 m is issued to the contractor and the work will be commenced shortly and completed before Nov-2021.
13	The unit shall augment the air pollution control devices installed in Stage-I & II and ensure that stack emissions are complying with notified standards. The units shall ensure that OCEMS installed in Stage-I & II are working properly and real time actual data is transmitted to CPCB and TNPCB servers.	For NCTPS-1, Maximum number of ESP fields is kept in service in all the three units so as to maintain the emission within the standard norms by close monitoring of ESP fields. Every year the ESP internals have been overhauled and Renewal/rectification works are carried out if any damaged /worn out spares during AOH and available shutdown period. Hence the stack emissions are being maintained with notified new standards most of the time. It is ensured that, the online continuous emission monitoring system (OCEMS) installed in stage I & II are working properly. Since, it has been reported by the TNPCB/CPCB whenever the exceedance of emission norms. For NCTPS-2, Renewal of field internals of 42 Nos. (Unit 1&2) is under progress and will be completed by May 2022. Tender for FGD is under process.
14	The unit shall strengthen the earthen bund laid towards Seppakkam village and ensure that runoff from ash dyke or ash depositions are not carried to villages. The unit shall provide a drain before the bund so that runoff water is collected in drains and can be lifted back to ash dyke.	A temporary bund has been formed adjacent to Seppakkam Village to prevent the entry of water into the Village. For strengthening the earthen bund and forming toe drain, IIT Chennai have been appointed as Consultant. The report is received and the work will be commenced by Ennore SEZ Project/TANGEDCO.

1. Laying of ash slurry pipeline for NCTPS III within the water body (CRZ area) has been stopped since 27.07.2021. The debris and construction material that were previously dumped in the water body is removed and presently there is no obstruction and fishing boats are sailing in the water body. The debris that were removed from the water body are deposited around 100m away from the river bank. Though the debris are not obstructing flow of water but during rainy season it may be washed into the river, hence committee suggests that the debris may be utilized or disposed safely in M/s NCTPS own land away from the water body by November 30, 2021.



2. Construction work of piles for the supporting structure for laying of coal conveyor / pipelines of NCTPS IV (Ennore SEZ) in the water body has been stopped. It was reported that during construction activity about 25,000 m³ of silt / debris / dredged sand from M/s.KPL was dumped in the water body. In compliance to Hon'ble NGT orders M/s NCTPS stage-IV have started removal of silt / debris/ sand inside the water body since 04.08.2021. As on 20.10.2021 about 19,500 m³ of quantity is removed from the water body and about 5500 m³ of debris is yet to be removed. Removal of debris was in progress and by October 31, 2021 the unit shall completely remove the debris from water body as committed. The debris



Construction works for supporting structures stopped by Ennore SEZ

Debris removed and deposited in Ennore SEZ construction site

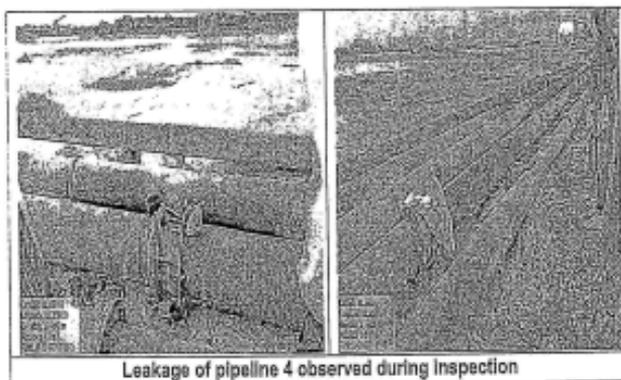
3. The ash slurry pipelines from NCTPS Stages-I cross Buckingham Canal, Backwaters and Kosasthalaiyar River and reach the Ash Pond. On the day of inspection, line -1 & 3 were in service, line -2 under replacement, line-4 was under maintenance and line-5 was standby. The current status of replacement of ash pipelines is given in table 2:

Table 2: Status of replacement of ash pipelines as on 20.10.2021

Sl. No.	Description of pipeline	Outer diameter	Pipe thickness	Length of pipeline	Present status
1	Ash slurry disposal line-1	408mm	6mm	5129m	Replaced with second hand pipes retrieved from ETPS.
2	Ash slurry disposal line-2	406mm	6mm	5511 m	Replacing with new pipe and reported to be completed before December 31, 2021.
3	Ash slurry disposal line-3	406mm	6mm	4942 m	Replacing with new pipe and reported to be completed before December 31, 2021.
4	Ash slurry disposal line-4	406mm	6mm	4942 m	Old pipeline. Tender invited for procuring new pipes.
			6 mm	5511 m	Replaced with second

4. Although minor leakages of ash slurry pipeline -4, at two places, were noticed at the time of inspection, no other major leakages were noticed. The unit is taking steps to arrest the leakages immediately so that the surrounding area is not contaminated. Measures taken by M/s NCTPS for early detection of leakages are as follows:

- A dedicated patrol team of 12 members (two vehicles) is appointed by M/s NCTPS to inspect/ watch the pipelines for any leakages. The patrol team is working 24x7.
- Soon after the leakages are detected, the pumping of ash slurry is stopped.
- The surrounding area is cleaned and the quantity of fly ash leaked is removed and transferred to ash dyke.
- During the meeting, the committee learnt that the top Management starting from Chief Engineer who is heading M/s NCTPS stage-I and senior officers are closely checking the records for leakages and to immediately take measures for arresting the leakages in the pipes

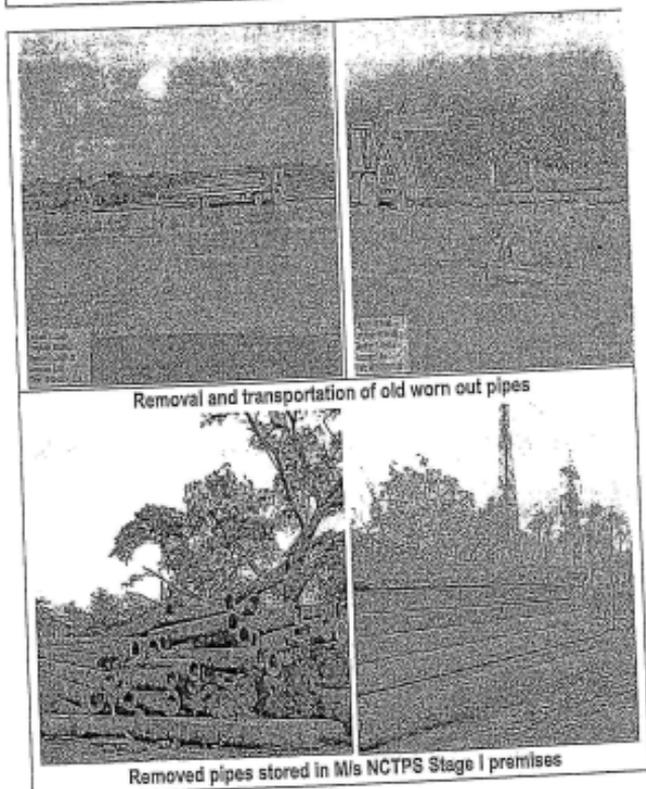


Leakage of pipeline 4 observed during inspection

5. Removal of earlier deposition of ash from the leaky pipeline areas and transportation of the same to ash pond was going on.
6. Previously when the leaking portion of the pipes were replaced with new ones, the old pipes were left near point of replacement itself. Due to these, many old

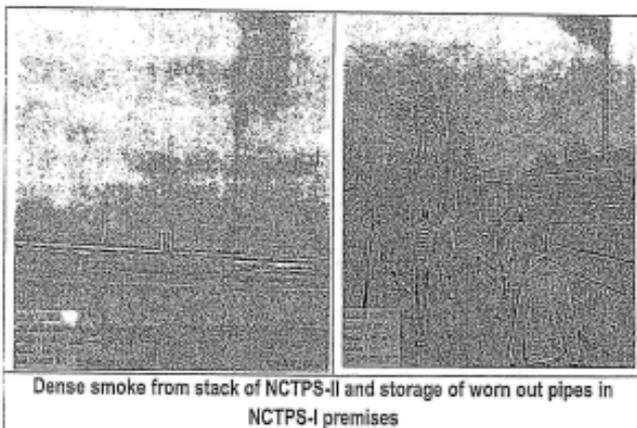
Table 3: Details of removed pipes from ash handling area

Sl.No	Month	Length of old ash pipelines removed (in metres)	Remarks
1	August, 2021	961	-
2	September, 2021	-	
3	October, 2021	2877	As on 26.10.2021
Total		3828	



7. Dense flue gas emission was noticed from the boiler stack of NCTPS Stage II at the time of inspection. Though the unit has installed Online Continuous Emission

generated whenever exceedances are observed however the unit is yet to take corrective actions.



5. Remarks & Findings of the Committee :

Sl. No	Recommendation of the Committee during September 2021	Remarks of the Committee based on inspection on 20.10.21
1.	The TANGEDCO shall resume the activities pertaining to the NCTPS Stage III and Ennore SEZ Power Plants within the CRZ area in Kosasthalayar River/ Buckingham Canal/Backwaters only after obtaining amendment to the existing CRZ Clearance from MoEF&CC.	During inspection, no construction activities were carried out inside the water bodies in CRZ area by NCTPS Stage III and Stage IV (Ennore SEZ).
2.	The TANGEDCO shall expedite removal of debris and dredged material from Kosasthalayar river and restore natural flow within October 31, 2021.	Supporting structures for laying of pipeline for NCTPS III inside the water body in CRZ area have been stopped. The debris and construction material that were previously dumped in the water body is removed and presently there is no obstruction and fishing boats are sailing in the water body. The debris that were removed from the water body are deposited around 100m away from the

		<p>may be utilized or disposed safely in M/s NCTPS own land away from the water body by November 30, 2021.</p> <p>Construction work for the supporting structure for laying of coal conveyor / pipelines of NCTPS IV (Ennore SEZ) in the water body in CRZ area has been stopped.</p> <p>It was reported that during construction activity about 25,000 m³ of silt / debris / dredged sand from M/s.KPL was dumped in the water body. In compliance to Hon'ble NGT orders M/s NCTPS stage-IV have started removal of silt / debris/ sand inside the water body since 04.08.2021. As on 20.10.2021 about 19,500 m³ of quantity is removed from the water body and about 5500 m³ of debris is yet to be removed. Removal of debris was in progress and by October 31, 2021 the unit shall completely remove the debris from water body as committed. The debris removed from the water body is stored in the premises of NCTPS IV (Ennore SEZ) construction site and it was reported that it would be used for leveling and land filling within the construction site.</p>
3.	<p>The TANGEDCO shall strictly fulfill and comply with the conditions imposed in the Environmental Clearance under the EIA Notification as amended and CRZ Clearance under the CRZ Notification as amended without violations and deviations for NCTPS Stage III and Ennore SEZ Power Plants unlike the environmental damage already caused by the operation of NCTPS Stage-I & II Thermal Plants due to ash deposit in the water bodies and the air-</p>	<p>Assured by NCTPS Stage III and Ennore SEZ Power Plants to comply further with the conditions imposed in the Environmental Clearance under the EIA Notification as amended and CRZ Clearance under the CRZ Notification as amended without violations and deviations.</p>

<p>4. The TANGEDCO shall procure and replace the existing ash slurry pipe lines 1, 2, 3, 4 & 5 pertaining to the NCTPS Stage I with new cast basalt pipe before December 2021 as already committed to the Hon'ble National Green Tribunal in Applications No.8 of 2016, 152 of 2016 & 198 of 2016.</p>	<p>Pipelines 1 and 5 were earlier replaced with the second hand pipes retrieved from Ennore Thermal plant (ETPS) in August 2020.</p> <p>It was reported by the NCTPS Stage- I officials that for pipeline 1 (5129 mtrs) and pipeline 5 (5511 mtrs) administrative approval for procurement of New cast basalt pipe has been submitted to Head Office and it is under process and will be completed by June 2022.</p> <p>For pipeline 2 (5511 mtrs), 1160 meters of new cast basalt pipe lines have been replaced with the available 3498 metres pipes and the remaining work is being carried out and reported to be completed by December 2021.</p> <p>For pipeline 3 (4942 mtrs), new cast basalt pipe has been replaced from ash dyke to NCTPS gate. Balance pipes of length of 1050 metres inside NCTPS premises to be replaced.</p> <p>It was reported by the NCTPS Stage-I officials that supply of pipes has been delayed due to Covid-19 & lock down. Afterwards partial lockdown was continued. At that time all the manufacturer have stopped/restricted their manufacturing activities. Hence procurement process got delayed and consequently works have also been delayed. The balance pipes of length of 1050 metres inside NCTPS premises will be replaced on receipt of balance materials.</p> <p>For pipeline 4 (4942 mtrs) no replacement works have been started.</p> <p>It was reported by the NCTPS Stage-I officials that tender for procurement of 4942m of new cast basalt pipes for a value of Rs.4.32 Crores has been lodged</p>
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		administrative approval has been accorded by TANGEDCO Head office for Rs.7.3 Crores. Also, reported that procurement action is under process with Board Level Tender Committee at Head office and will be completed by May 2022.
5.	The TANGEDCO shall also procure and replace the retrieved pipes from ETPS utilized for ash slurry pipe lines 1 & 5 pertaining to the NCTPS Stage I with new cast basalt pipe to permanently resolve the slurry ash disposal into water bodies.	It was reported by the NCTPS Stage-I officials that for pipeline 1 (5129 mtrs) and pipeline 5 (5511 mtrs) administrative approval for procurement of New cast basalt pipe has been submitted to Head Office and it is under process and will be completed by June 2022.
6.	The TANGEDCO is stopping the pumps soon after identifying leaks, followed by flushing with water and replacing the damaged portion of the pipe. However, the TANGEDCO is not taking any measures to clean up the area, where leak has taken place. The committee suggests that in addition to stopping the pumps, repairing the pipes, the TANGEDCO shall also take measures to clean up the area, where ash slurry has leaked, and transfer the ash it into ash dyke.	Removal of earlier deposition of ash from the leaky pipeline areas and transportation of the same to ash pond was under progress.
7.	From the log books, the committee observed that, pipeline leaks due to pipe burst/rupture of joints due to ageing of pipes are very common and frequently (average frequency of one leak/week) taking place in old pipelines. Apart from the leaks due to pipeline bursts/rupture, pinhole leakage is taking place in all three old pipelines. The TANGEDCO is not taking measures to rectify pinhole leakages. If timely action is not taken to rectify these	The TANGEDCO has engaged a separate patrol team to identify the pipeline leaks for taking measures to arrest the leakages immediately. It was reported that measures to rectify pinhole leakages to avoid major leakage are also undertaken.

	<p>ash dust and stack emissions.</p> <p>before November 2021. M/s NCTPS has finalized the specifications for the mesh. The pore size of the mesh is 2mm x 2mm. The mesh will be provided to a length of 400m and height of 10m thereby covering the Village.</p>
<p>13. The unit shall augment the air pollution control devices installed in Stage-I & II and ensure that stack emissions are complying with notified standards. The units shall ensure that OCEMS installed in Stage-I & II are working properly and real time actual data is transmitted to CPCB and TNPCB servers.</p>	<p>It was reported that for NCTPS-I, every year, the ESP internals have been overhauled and renewal/rectification works are carried out if any damaged / worn out spares during Annual Overhaul (AOH) and available shutdown period. For NCTPS-II, Renewal of field internals of 42 Nos. (Unit 1&2) is under progress and will be completed by May 2022.</p> <p>Tender for FGD to control sulphur emission is under process.</p> <p>The Online Continuous Emission Monitoring System (OCEMS) for the parameters PM, SO_x & NO_x installed in Stage I (All three boilers) & II (All two boilers) are connected to TNPCB/CPCB server.</p>
<p>14. The unit shall strengthen the earthen bund laid towards Seppakkam village and ensure that runoff from ash dyke or ash depositions are not carried to villages. The unit shall provide a drain before the bund so that runoff water is collected in drains and can be lifted back to ash dyke.</p>	<p>It was reported that for strengthening the ash pond earthen bund and forming toe drain, IIT Chennai has been appointed as Consultant. Also, reported that the report from IIT, Chennai has been received and the work will be commenced by TANGEDCO.</p> <p>Committee suggests that the height of the earthen bund shall be increased to 2m</p>

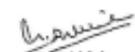
6. Recommendations of the Committee

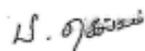
1. The TANGEDCO shall complete the recommendations of the committee constituted by the Hon'ble NGT in O.A.No.08 of 2016, 152 of 2016 & 198 of 2016, within the time line committed.
2. The TANGEDCO shall also complete the recommendations of the committee

assessed by the committee constituted by the Hon'ble NGT in O.A.No.162 of 2021 and submitted to the Tribunal in September 2021.

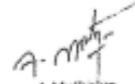
4. The unit M/s NCTPS Stage-II shall augment the air pollution control devices installed and ensure that stack emissions are complying with the stipulated standards at all times.
5. The unit M/s NCTPS Stage-I shall increase the height of the bund near Seppakkam Village to 2m.
6. The construction debris removed from the water body by M/S NCTPS Stage-III shall be utilized or disposed safely in M/s NCTPS own land away from the water body by November 30, 2021

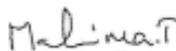
It is, therefore, prayed that this Hon'ble Tribunal may take on record the above status report based on the observations made by the Joint Committee and pass appropriate and further orders as this Hon'ble Tribunal may deem fit and necessary in the circumstances of the case and thus render justice.


G. Subbiah,
Forest range Officer,
Directorate of Environment, Chennai
representing
Tamilnadu Coastal Zone Management
Authority.


P. Selvam,
Revenue Divisional Officer,
Ponner, Thiruvallur District,
representing
District Collector,
Thiruvallur District.


M. Maisiyandi
Joint Chief Environmental Engineer(M),
Tamil Nadu Pollution Control Board,
Chennai Zone.


A. Muthaiya,
Superintending Engineer,
Water Resources Department / PWD,
Chennai.


Mahima T
Scientist 'D'
CPCB,
Regional Directorate, Chennai.


R. Srihar,
Scientist 'D'
MoEF & CC,
Integrated Regional Office, Chennai.

58. Thereafter, this Tribunal had passed the following order:

5. It is mentioned in the report that there are certain cases related to the same issue pending before this Tribunal as Original Application Nos.08 of 2016, 152 of 2016 and 198 of 2016. Further, it is also seen from the report that environmental compensation of Rs.4,12,20,000/- was assessed, but what is the nature of action taken for recovery of the amount has not been

7. The regulating authorities are directed to file their further action taken report regarding action taken by them in respect of the violations noted at the time of inspection on the earlier occasion and also on the subsequent occasion before this Tribunal on or before 22.11.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.

8. The Registry is directed to communicate this order to the official respondents by e-mail immediately for their information and compliance of the direction.

9. For objections (if any) to the report and consideration of report, post on 22.11.2021.

59. On 22.11.2021, this Tribunal had considered all the connected

cases related to TANDEGCO fly ash issue and considered the reply affidavit filed by TANDEGCO in O.A. No. 162 of 2021 regarding the compliance made by them and extracted Para 32 of the reply statement in Para 7 of the order. When the matter was taken up on 22.11.2021 after considering the reply affidavit filed by the TANDEGCO in O.A. No. 162 of 2021 and O.A. No. 22 of 2021 and filed further reply regarding the steps taken by them to rectify the deficiencies which were pointed out in the earlier proceedings regarding the breach of fly ash slurry carrying pipes and its rectification in Para 13 of the reply statement which was extracted in Para 11 of the order which reads as follows.

43. With regard to para 4 and 5 of facts in brief of the application, the statement of the Chief Engineer of NCTPS-I of the 4th Respondent on the status of Ash Slurry Disposal Lines (ASDL) of NCTPS-I are as follows:

b. Ash slurry disposal Line No. : 2 & 3

For the procurement of new cast basalt pipes purchase order (P.O) has been placed on M/s Turbo Engineers, Coimbatore for a length of 10,452 meters for a value of Rs.8.36 Crores with a delivery period of 10 months. About 7392 metres (70%) of new pipe Lines have been supplied and the balance quantity was delayed due to Covid-19 which came in to effect from March 2020. Line No 3 (Total length 4942 metres) pipe has been replaced with new pipes from ash dyke to NCTPS gate for about 3892 metres out of 4942 metres (78.7 % completed). Line No.2 (Total length 5511 metres) worn out old pipes dismantling works in progress. Replacement of pipes with the available quantity 3500 metres will be taken up shortly.

Meantime, the suppliers, M/s Turbo Engineers in letters dated 27.4.2021 and 10.06.2021 have informed their inability to supply the balance quantity (30%) due to Covid-19 second wave & huge raw material cost escalation. However, action is being taken to complete the work on emergency basis.

c. Ash slurry disposal line No.:4

As for the procurement of new cast basalt pipes for a length of 4944 metres for a value of Rs.4.32 Crores, the tender has been lodged due to non-acceptance of validity by the bidders, exorbitant steel price hike and non acceptance of LD terms of TANGEDCO. Hence, fresh proposal for administrative approval was sent and the same has been accorded by TANGEDCO Head quarters on 07.05.2021. Procurement action is under process. However, as a contingency measure the worn out pipes

are being replaced with the Pipes available. After receipt of new pipes, the work is expected to commence in Dec -2021.

d Ash Slurry Disposal Line No.: 5

60. This Tribunal also expressed its displeasure regarding the steps taken by them for replacement of pipes which are subject to breach resulting in fly ash spilling in the order. This Tribunal also considered the reports submitted by the Pollution Control Board in O.A. No. 122 of 2021 signed by the Chief Environmental Engineer, Pollution Control Board on 02.11.2021, e-filed on 03.11.2021 and extracted in Para 13 of the order dated 22.11.2021 which was extracted in Para 13 of the order dated 22.11.2021 which is as follows:



**REPORT FILED ON BEHALF OF THE 6TH RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.**

I, S. Ragupathi, S/o. R. Sanganan, Hindu, aged about 57 years, having office at No.76, Mount Salai, Guindy, Chennai-600 032, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board and I am filing this Report on behalf of the 6th Respondents Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the Hon'ble National Green Tribunal(SZ), Chennai in its order dated.07.06.2021 in O.A.No.122 of 2021 directed as follows:

"Para 15 : the members of the committee as well as the official respondents immediately through e-mail, so as to enable them to comply with the direction and for filing their independent response to the allegations made in the application and also for filing their independent report as directed by this Tribunal"

3. It is respectfully submitted that, in compliance of the above Hon'ble NGT order the area was inspected by officials of the

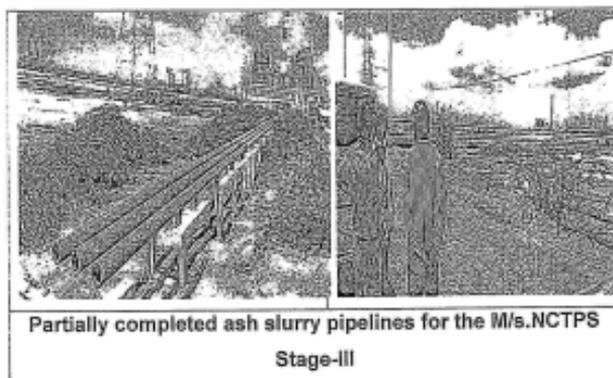
being pumped into ash pond which contributes 3,300 Tons of Fly ash.

- ii) The ash pond is located about 5kms from the Thermal Plant sprawling at an area of about 245 Hectares.
- iii) The total quantity of ash deposited was 65 Lakh Cubic metre, out of which 22 Lakh Cubic metre has been already removed and transported. Hence left out with 43 Lakh cu.m of ash at present.
- iv) Both the Stage-1 & 2 Thermal Power Plants have been designed for 40% Wet bottom and hence generation of ash slurry is inevitable. Only the Stage-3 Thermal Power Plant is designed for a dry bottom and hence ash will be disposed to the ash pond as a contingency plan in case of emergency only.
- v) The pipelines of Stage-1 were commissioned during 1994-95 and hence more than 25 years old. They have become rustic, corroded and brittle with numerous cracks. There are total 8 Nos. of series of pipelines of which 5 Nos. carry ash slurry and 3 Nos. being used for recycling the filtered water.
- vi) Out of the above 5 Nos of pipelines, Line 1 & 5 were replaced and got completed during August 2020. These pipes are old used pipelines brought from Ennore Thermal Power Station (ETPS). They are Cast Basalt-lined having an outer diameter of 406 mm and Inner diameter of 356mm. Replacement of Line 2 & 3 is in progress with new Cast Basalt pipes, but for Line 4, the unit is yet to procure new pipes. The TANGEDCO has committed a timeline for replacement of all the 5 Nos. of pipelines by December 2021, to comply with the orders of the Hon'ble Tribunal in Applications No.8 of 2016, 152 of 2016 & 198 of 2016.
- vii) Both the series of ash pipelines of Stage-1 & 2 comprising

cross the adjoining Buckingham Canal and Backwaters by supporting bridges.

viii) The pipelines cross across Buckingham Canal, Backwaters and the Ash Pond. Although leakage of fly ash from pipelines were not noticed at the time of inspection, accumulation of fly ash deposits still persists in Backwaters and Buckingham Canal, due to the leakage of ash slurry from the ageing pipes. As a result, Buckingham canal and backwaters have become a cesspool of ash. The ash pond is found deposited with huge quantum of ash to an average depth of about 4 metre. Excavation and transportation of ash from the ash pond is noticed and requires removal on large scale. The earthen bund is about 7 metre height surrounding the ash pond of which a portion of bund has been raised another 3 metre height to augment the storage of ash. Raising of bund for the entire circumference is incomplete. The pond is devoid of Geomembrane lining. There are no mechanisms for spraying / trickling of water to control spreading of ash in the air causing air pollution.

ix) Laying of ash pipelines for Stage-3 (3 lines reported as one for Fly ash slurry, one for Bottom ash slurry and third one for recovery of water from Ash pond) was in progress and the pipelines will be laid parallel to the existing pipelines of Stage-1 & 2. It crosses the Buckingham Canal and the adjoining Backwaters by RCC supporting Bridges. Piling work for the supporting Bridges and laying of pipelines were stopped temporarily and it was reported that the unit has stopped the piling work and pipeline laying due to the case filed before the



4. It is respectfully submitted that Combined Environmental Clearance for expansion of 1 x 800MW North Chennai Thermal Power Plant (Stage-3) and CRZ clearance for the following foreshore facilities at villages of Ennore & Puzhuvakkam in Ponneri Taluk of Thiruvallur District has been granted by the MoEF & CC dated 20.01.2016 with certain conditions. The validity of EC is up to 7 years from the date of issue i.e 19.01.2023.

- a) Coal conveyor having length of 3.5 km and elevation of 6 m for coal transportation from Ennore Port to NCTPS Stage - III TPP.
- b) Supporting trestles (Steel frames) for coal conveyor at about 6 m/8 m from ground level.
- c) Sea water intake from fore bay 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
- d) GRP(Glass reinforced Plastic) pipes on the ground level for

5. It is respectfully submitted that vide para 6 of EC issued, it is mentioned that the 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.

6. It is submitted that on scrutiny of the Environmental clearance and CRZ Clearance, it is noticed that there is no specific mentioning about the laying of pipelines in CRZ area for conveying the bottom ash to the ash dyke or bring back the ash pond water from the ash dyke to the plant for reuse except the mentioning of "Ash pond water will be collected, treated and reused for slurry making".

7. It is respectfully submitted that the TANGEDCO must strictly fulfill and comply with the conditions imposed in the Environmental Clearance and CRZ Clearance without violations and deviations for Stage-3 TPP, unlike the environmental damage already caused by the operation of Stage-1 & 2 Thermal Plants due to ash deposit in the water bodies and the air-borne fly ash in the nearby villages causing nuisance and air pollution.

8. It is further submitted that the leakage of ash pipelines provided for NCTPP Stage 1 and accumulation of fly ash in Buckingham Canal and Backwaters has become an everyday phenomena and these facts have been already dealt by the Hon'ble Tribunal (SZ) in Applications No.8 of 2016, 152 of 2016 & 198 of 2016. In this regard, the Hon'ble Tribunal (SZ) constituted an Expert Committee comprising Central

Pollution Control Board (CPCB), IIT, Madras, TamilNadu Pollution Control Board (TNPCB) in its order dated 25.05.2019 to ascertain the status of fly ash / bottom ash disposal, damage caused to the environment, environmental compensation if so what is the nature of damage caused and remedial measures to be taken and also assess the environmental compensation for the damage caused to the environment. Also, Hon'ble Green Tribunal (SZ) passed orders dated December 21, 2017 to deposit the required funds to PWD/WRD for removing the accumulated fly ash from Buckingham Canal & Backwaters and also ordered TANGEDCO to replace the ash slurry pipes as early.

In pursuance to the orders dated December 21, 2017 in Applications No.8 of 2016, 152 of 2016 & 198 of 2016 by the Hon'ble National Green Tribunal (SZ), TANGEDCO deposited a sum of Rs.28.50 Crores to PWD/ WRD for the work of Dredging the Backwaters (Kosathalaiyar River) deposited with fly ash between NCTPS Main gate up to KPL (Kamarajar Port Limited) Main gate for a length of 2400 metres. In addition, they had also deposited Rs.66.23 Lakhs for removal of fly ash deposited in the adjoining Buckingham Canal between NCTPS Main gate up to KPL Main gate for a length of 2400 metres. Though the works have been reported to be completed in all aspects by December 2020, accumulation of fly ash still persist in the completed stretch of Buckingham Canal.

Further, the TANGEDCO has remitted an amount of Rs 16.461 Crores as Environmental Compensation for the period from

01.11.2004 to 12.11.2019 as assessed by the TNPC Board based on the findings of the violations noticed by the Joint committee constituted by the Hon'ble NGT in the above said cases.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such order as it may deem fit and proper in this facts and circumstance of the case and thus render justice.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.78, MOUNT SALAL, CHENNAI-600 032.
BEFORE ME

VERIFICATION

I, S. Ragupathi, S/o. Thiru. Sanganan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai, do hereby verify that the contents of above report are true to the best of my knowledge through records.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.78, MOUNT SALAL, CHENNAI-600 032.

61. Thereafter, this Tribunal passed the following order:

In this report also they have reiterated the deficiency in respect of maintenance of the pipelines of the existing thermal power plants owned by TANGEDCO and certain environmental compensation was imposed and that was deposited by them as well.

15. Learned Counsel appearing for the appellants Mr. A. Yogeswaran submitted that these incidents are recurring resulting in large scale environmental damage. Whenever such things are brought to the notice of the Tribunal they are only taking steps to remove the fly ash which is deposited on account of the breach and that will not remedy the situation in toto. Some study will have to be conducted regarding the remediation process of damage caused on account of the same as has been suggested by the Joint Committee appointed by the Tribunal in 2017 itself. Thereafter no such study has been conducted by TANGEDCO for the purpose of taking remediation process. That also will have to be considered for the purpose of permanently resolving the issue in that area.

16. We are also not satisfied with the manner in which the replacements of damaged pipes are being carried out by TANGEDCO. Further, it is also seen from some of the reports filed by them that they are going to replace the same with old

what is the timeline required by them for that purpose and that too they are not expected to take long time as already the people in the area are suffering and environment is adversely affected due to their negligent act for the past 5 to 6 years at least, though it may be for a much longer period, if it is traced to its origin.

17. So, we feel that short time can be given to TANGEDCO to come with an action plan with shorter time line for replacing the pipes and stating the difficulties they are facing for the purpose of procuring funds and administrative sanction, then necessary direction can be given to the higher level officials to deal with the same and remedy the situation. They are also directed to come with the report regarding study if any, conducted by TANGEDCO themselves for the purpose of implementing the remediation process through an independent agency as recommended by the Joint Committee in the year 2015. They are directed to submit these reports and action plans before 30.11.2021. If they did not come with a proper response to the satisfaction of this Tribunal, then this Tribunal will be compelled to pass some coercive orders to implement the same with shorter time line and also appoint an independent committee to go into these aspects and submit a report at the disposal of TANGEDCO.

18. The Registrar is directed to communicate the order to the official respondents including the chairman, TANGEDCO for their information and compliance of the direction.

19. For consideration of further action taken, respondents also report as directed by this Tribunal study regarding the remediation process, if any, undertaken, post on 30.11.2021.

62. As per order dated 30.11.2021, considering the nature of relief claimed and allegations made in O.A. No. 122 of 2021 and O.A. No. 16 of 2021, this Tribunal had decided to de-link these cases from O.A. No. 08 of 2016 and other connected cases and decided to consider these two cases separately. This Tribunal also in that order mentioned that the applicant had filed a memo dated 30.11.2021 in O.A. No. 122 of 2021 stating certain aspects and that can be considered by the Tribunal along with the original application.

63. Respondents no. 9 and 10 in O.A. No. 162 of 2021 have filed

UNDERTAKING FILED ON BEHALF OF THE 10th RESPONDENT

I, R.Ramkumar, son of Ramdas, aged about 58 years residing at A2 Power Apartment 25, Zackaria Colony Main Road Choolaimedu, Chennai 600 094, do hereby solemnly affirm and sincerely state as follows:

1. I state that I am the Chief Engineer, representing the 10th Respondent herein and as such I am well acquainted with the facts of the case from the available records. I am filing this undertaking for myself and on behalf of Respondent No.9.

2. I state that this Hon'ble Tribunal on 22.11.2021 was pleased to pass the following order :

"17. So, we feel that short time can be given to TANGEDCO to come with an action plan with shorter time line for replacing the pipes and stating the difficulties they are facing for the purpose of procuring funds and administrative sanction, then necessary direction can be given to the higher level officials to deal with the same and remedy the situation. They are also directed to come with the report regarding study if any, conducted by TANGEDCO themselves for the purpose of implementing the remediation process through an independent agency as recommended by the Joint Committee in the year 2017. They are directed to submit these reports and action plan on or before 30.11.2021. If they did not come with a proper action plan to the satisfaction of this Tribunal, then this Tribunal will be compelled to pass some coercive orders to implement the same with shorter time line and also appoint an independent committee to go into these aspects and submit a report at the expense of TANGEDCO."

3. I state that pursuant to the said order and in compliance of the directions therein, the following present status/action taken report is submitted as hereunder.

4. I state that in North Chennai Thermal Power Station-1, 60% of Ash generated is disposed as fly ash to Cement Companies through open tender. Rest of the Ash being handled as wet Ash and the same is disposed as Ash Slurry into the Ash Dyke. The wet Ash is also shipped to some extent for ground filling such as Road filling etc., utmost care is taken to dispose the Ash to maximum extent securely.

5. I state that in North Chennai Thermal Power Station-1 (NCTPS-1), 5 Nos. Ash Slurry Disposal Lines (ASDL) were erected in the year 1994, for conveying Ash slurry from NCTPS-1 into Ash Dyke for about 8 km each.

6. I state that the above pipelines are being exposed in saline atmosphere and carrying Ash Slurry which is in abrasive nature. Hence the above pipelines tend to get corrosion & erosion. The most damaged pipelines were identified and replaced in piece meal manner. All the above five pipelines have fully corroded since they have served its full lifetime.

The present status of action taken on replacement of eroded ASDL pipelines:

ASDL No.1& 2 - (5120 mtrs each) - Administrative approval is ...

ASDL No.4 - (4942 mtrs) - Tender for procurement of 4942m of new cast basalt Pipes is under process and will be completed by May 2022.

7. I state that due to Covid-19 pandemic, Nationwide lock down has been imposed from March 2020 to September 2020 as per the guidelines of Government of India. Afterwards partial lockdown was continued. At that time all the manufacturer have stopped/restricted their manufacturing activities and hence the supply & erection works in ASDL 2 & 3 are getting delayed.

8. I state that the Ash deposits of about 4.35 Lakh Cum in the Kosaathalayer River for a length of 2.4 Kms from NCTPS main Gate to KPL main Gate has been desilted at a cost of Rs. 28.5 Crore through PWD during the period from June to Dec' 2020.

9. I state that similarly Ash deposits of about 134 Lakh Cum in the Buckingham Canal for a length of 2.4 Kms NCTPS main Gate to KPL main Gate has been desilted at a cost of Rs. 66.23 Lakhs through PWD during the period from June to Dec' 2020.

10. I state that as per the direction of District Collector Thiruvallur, Ash deposits of about 8813 Cum in the Buckingham Canal on the northern and southern sides of the Ash Slurry Pipelines of NCTPS-I & II has been desilted for a length of about 200 mtrs at an expenditure of 17.7 Lakhs during the period from 24.10.2021 to 15.11.2021.

11. I state that ash dyke Bund and ASDL Bund strengthening works are being taken up continuously. Also ASDL supplying sleepers are replaced / repaired then and there to improve ASDL system.

12. I state that necessary steps are being taken by planting Bamboo Saplings for greening throughout the area of Ash Slurry Disposal Lines from North Chennai Thermal Power Stations (NCTPS-1 & II), up to Ash Dyke through Social Forestry Scheme by outsourcing the works to Forest Department.



Hence, it is humbly prayed that this Hon'ble Tribunal may be pleased to take the present undertaking on record and thus render justice.

DATED AT CHENNAI ON THIS THE 29th DAY OF NOVEMBER 2011

10th RESPONDENT

CHIEF ENGINEER
NORTH CHENNAI THERMAL POWER STATION
TNEB, CHENNAI-600 120

VERIFICATION

I, R.Ramkumar, son of Ramdas, aged about 58 years years residing at at A2 Power Apartment, 25, Zeckaria Colony Main Road -Choolaimedu, Chennai 600 094 do hereby verify that the contents of paras 1 to 12 are true to the best of my knowledge and I have not suppressed any material

64. Heard the Learned Counsel for the applicant and Learned Counsel for the respondents in both the cases.

65. Mr. A Yogeshwaran, Learned Counsel appearing for the applicant in O.A. No. 122 of 2021, argued that it is seen from the Joint Committee report that there was violation of laying pipeline through the CRZ zone which was not permitted as per the Environmental Clearance issued as CRZ clearance granted to this project. Further the findings of the Committee will go to show that even the directions issued by this Tribunal in O.A. No. 08 of 2016 during 2017 have not been complied with and non-performance of the undertaking given by the TANDGECO regarding the replacement has resulted in further breach of pipes which resulted in spilling of huge quantity of ash slurry which during the process of cleaning by the TANDGECO officials reaches the Kosasthaviyar River causing ecological damage to the riverine environment. Further the larger aspect regarding remediation to be taken for the deposits already made is being dealt with by this Tribunal in O.A. No. 08 of 2016 and other connected cases and the monitoring of the replaced pipes is also being done in that case. The other aspects regarding damage to environment etc. can be considered by this Tribunal in the other cases.

instead of ratifying the same by amending the Environmental Clearance and CRZ Clearance without following the procedure, as it is seen from the reply affidavit that they are taking steps to amend the Environmental Clearance and CRZ Clearance for which necessary steps have already being taken and the order of this Tribunal that there is violation cannot be taken as a permission for the MoEF&CC to allow the amendment without following the procedure. If the respondents want to change the scope of the alignment, they will have to apply for fresh Environmental Clearance for the purpose and that will be considered after following the procedure provided under EIA Notification, 2006 and other subsequent Notifications issued in this regard by the Ministry. He had relied on the decisions reported in *Key stone realtors private limited vs. Anil V. Tharhar and Mrs.*¹ in support of their case.

67. The Learned Counsel for the TANDGECO submitted that even at the time when project was launched, there was a mention about the disposal of ash slurry in emergency cases for which pipeline is inevitable. Further, it is only an omission on the part of the authorities to include this aspect for which they have already moved the Ministry for amendment of the Environmental Clearance and the CRZ Clearance to incorporate this aspect as well. Further all steps have been taken by them

they are also taking steps to conduct the remediation measures as directed by this Tribunal in O.A. No. 08 of 2016 and ordering payment of simultaneous compensation in both the cases will cause great hardship to them. The Learned Counsel also submitted that they are prepared to abide by any condition imposed by this Tribunal to avoid further breach and after orders passed by this Tribunal they have stopped the work of laying pipeline through the CC zone and they will carry out the work only after obtaining necessary permissions in accordance with law.

68. The Learned Counsel appearing for MoEF&CC submitted that there was no permission granted and the Joint Committee has considered all these aspects and made the necessary recommendations and they will take the necessary action in accordance with law for the violations committed. They also contended that if any application for amendment of Environment Clearance/CRZ Clearance is received, they will consider the same only in accordance with law.

69. The Learned Counsel for the State Departments also submitted in tune with the submission made the Learned Counsel for MoEF&CC and they further submit that they will abide by any condition and direction issued by this Tribunal and implement the same in its letter and spirit as Government

70. We have considered the submission made by both the Learned Counsels, pleadings and the documents including the Joint Committee report and other documents submitted.

71. The Points that arise for consideration are:

- i. Whether there was any violation committed by TANDGECO in laying the pipeline against the Environment Clearance and CRZ Clearance granted and also against the CRZ Notification, 2011.
- ii. What is the nature of action to be taken against them, if it is established that there was violation?
- iii. What is the quantum of compensation to be fixed to be payable by the TANDGECO for the damage caused to the environment on account of their act?
- iv. What is the nature of the direction to be issued to be complied with by TANDGECO in future to avoid such incidents?
- v. Relief and costs.

Points

72. O.A. No. 163 of 2021 was suo motu registered by this Tribunal when a newspaper item was published regarding the deviation of the Environment Clearance and CRZ Clearance granted to TANDGECO and also in respect of breach of pipe resulting in spillage of fly ash slurry in the Keasthalaiyar area. The O.A. No. 122 of 2021 was filed by a private applicant, who claims to be a fisherman in that area and having interest in protecting environment, when he came to know that TANDGECO was taking steps to provide pipeline for carrying fly ash slurry from the NCTDS Stage III for their 1x800 MW power

applicant in that case, the permission was granted on the premise that there will be 100 per cent fly ash disposal in the dry form itself and no slurry will be taken to the ash pond, so they wanted reliefs claimed in the application including removal of the encroachment made by them in violation of the CRZ Notification, 2011.

73. The TANDGECO filed counter in both these cases contending that it is an ancillary purpose for which the pipelines will have to be drawn and when EIA was conducted, these aspects were also considered and when presentation was made to the authorities including the Expert Appraisal Committee of MoEF&CC and MoEF&CC and also before the Tamil Nadu Coastal Zone Management Authority as to how they are going to deal with the fly ash generated and they have also mentioned that for temporary purpose and in emergency cases, the fly ash slurry will be taken to the fly ash dyke already in existence in that compound. So these aspects were known to the authorities and it cannot be said to be a violation or violation of the Environment Clearance and CRZ Clearance granted. They further stated that they have taken all steps to arrest the breach of slurry due to leak in old pipes and they are taking all steps as directed by this Tribunal in O.A No. 08 of 2016 and connected matters to replace the old pipes with new pipes with

by the Pollution Control Board and also by the Joint Committee as directed by this Tribunal on the basis of the recommendations given, they were carrying out the recommendations and certain amount of compensation was also paid earlier and subsequent compensation fixed by the Committee is excessive. They also contended that as recommended by the Committee, they have taken all steps for removal of fly ash deposited in the river area and after direction of this Tribunal, they have started the work of laying of pipelines for the intended purposes.

74. It is in a way admitted that the area through which the pipeline is intended to be drawn for the project of the TANDGBO falls under CRZ zone and though it is a permissible activity, they can do the work only after getting prior permission from the Coastal Zone Management Authority as well as MoEF&CC as it is part of the project and prior permissions are required for these purposes as well. The question is whether this is the violation of the CRZ Clearance from Environment Clearance granted or not for the purpose of the fixing the liability. In order to ascertain the same, Joint Committee was appointed by this Tribunal in O.A. No. 122 of 2021 and the Joint Committee categorically found in the inspection report e-filed on 14.09.2021 that the Environment Clearance and CRZ

cum CRZ Clearance was granted for expansion of 1x800 MW ETP and foreshore facility only. On scrutiny it was evident that laying of pipeline for carrying ash across Kosasthalaiyar backwaters has not been covered in these clearance granted. But as regards damage caused to the environment is concerned, they have mentioned that the TANDGECO had started the work of laying the pipelines for Stage III and crossing across the Kosasthalaiyar River has not taken up so far and hence the environmental damage due to crossing of pipes has not been assessed for working out the compensation due to environmental damage. It was stated by TANDGECO in EIA report that 100 per cent bottom ash and fly ash generated will be consumed by the end consumers and will be pumped into sea/dyke in case of emergency only. It must be ensured that new pipes must be laid in that area to avoid any leakage of fly ash into water bodies, thereby environmental damage will be averted.

75. The applicant had filed a writ petition No. 102 of 2021 stating that: 1) The TANDGECO has illegally, without clearance had commenced and constructed a portion of the ash pipeline for its new project without Environmental Clearance and CRZ Clearance. Various reports filed including counter filed by MoEF&CC have testify to that effect. 2) there is no provision in

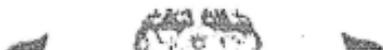
Following the law is the path to sustainable development- not the condonation and rewarding the violations, 3) TANDGECO has now applied for clearance of this project, post facto and misleading the MoEF&CC that they are applying as directed by the Joint Committee constituted by this Tribunal and citing the orders of this Tribunal, 4) the attempt of the TANDGECO deserves to be deprecated, there is no provision in law to grant such clearances. The pipeline illegally constructed deserves to be demolished and used to replace the leaking pipes of Stage I and Stage II of TANDGECO. Has to be prosecuted for its repeated egregious violation of law and 5) The existing ash pond in NCTPS is un-lined, is violative of the law and a serious case of pollution. It is not a viable solution to take ash slurry from the new thermal power plant under construction to the same ash pond.

76. In O.A. No. 16 of 2021 also this Tribunal had appointed a joint Committee and the Joint Committee had filed a detailed report with certain recommendations which reads as follows:

8. Recommendations of the Committee

1. 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.
2. The TANGEDCO shall expedite removal of debris and dredged material from Kosasthalaiyar river and restore natural flow within October 31, 2021.

4. The TANGEDCO shall procure and replace the existing ash slurry pipe lines 1, 2, 3, 4 & 5 pertaining to the NCTPS Stage I with new cast basalt pipe before December 2021 as already committed to the Hon'ble National Green Tribunal in Applications No.8 of 2016, 152 of 2016 & 198 of 2016.
5. The TANGEDCO shall also procure and replace the retrieved pipes from ETPS utilized for ash slurry pipe lines 1 & 5 pertaining to the NCTPS Stage I with new cast basalt pipe to permanently resolve the slurry ash disposal into water bodies.
6. The TANGEDCOs stopping the pumps soon after identifying leaks, followed by flushing with water and replacing the damaged portion of the pipe. However, the TANGEDCO is not taking any measures to clean up the area, where leak has taken place. The committee suggests that in addition to stopping the pumps, repairing the pipes, the TANGEDCO shall also take measures to clean up the area, where ash slurry has leaked, and transfer the ash it into ash dyke.
7. From the log books, the committee observed that, pipeline leaks due to pipe burst/rupture of joints due to ageing of pipes are very common and frequently (average frequency of one leak/week) taking place in old pipelines. Apart from the



leaks due to pipeline bursts/rupture, pinhole leakage is taking place in all three old pipelines. The TANGEDCO is not taking measures to rectify pinhole leakages. If timely action is not taken to rectify these pinhole leakages, it may lead to a major leakage. The committee submits that the TANGEDCO shall immediately rectify the pinhole leakages in the pipelines that are noticed by the patrolling team.

8. The TANGEDCO is replacing the portion of the old damaged pipeline with pipes retrieved from Ennore Thermal Power Plant to arrest leakage. After replacement, the damaged pipelines are laying at the place of leak itself. The committee submits that TANGEDCO shall take measures to remove all the old damaged pipelines laying in the ground and keep it in stores and subsequently dispose it.
9. The TANGEDCO shall carry out patrolling of ash slurry disposal pipe lines round the clock to notice and avert the leakages of pipe lines, so as to prevent the disposal of ash into Kossathalayyar River, Buckingham Canal etc. till the replacement of existing pipe lines.
10. During inspection, the committee observed that the ash previously removed from Kossathalayyar River and Buckingham canal was stored near the point of excavation. During rainfall, the ash will get into river & canal again. The committee submits that the TANGEDCO & PWD shall ensure that the removed ash shall be transferred to ash dyke.
11. The NCTPS Stage-I shall remit the environmental compensation of Rs.4,12,20,000/- (Rupees Four crore twelve lakhs & twenty thousand only) assessed by the Committee for continuing the disposal of ash slurry in water bodies.
12. The unit shall provide dust nets/mesh towards Seppakkam village to minimize the impacts of flyash dust and stack emissions.

77. Further, as per the direction of this Tribunal, the Joint Committee also filed further report during October, 2021 which was also extracted in the previous paragraphs and as such we are not re-extracting the same. Except extracting the observations and recommendations of the Committee which were dealt with the report which reads as follows:

6. Recommendations of the Committee

1. The TANGEDCO shall complete the recommendations of the committee constituted by the Hon'ble NGT in O.A.No.08 of 2016, 152 of 2016 & 198 of 2016, within the time line committed.
2. The TANGEDCO shall also complete the recommendations of the committee constituted by the Hon'ble NGT in O.A.No.162 of 2021.
3. The NCTPS Stage-I shall remit the Environmental Compensation of Rs.4,12,20,000/- (Rupees Four crore twelve lakhs & twenty thousand only) as

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assessed by the committee constituted by the Hon'ble NGT in O.A.No.162 of 2021 and submitted to the Tribunal in September 2021.

4. The unit M/s NCTPS Stage-II shall augment the air pollution control devices installed and ensure that stack emissions are complying with the stipulated standards at all times.
5. The unit M/s NCTPS Stage-I shall increase the height of the bund near Seppakkam Village to 2m.
6. The construction debris removed from the water body by M/s NCTPS Stage-III shall be utilized or disposed safely in M/s NCTPS own land away from the water body by November 30, 2021

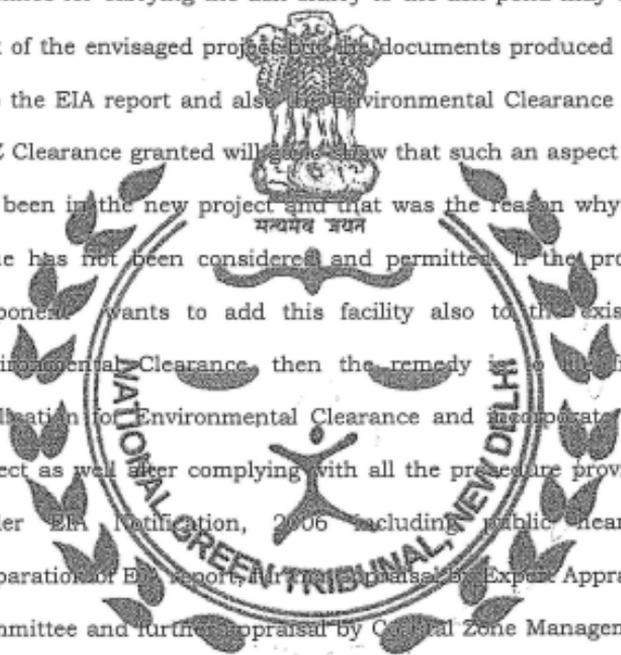
It is, therefore, prayed that this Hon'ble Tribunal may take on record the above status report based on the observations made by the Joint Committee and pass appropriate and further orders as this Hon'ble Tribunal may deem fit and necessary in the circumstances of the case and thus render justice.

78. The Committee has assessed an environmental compensation

compensation which was remitted by them, but in spite of that such breaches are recurring causing damage to the riverine environment. So under such circumstances, we do not find any reason to reduce the compensation directed to be paid, namely, Rs. 4,12,20,000/- as compensation by TANDGCEO for the damage caused to the environment on account of their negligent act of discharge of fly ash slurry due to pipeline leakages, into the Kosasthambur river basin. CRZ Clearance granted clearly shows that no permission granted for carrying ash slurry pipe through the CRZ zone. It was admitted by TANDGCEO as well as regulator, namely, MoEF&CC and Coastal Zone Management Authority that though it is a permissible activity prior clearance is required and the CRZ Clearance granted does not cover this aspect and as such it is a gross violation of clearance granted. So, the submission made by the Learned Counsel for the TANDGCEO and the contentions raised by TANDGCEO in their reply affidavit and also to the Joint Committee report that it cannot be said to be a diversion as it is an ancillary work to be carried out for implementation of the project in question and as such there is no separate clearance required cannot be accepted and they are rejected.

79. In the Decision reported in Key stone realtors private limited

Environmental Clearance and the Environmental Clearance can be granted only after complying with all the procedure provided under EIA Notification, 2006 and such an expanded activity cannot be granted by way of amendment to the existing Environmental Clearance granted for the earlier or same project of the project proponent. In this case, though drawing of pipelines for carrying the ash slurry to the ash pond may be a part of the envisaged project but the documents produced and also the EIA report and also the Environmental Clearance and CRZ Clearance granted will not show that such an aspect has not been in the new project and that was the reason why the same has not been considered and permitted. If the project proponent wants to add this facility also to the existing Environmental Clearance, then the remedy is to file fresh application for Environmental Clearance and incorporate this aspect as well after complying with all the procedure provided under EIA Notification, 2006 including public hearing, preparation of EIA report, further appraisal by Expert Appraisal Committee and further appraisal by Central Zone Management Authority and consideration by MoEF&CC again and no deviation can be made in this regard by MoEF&CC and the project proponent, if they want to make any inclusion of this aspect in the existing project. This aspect must be taken note of



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 Studies 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 that the authorities 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

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 assessed by the Tribunal for the damage caused to the environment due to breach of fly ash slurry. This 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

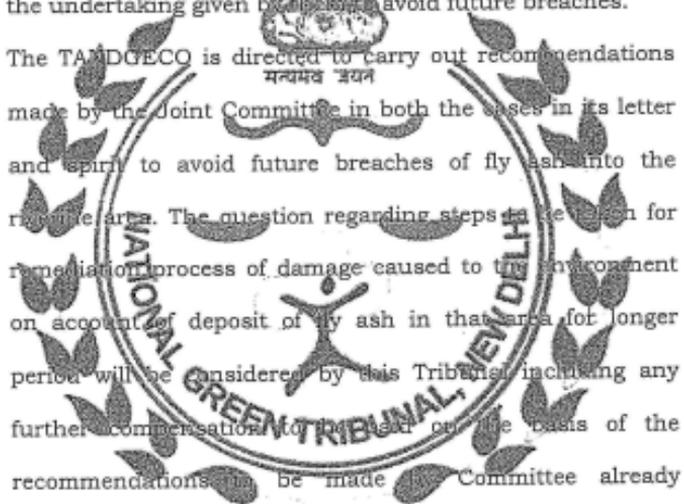
- i. The TANDGECO is directed not to proceed with the work of laying the pipeline through the CRZ zone and also in the other area in violation of the Environment Clearance and CRZ Clearance granted to them in 2016, without getting necessary further clearances in this respect by filing afresh application in accordance with law and the same will have to be considered by the authorities strictly in accordance with law and the directions 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 *Kosasthaleactors private limited vs. Anil V. Tharthare and ors.*⁴
- 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 ash slurry in the Kosasthaleactors 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

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 the 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



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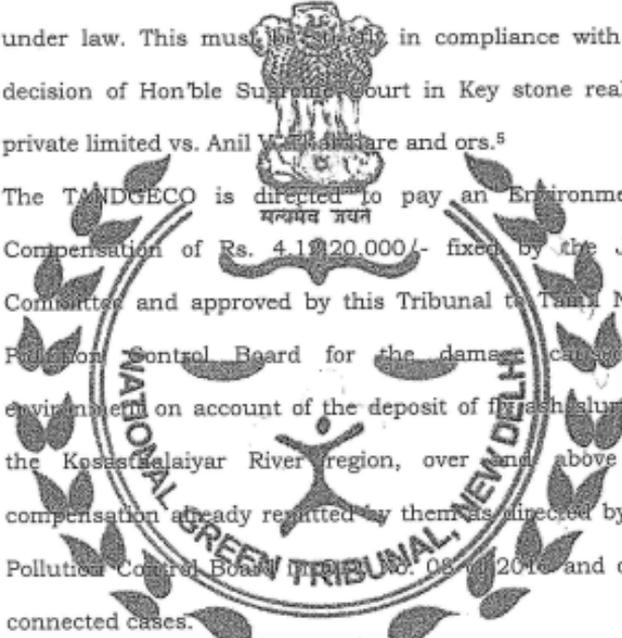


- vii. The TANDGECO is also directed to take necessary steps to avoid leakage through pipes and they must hold vigil by regular inspection of the old pipe lines till such time their replacement is completed and take immediate steps to arrest breaches, if any, during the interregnum. The amount of compensation 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 Keeshaiaiyar River as well Ennore creek in that area to prevent 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, SE 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

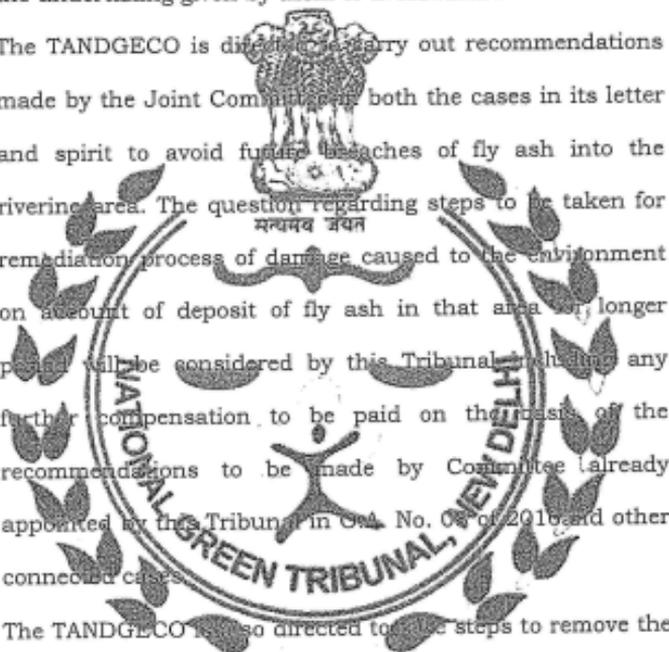
CRZ Clearance granted to them in 2016, without getting necessary further clearances in this respect by filing afresh application in accordance with law and the same will have to be considered by the authorities strictly in accordance with law and the direction given for this purpose cannot be treated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

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- II. The TANDGECO is directed to pay an Environmental Compensation of Rs. 4,10,20,000/- 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 Kasattalaiyar River region, over and above the compensation already remitted by them as directed by the Pollution Control Board Order 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

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 further 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.

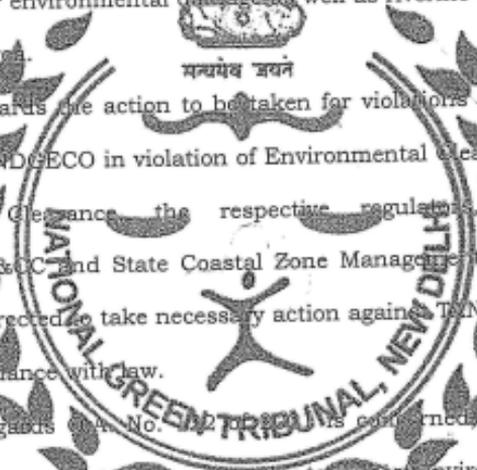


replacement is completed and take immediate steps to arrest breaches, if any, during the interregnum. The amount of compensation directed to be paid on two counts are to be deposited by TANDGECO with Tamil Nadu Pollution Control Board which they can utilise for the purpose of protecting Kosasthalaiyar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



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- 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&OC and State Coastal Zone Management Authority are directed to take necessary action against TANDGECO in accordance with law.
- IX. As regards P.A. No. 127/2023 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



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)
31st January, 2022 J.M.

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Item No.04:**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI***Monday, the 23rd day of September 2024.*

(Through Video Conference)

Miscellaneous Application No.13 of 2024(SZ)**In****Original Application No.162 of 2021(SZ)****IN THE MATTER OF:**

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

... Applicants / Respondent Nos. 9 & 10

Versus

- 1) **Tribunal on its own motion- Suo-Motu**
based on the news item Published in
the Times of India Newspaper, Chennai Edition
dated 01.07.2021, under the caption
"Another Pipeline leak at Ennore power plant".

...Respondent No.1/Applicant

- 2) **Union of India,**
Rep. by its Secretary,
Ministry of Environment of Forests and Climate Change,
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003.
- 3) **The Secretary to Government of Tamil Nadu,**
Govt. Secretariat, Fort St.George,
Chennai, Tamil Nadu- 600 009.
- 4) **The Principal Secretary to Government,**
Public Works Department,
Govt. Secretariat, Fort St.George,
Chennai, Tamil Nadu - 600 009.

- 7) **Tamil Nadu Coastal Zone Management Authority,**
Rep. by its Member Secretary,
First Floor, Panagal Building,
Saidapet, Chennai - 600 015.
- 8) **The Chairman,**
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
New Delhi - 110 032.
- 9) **The Chairman,**
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai, Tamil Nadu - 600 032.

... Respondent Nos. 2 to 9 / Respondent Nos.1 to 8

- 10) **The District Collector,**
Tiruvallur District,
First Floor, Collectorate,
Tiruvallur - 602 001.

... Respondent No. 10 / Respondent No.11

- 11) **The Chief Engineer,**
Public Works Department, WRO,
State Ground Water & Surface,
Water Resources Data Center,
Taramani, Chennai - 600 113.

... Respondent No. 11 / Respondent No.12

For Applicant(s): Mr. Abdul Saleem, Senior Advocate along with
Mr. S. Saravanan.

For Respondent(s): None.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

JUDGMENT

MoEF&CC for the proposal submitted with no deviation in CRZ area and slight deviation in non-CRZ area under 7 (ii) (c) of the EIA Notification, 2006.

2. Before the acknowledgement is received, the above Miscellaneous Application is filed before us to permit the applicant to proceed with the construction activity of the conveyance corridor of the 2x660 MW Ennore SEZ Supercritical Imported Coal-based Thermal Power Plant in an approved route in CRZ Area as per the CRZ Clearance dated 01.01.2014 and Environmental Clearance dated 07.01.2014, and best possible route in Non-CRZ Area in the interest of the project and environment, in compliance with Clause 7 (ii) (c) of EIA Notification, 2006.

3. As already the Project Proponent has approached the MoEF&CC in this regard, it is open to get their acknowledgement and try to stick to the original proposal without any deviation.

4. Incidentally, when the application was taken up, it was brought to our knowledge that there were concrete structures to an extent of 5460 m³, which were abandoned in the CRZ area have to be removed.

5. The Chief Engineer - Tamil Nadu Power Generation
Corporation Limited (TNPGCL), Chennai, Tamil Nadu.

6. We, while disposing of this miscellaneous application, direct the Project Proponent to stick to the timeline given in the affidavit and remove the concrete structures within the time.

7. With the above directions, the Miscellaneous Application [M.A. No.13 of 2024(SZ) in O.A. No.162 of 2021(SZ)] is disposed of.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

M.A. No.13/2024(SZ) in
O.A. No.162/2021(SZ)
23rd September, 2024. AD.



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/MOMEAC/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 17th Meeting of the EAC (Thermal): The minutes of the 17th 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

3.2.1. Details of the proposal

2x660 MW Ennore SEZ Thermal Power Plant by M/s. TNPGL (Erstwhile TANGEDCO) at Vayalur village, Ponneri Taluk, Tiruvallur District, Tamil Nadu – Extension of EC validity by TANGEDCO located at THIRUVALUR, TAMIL NADU			
Proposal For		Application for Validity Extension of EC- Form-6	
Proposal No	File No	Submission Date	Activity (Schedule Item)
IA/TN/THE/506571/2024	J-13012/36/2010-IA II (T)	24/12/2024	Thermal Power Plants (1(d))

3.2.2. Project Salient Features

Agenda No: 18.2

18.2: Proposed 2x660 MW Ennore SEZ Thermal Power Plant by M/s. Tamil Nadu Power Generation Corporation Limited (TNPGL) (Erstwhile TANGEDCO) at Village Vayalur, Taluk Ponneri, District Thiruvallur, Tamil Nadu – Extension of validity of EC dated 7/01/2014 & CRZ clearance dated 01/01/2014. – reg.

[Proposal No. IA/TN/THE/506571/2024; E. No. J-13012/36/2010-IA. II (T) & F.No. 11-80/2011-IA.III]

18.2.1: M/s. Tamil Nadu Power Generation Corporation Limited (TNPGL) (Erstwhile TANGEDCO) has made an online application vide proposal no. IA/TN/THE/506571/2024 dated 19/11/2024 along with CAF and Form 6 seeking validity extension of the EC dated 07/01/2014 under the provisions of EIA, Notification 2006 and validity extension of CRZ dated 01/01/2014. The proposed project activity is listed at item no. 1(d) Under Category "A" of the schedule of the EIA Notification, 2006 and appraised at Central Level.

Name of the EIA consultant: M/s. Re Sustainability Solutions Private Limited, Hyderabad [NABET Certificate No.: NABET/EIA/2225/RA 0278, Valid up to 26/09/2025].

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

18.2.2: Details of the EC & CRZ clearance:

MoEF&CC has accorded following clearances and amendment to the EIA/2006 for the 2x660 MW Ennore SEZ Thermal Power Plant

S r. N o.	Details of Letter No.	Facility	Clearance	Date of issuance
1.	11-80/2011-IA. III	Coal conveyer and cooling water system for the Ennore SEZ Thermal power station	CRZ	01/01/2014

2	CW intake pipeline from NCTPP complex	50	50	
3	CW outfall pipeline to NCTPP complex	50	50	

18.2.4: Reasons of the delay in implementation:

- The work was awarded to M/s. BHEL and another tenderer has filed a case before High court of Madras and the work was halted due to stay.
- Further, TANGEDCO approached Hon'ble Supreme court of India and after hearing, the judgement was pronounced in favour of TANGEDCO.
- As there was a delay of 2 years to recommence the work. Subsequently, there was a delay due to COVID 19.
- Hence, 70% of work has completed till date and rest of the work is progressing which shall require extension with validity of 1 year.

18.2.5: Proposal of project proponent:

Project proponent has requested the Ministry to extend the validity of EC & CRZ clearance for another one year i.e. up to 31/12/2025 for completing the remaining work.

18.2.6: Details regarding pending court cases:

- As already the Project Proponent has approached the MoEF&CC in this regard, it is open to get their acknowledgement and try to stick to the original proposal without any deviation.*
- Incidentally, when the application was taken up, it was brought to our knowledge that there were concrete structures to an extent of 5460 m², which were abandoned in the CRZ area have to be removed.*
- The Chief Engineer - Tamil Nadu Power Generation Corporation Limited (TNP&CL) has filed an affidavit dated 21.09.2024, wherein it is stated that for the clearance of the above concrete structures, tenders have to be floated as per the Tamil Nadu Transparency in Tender Rules, 2000, which would approximately take 145 days or 5 months minimum.*
- We, while disposing of this miscellaneous application, direct the Project Proponent to stick to the timeline given in the affidavit and remove the concrete structures within the time.*

3.2.3. Deliberations by the committee in previous meetings

N/A

3.2.4. Deliberations by the EAC in current meetings

Observations and deliberation of the EAC

18.2.7: The Committee observed and noted the following:

- Instant proposal is for extending the validity of EC & CRZ accorded for the 2x660 MW Ennore SEZ Super critical imported coal based Thermal power plant by another one year i.e., 31/12/2025.
- It was apprised to the EAC following are the provisions under EIA, 2006 and CRZ, 2011 for validity extension:

Management Authority concerned for extending the validity of the CRZ clearance dated 01/01/2014 as required under the provisions of CRZ Notification, 2011.

- v. Committee noted that project proponent has changed the company name from M/s. TANGEDCO to M/s. Tamil Nadu Power Generation Corporation Limited (TNPGL). Name transfer of EC & CRZ clearance in the new company name has not been obtained by the proponent till date.
- vi. Proponent has not submitted the compliance to the observations made by Hon'ble NGT in its Order dated 23/09/2024 in Miscellaneous Application [13 of 2024 (SZ)] as mentioned at para no 18.2.6.

18.2.8: Recommendations of the Committee:

In view of the foregoing and after detailed deliberations, the EAC *deferred* the proposal and sought for following additional information for further consideration of the proposal:

3.2.5. Recommendation of EAC

Deferred for ADS

3.3. Agenda Item No 3:

3.3.1. Details of the proposal

Proposed 3x800 MW Coal Based Ultra Super Critical Nilanchal Thermal Power Plant at Village Rahangol, Kandarei, Tehsil Athagarh, District Cuttack, Odisha by Orissa Thermal Energy Private Limited by Adani Power Limited located at CUTTACK, ODISHA

Proposal For		Fresh ToR	
Proposal No	File No	Submission Date	Activity (Schedule Item)
IA/OR/THE/515150/2025	F-15012/02/2025-IA.I(T)	13/01/2025	Thermal Power Plants (1(d))

3.3.2. Project Salient Features

Agenda No: 18.3

18.3: Proposed 3x800 MW Coal Based Ultra Super Critical Nilanchal Thermal Power Plant by M/s. Orissa Thermal Energy Limited (OTEL) at Village Rahangol and Kandarei, Tehsil Athagarh, District Cuttack, Odisha – Terms of Reference – Reg.

[Proposal No. IA/OR/THE/515150/2025; F. No. F-15012/02/2025-IA.I (T)]

18.3.1: M/s. Orissa Thermal Energy Limited (OTEL) a subsidiary of Adani Power Limited has made an application vide online vide proposal no. IA/OR/THE/515150/2025 dated 09/01/2025 along with the application in prescribed format (CAF, 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 at item no. 1(d) Under Category "A" of the schedule of the EIA

MoM of 18th meeting of the EAC for Thermal sector held on 24th January, 2025

ANNEXURE-I

LIST OF PARTICIPANTS OF EAC (THERMAL) IN 18th MEETING HELD ON 24TH JANUARY, 2025 THROUGH PHYSICAL MODE

S. No.	Name & Address	Role	24.01.2025
1.	Shri Inder Pal Singh Matharu, (I.F.S. Retd.)	Chairman	Present
2.	Shri Lalit Kapur	Member	Present
3.	Dr. Umesh Jagannathrao Kahalekar	Member	Present
4.	Dr. Santosh Kumar Hampannavar	Member	Present
5.	Shri Savalge Chandrasekhar	Member	Present
6.	Shri K. B. Biswas	Member	Present
7.	Prof. Shyam Shanker Singh	Member	Present
8.	Dr. Vinod Agrawal	Member	Present
9.	Dr Nazimuddin, Scientist - F	Representative of Central Pollution Control Board	Present
10.	Shri Mahi Pal Singh, Chief Engineer	Representative of Central Electricity Authority (CEA)	Present
11.	Shri Harmeet Sawhney	Representative of Indian Meteorological Department (IMD)	Present
12.	Prof. R M Bhattacharjee	Representative of IIT/ISM Dhanbad	Present
13.	Shri Sundar Ramanathan	Scientist I & Member Secretary	Present
14.	Dr. Rajesh Prasad Rastogi	Scientist I D	Present

Fair Copy



From
 Er.R.Sunil, B.E.,
 Chief Engineer/Projects,
 TNPGL (Erstwhile TANGEDCO),
 5th floor, Western wing,
 VPKRR Maaligai, 144, Anna Salai, Chennai 2-

To
 The Director/IA-I (Thermal) &
 The Member Secretary,
 Thermal Project Section,
 Ministry of Environment and Climate Change, Govt. of India,
 Plot no. 2, Indraprastha Bhawan,
 Third Floor, Vayu Wing, Connaught Road, Ailganj,
 New Delhi-110003.

NO.C/Pt/SE/C/P&E/EE/C/EMC-II/AEE/C/F.Ennore SEZ TPP/D⁵⁶³/24, Dt. 12-11-24

Sir,

Sub: TANGEDCO - Ennore SEZ TPP - 2 x 660 MW supercritical Thermal power project -Amendment in EC and CRZ Clearance for the revised sea water pipeline and Coal conveyor - Conveyance Corridor - Reg.

- Ref: 1) Environmental Clearance issued vide MOEF/GOI's Lr.No.JL3012/36/2010 - IA-II (T) dated 07.01.2014
 2) EC Clearance issued vide MOEF/GOI's Lr. F.No.11-90/2011- IA-III, dated 07.01.2014
 3) Amendment in EC issued vide MOEF's ltr dt 14.08.2018
 4) Extension of validity issued by MOEF Lr NOJ-13012/36/2010-IA-II(T) dt 9.2.2019
 5) MOEF order for extension of EC&CRZ vide dt 9.4.2021
 6) MoEF & CC notification, dt. 18.01.2021
 7) NGT (SZ) OA 162 / 2021- final order dt 31.1.2022
 8) MoEF & CC office memorandum dt 11.04.22
 9) MoEF & CC office memorandum dt 13.12.22
 10) Minutes of 1st EAC meeting of MOEF&CC(Thermal committee) dt 16.10.2023
 11) CE/Pt-1/SE/C/P&E/EE/FMC-II/AEE/C/F.Ennore SEZ TPP /D467/23

- dt 28.11.2023
 13) CE/Pr-1/SE/C/P&E/ EE/EMC-II/AEE/C/F.Ennore SEZ TPP /D325/24
 dt 15.05.2024
 14) NGT (SZ) M.A No.13 /2024 – Order dated 23.09.2024

1. This is with reference to Tamil Nadu Power Generation Corporation Limited (erstwhile TANGEDCO) project namely 2 x 660 MW Supercritical Thermal Power Plant at Voyalur Village, Ponneri Taluk, Tiruvallur District, Tamil Nadu.
2. TNPGL (erstwhile TANGEDCO) has obtained prior Environmental Clearance (EC) for this project vide reference (i) cited above, EC dated 07.01.2014 & CRZ clearance dt 1.1.2014, (ii) Amendment EC dated 14.08.2018, and (iii) Extension EC dated 04.02.2019, and the same was extended thereafter which is valid till December 2024. In this regard, TNPGL (erstwhile TANGEDCO) has proposed to adopt revised route from the original approved route due to technical and site requirements.
3. Hence the Hon'ble National Green Tribunal, Southern Zone, Chennai in Suo Motu OA No. 162 of 2021, vide its order dated 31.01.2022, had directed TNPGL (erstwhile TANGEDCO) to comply with the recommendations made by the Joint Committee, which had recommended TNPGL (erstwhile TANGEDCO) to obtain amendment in the CRZ Clearance for the revised route of Pipe conveyor & CW pipelines of Ennore SEZ TPP.
4. That thereafter TNPGL (erstwhile TANGEDCO) initially had sought for amendment in the Environmental & CRZ Clearance for the revised route for the Pipe conveyor & CW pipelines after obtaining recommendations of State CZMA, and the same was returned by MoEF & CC in present form.
5. Hence, TNPGL (erstwhile TANGEDCO) sent a written communication to MoEF & CC that TNPGL (erstwhile TANGEDCO) had decided to follow the

EIA Notification, 2006, as there is no provision to upload on the website on PARIVESH portal, vide Letter dated 15.05.2024 and TNPGL (Erstwhile TANGEDCO) had highlighted the following:

- *"The crossing of Conveyance corridor in the CRZ area will be as per the originally approved route. The proposed revision in the route alignment of the conveyance corridor, consisting allied infrastructure such as the coal conveyor (pipe) and cooling water system, is essential due to technical infeasibility encountered in the previously approved route within the Non- Coastal Regulation Zone area. It is crucial to highlight that this alteration does not entail any incremental pollution or additional adverse environmental impacts compared to the prior environmental clearance obtained from MoEF & CC.*

 - *We draw your attention to para 2(C) of the Office Memorandum No IA3-22/10/2022-IA.IIIE177258) dated, 11.04.2022 of MOEF & CC wherein it is stated that any change in the configuration of the plant or activity during project execution, which does not alter the production capacity or increase pollution load, does not require prior environmental clearance. The proposed revision solely pertains to the route alignment of the conveyance corridor in non- CRZ zone and thus, does neither affect production capacity nor escalate pollution load.*
6. That since the subject matter was already considered by the Hon'ble Tribunal, hence a Miscellaneous Application in M.A No. 13 of 2024 was filed before the Hon'ble Tribunal, seeking to permit TNPGL (Erstwhile TANGEDCO) to proceed with the original route in the CRZ area as approved in the Environmental & CRZ Clearance.

7. That the Hon'ble Tribunal, on consideration of the submissions made and documents submitted, vide its order dated 23.09.2024, observed as follows :

1. Pursuant to the order dated 31.01.2022 passed in O.A. No.122 of 2021(SZ) and O.A. No.162 of 2021(SZ), the Project Proponent had approached the MoEF & CC vide letter dated 15.05.2024 seeking the acknowledgement of the MoEF & CC for the proposal submitted with no deviation in CRZ area and slight deviation in non-CRZ area under 7 (ii) (c) of the EIA Notification, 2006.
2. Before the acknowledgement is received, the above Miscellaneous Application is filed before us to permit the applicant to proceed with the construction activity of the conveyance corridor of the 2x660 MW Ennore SEZ Supercritical Imported Coal-based Thermal Power Plant in an approved route in CRZ Area as per the CRZ Clearance dated 01.01.2014 and Environmental Clearance dated 07.01.2014, and best possible route in Non-CRZ Area in the interest of the project and environment, in compliance with Clause 7 (ii) (c) of EIA Notification, 2006.
3. As already the Project Proponent has approached the MoEF & CC in this regard, it is open to get their acknowledgement and try to stick to the original proposal without any deviation.*

Even though our earlier Letter dated 15.05.2024 was received by MoEF & CC and the same was acknowledged on 20.05.2024, however still in abundant caution, we are hereby sending this communication making it clear that our Proposal No. IA/TN/THE/444763/2023; F.No J-13011/36/2010-IA.II(T) to amend the Environmental & CRZ Clearance, may be closed as withdrawn and need not be proceeded further as we will be following the approved route in the CRZ area as per the aforesaid (i) EC dated 07.01.2014 & CRZ clearance dt 01.01.2014, (ii)

Amendment EC dated 14.08.2018, and (iii) Extension EC dated 04.02.2019 and in best possible route in Non- CRZ area.



Handwritten: 10/11/20
Chief Engineer / Projects
(Draft copy please)
Chief Engineer / Projects
TNPGL
144, Anna Salai, Chennai-600 002.

WATER RESOURCES DEPARTMENT

From

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

To

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

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

Sir,

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

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

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

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

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

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

In the above said inspection report, it is informed by the TANGEDCO Officials that the work involving construction of 68 Nos of piles for providing piers was started for erection of conveyor belt, with deposition of debris consisting of 25,000m³ over the backwater area for a distance of 230m for approach formation. Subsequently, due to objection from Public, the 68 Nos of piles and debris deposition in the Kosasthalaiyar backwater area were removed by TANGEDCO.

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

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

Executive Engineer, WRD,
Aranyar Basin Division,
Chepauk, Chennai -05.

12/02/24



Powering Tamil Nadu's Progress...

From
 Er.B.Mohan,B.E.,
 Chief Engineer/Projects—I,
 TANGEDCO (A Successor entity of TNEB),
 5th floor, Western wing,
 NPKRR Maaligai,
 144, Anna Salai, Chennai –2

To
 The Director/IA-I (Thermal Power project) &
 The Member Secretary,
 Thermal Project Sector,
 Ministry of Environment and Climate Change, Govt. of India, ,
 Indira Paryavaran Bhawan,
 Third Floor, Vayu Wing,
 Johrbagh Road, Aliganj,
 New Delhi-110003.

Lr.No.CE/Pr-1/SE/C/P&E/EE/EMC-II/AEE/C/F,Ennore SEZ TPP/D.325/24, dt. 05.2024

Sir,

- Sub: TANGEDCO – Ennore SEZ TPP – 2 x 660 MW supercritical Thermal power project - Amendment in EC and CRZ Clearance for the revised sea water pipeline and Coal conveyor – Conveyance Corridor – Reg.
- Ref: 1) Environmental Clearance issued vide MOEF/GOI's Lr.No.J 13012/36/2010-IA.II (T) dated 07.01.2014
 2) CRZ Clearance issued vide MOEF/GOI's Lr. F.No.11-80/2011- IA.III, dated 01.01.2014
 3) Amendment in EC issued vide MOEF's Ir dt 14.308.2018
 4) Extension of validity issued by MOEF Lr NOJ-13012/36/2010-IA-II(T) dt 4.2.2019
 5) MOEF order for extension of EC&CRZ vide dt 9.4.2021

- 7) NGT final order dt 31.1.2022
 8) CE/Pr-1/SE/C/P&E/ EE/EMC-II/AEE/C/F.Ennore SEZ TPP /D467/23
 dt. 20.11.2023
 9) MoEF & CC office memorandum dt 11.04.22
 10) MoEF & CC office memorandum dt 13.12.22
 11) Minutes of 1st EAC meeting of MOEF&CC(Thermal committee) dt 16.10.2023
 12) CE/Pr-1/SE/C/P&E/ EE/EMC-II/AEE/C/F.Ennore SEZ TPP /D480/23
 dt 28.11.2023

This is with reference to Tamil Nadu Generation and Distribution corporation (TANGEDCO)'s project namely; 2 x 660 MW Supercritical Thermal Power Plant at Voyalur Village, Ponneri Taluk, Tiruvallur District, TamilNadu.

TANGEDCO has obtained prior Environmental Clearance (EC) for this project. You may kindly recollect that we had earlier submitted a revised route alignment proposal of the conveyance corridor for sea water pipeline and Coal conveyor associated with this project and has sought amendments in EC and CRZ. In the light of observations of the EAC, we have recast the proposal and annexed with this letter for your kind perusal. In this regard, we would like to submit the following:

- The crossing of Conveyance corridor in the CRZ area will be as per the originally approved route. The proposed revision in the route alignment of the conveyance corridor, consisting allied infrastructure such as the coal conveyor (pipe) and cooling water system, is essential due to technical infeasibility encountered in the previously approved route within the Non- Coastal Regulation Zone (CRZ) area. It is crucial to highlight that this alteration does not entail any incremental pollution or additional adverse environmental impacts compared to the prior environmental clearance obtained from MoEF&CC.
- We draw your attention to para 2(C) of the Office Memorandum No.1A3-22/10/2022-IA.III(E177258) dated,11.04.2022 of MOEF&CC wherein it is stated that any change in the configuration of the plant or activity during project execution, which does not alter the production capacity or increase pollution load, does not require prior environmental clearance. The proposed revision solely pertains to the route alignment of the conveyance corridor in non-CRZ zone and thus,

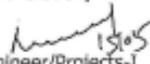
- Furthermore, the revised route is proposed to be implemented in land under the possession of TANGEDCO, ensuring its feasibility. The utilization of pipe conveyor and closed belt conveyor system for coal transportation from the berth of Ennore port to the stack yard within the Ennore Special Economic Zone (SEZ) supercritical power project will significantly reduce dust pollution and vehicular emissions, thereby further mitigating environmental impacts.
- In alignment with our commitment to environmental stewardship, an Environmental Management Plan (EMP) has been developed and is actively implemented to address project activities during construction and operation phases. Additionally, an existing Environmental Monitoring Plan is in place to evaluate any changes in baseline environmental conditions and assess the effectiveness of the EMP.

Under the above circumstances, the proposal submitted with no deviation in the CRZ area and slight deviation in the non CRZ area intimated under 7(ii) C of OM dt 11.4.22 for Thermal power project may kindly be acknowledged and for kind consideration.

We assure you about our commitment to upholding environmental integrity by implementing the EMP in right earnest in a timely manner.

Enclosure: 1 No proposal

Yours faithfully


Chief Engineer/Projects-I
TANGEDCO

Copy submitted to Addl Secretary/Thermal/MOEF&CC/New Delhi for kind information
Copy to Director/CRZ division/MOEF&CC for kind information.

F.No. IA3-22/10/2022-IA.III [E 177258]

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

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi - 110003

Dated: 11th April, 2022

OFFICE MEMORANDUM

Sub: Guidelines for granting Environmental Clearance (EC) under para 7(ii)(a) of EIA Notification, 2006, for expansion up to 50%, within the existing premises/ mine lease area, without additional land acquisition - reg.

Expansion or modernization of existing projects or activities listed in the Schedule to the EIA notification 2006 entailing capacity addition with change in process or technology and/or product mix shall be undertaken only after obtaining prior Environmental Clearance (EC).

2. Para 7(ii) of EIA Notification 2006, *inter-alia* provides that:
 - a. Projects seeking prior EC for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance was granted [with increase in lease area or production capacity in mining projects] shall be considered by the concerned Expert Appraisal Committee [or SEAC, as the case may be] to decide whether Environment Impact Assessment and public consultations need to be carried out for grant of EC.
 - b. Expansion of existing projects [listed in item numbers 2, 3, 4 and 5 of the Schedule having Prior Environmental Clearance] with no increase in pollution load shall be exempt from the requirement of prior EC (derived on the basis of such prior EC).
 - c. Any change in configuration of the plant or activity from the EC conditions during execution of the project, shall not require prior EC, if there is no change in production capacity and there is no increase in pollution load.

3. The Ministry has been continuously making efforts to streamline the procedure for projects seeking prior Environmental Clearance (EC) under the different provisions of para 7(ii) of the EIA Notification 2006. Vide O.M. No. J-11015/224/2015-IA.II(M) dated 15.09.2017, the Ministry provided certain guidelines for expansion of Coal mining projects up to 40% capacity in two-three phases subject to certain conditions. Subsequently, vide OM No. IA3-22/23/2021-IA.III [E167077] dated 20.10.2021, the Ministry also issued guidelines for expansion of Iron, Manganese, Bauxite and Limestone mining projects upto 20% capacity, subject to certain conditions.

4. The aforesaid matters have been further examined in the Ministry with the objective of bringing about uniformity and consistency in consideration of projects under Para 7(ii)(a) by concerned Expert Appraisal Committee (EAC)/ State level EACs across all states. Accordingly, the Ministry deems it necessary to issue a guideline to deal with expansion proposals which are received under para 7(ii)(a) of EIA Notification, 2006 in respect of the developmental projects listed in the Schedule to the said notification seeking prior-EC involving expansion with increase in production capacity within the existing premises/ mine lease area; or expansion due to modernization of an existing unit through change in process and or technology or involving a change in the product-mix; or enhancement of cargo handling capacity in ports & harbors, widening of roads; or enhancement in built-up area, subject to the fulfilment of the following criteria:

- i. The project should have gone through the public hearing process, at least once, for its existing EC capacity on which expansion is being sought, except those category of projects which have been exempted as per para 7 III (i) of EIA Notification 2006 and its amendments.
- ii. There should not be change in Category of the project from 'B2' to 'B1' or 'A' due to proposed modernisation or expansion.
- iii. There is no additional land acquisition or forest land diversion involved for the proposed expansion or there is no increase in lease area with regard to mining vis-à-vis the area mentioned in the EC, based on which public hearing has been held earlier.
- iv. The proposed expansion shall not be more than 50% of production capacity as mentioned in the prior EC, issued on the basis of public hearing held and the same shall be allowed in minimum three phases.
- v. Predicted environmental quality parameters arising out of proposed expansion/modernization shall be within the prescribed norms and the same shall be maintained as per prescribed norms.
- vi. The proposed expansion should not result in reduction in the greenbelt area as stipulated in the earlier EC, or if the existing ratio of greenbelt is more than 33%, after expansion it should not reduce below 33%.
- vii. The project proponent should have satisfactorily complied the conditions stipulated in the existing EC(s) and satisfactorily fulfilled all the commitments made during the earlier public hearing/consultation proceedings and also the commitments given while granting previous expansion, as may be applicable. This shall be duly recorded in the certified compliance report issued by the IRO/CPCB/SPCB, which should not be more than one year old at the time of submission of application.
- viii. Public Consultation shall be undertaken [(if applicable as per table below) by obtaining response in writing, as per para 7 III (ii) (b) of EIA Notification 2006, except those category of projects which have been exempted as per para 7 III (i) of EIA Notification 2006 and its amendments.

5. Subject to the fulfilment of the conditions at Para 4 (i) to (viii) above, following procedure shall be adopted for processing the application for considering expansion of proposed project up to 50% of capacity as mentioned in the existing EC, in minimum three phases under para 7(ii)(a) of EIA Notification, 2006.

Scenario	Intended change through modernization/ change of product mix/ expansion	Requirement of revised EIA/ EMP report	Requirement of Certified Compliance Report	Requirement of fresh Public Consultation	Whether reference to Appraisal Committee is required
I	Projects which involve modernization/change of product mix without increase in production capacity but with increase in pollution load.	Yes	Yes	No	Yes
II	Up to 20 percent based on environmental safeguards conditions.	Yes	Yes	No	Yes
III	Up to 40 percent based on successful compliance of previous environmental safeguard conditions related to expansion of 20 percent.	Yes	Yes	No	Yes
IV	More than 40 percent but less than 50 Percent based on successful compliance of previous environmental safeguard conditions related to expansion of 40 percent.	Yes	Yes	Yes	Yes

6. Project Proponent shall apply in the requisite form on the PARIVESH Portal under para 7(ii) of EIA Notification 2006, along with EIA/ EMP reports based on standard ToRs and Public consultation report, if applicable. The concerned EAC/SEAC shall appraise the project proposal and it may prescribe additional sector specific and/or other environmental safeguards after due diligence, as required.

7. Other statutory requirements like Consent to Establish/Operate, Clearance from CGWA, approval of Mining Plan, Mine Closure Plan, Mine Closure Status Report, approval of DGMS, Forest Clearance, Wildlife Clearance, etc., if applicable, are to be satisfactorily fulfilled at the time of application.

8. The projects that do not qualify with the above requirement shall continue to be considered on a case-to-case basis by the concerned EAC/ SEAC as per the provisions of para 7(ii)(a) who will decide whether Environment Impact Assessment and public consultation need to be carried out.

9. Those projects which involve modernization/change of product mix with increase in production capacity shall be considered as per Scenarios-II to IV of the table above.

10. This O.M. is issued in supersession of OM J-11015/224/2015-IA.II (M) dated 15.09.2017 and O.M. No. IA3-22/23/2021-IA.III[E167077] dated 20.10.2021 and with the approval of the Competent Authority.


(A.K. Agrawal)
Director

To

1. Chairman, Central Pollution Control Board (CPCB).
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
5. All the Officers of I.A. 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. PPS to Secretary (EF&CC)
4. PPS to DOP&SS (EF&CC)
5. PPS to AS(TK)/PPS to JS (SKB)
6. Website, MoEF&CC/Guard file.