

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

Original Application No. 65 of 2026.

G.Suresh

..... Applicant

Vs

1. Union of India.
2. M/s. Chennai Radha Engineering Works Private Limited.
3. The Secretary to Government.
4. The Director of Fisheries and Fisherman Welfare.
5. The Chairperson, Central Pollution Control Board.
6. The Member Secretary, Central Pollution Control Board.
7. The Chairperson, Tamil Nadu Pollution Control Board.
8. The Member Secretary, Tamil Nadu Pollution Control Board.
9. The District Environmental Engineer, Tiruvallur District.
10. The Chairman cum Managing Director, Head Quarters.
11. The Chief Engineer, Ennore SEZ Super Critical Thermal Power Project.
12. The Water Resource Department.
13. The Tamil Nadu State Coastal Zone Management Authority.

..... Respondent

For Chennai Radha Engineering Works (P) Ltd.


(J.SELVAKUMAR),
Senior General Manager - Contracts & Services

COUNTER FILED BY THE 2nd RESPONDENT

The second respondent humbly submits as follows:

1. The 2nd respondent denies all the averments except those that are specifically admitted herein.

2. With reference to the averments contained in para No.5, it is respectfully submitted that the allegation that the Second Respondent undertook the construction of the subject bridge/pillar structure on the instructions or allotment made by the 10th and 11th Respondents is wholly incorrect, misleading and denied in toto. It is submitted that the work entrusted to the Second Respondent forms part of the Ennore SEZ Thermal Power Project and was awarded strictly through a transparent, competitive and statutory tender process conducted by the 10th respondent, TNEB. The Second Respondent was awarded the contract as the successful bidder in the said tender after complying with all eligibility conditions and tender requirements prescribed by the project authority. The said construction work was awarded pursuant to a duly issued Work Order bearing Reference No. LOA No:CE/ Proj/ SE/ C/P&E/EE4/AEE2/CHT/ Ennore-SEZ STPP/ F OT-02/ D.349/25 dated 25.08.2025 under the tender conditions. The contractual relationship is governed exclusively by the terms of the tender documents and the work order. Therefore, the allegation that the work was merely "allotted" by Respondents 10 and 11 is factually incorrect and legally untenable.

3. The averments contained in paragraph 6 of the affidavit are emphatically denied as false, misleading and contrary to the official records. The petitioner has proceeded on the erroneous assumption that the Environmental Clearance (EC) had expired. The said contention is completely misconceived. It is respectfully submitted that the validity of the Environmental Clearance granted to the project stood validly extended up to 31.03.2030. This is evidenced from the Letter dated

For Chennai Radha Engineering Works (P) Ltd.



(J.SELVAKUMAR),

Senior General Manager - Contracts & Services

25.11.2025, sent by TNPGL (Erstwhile TANGEDCO) to the 7th respondent, TNPCB, Chennai. The extension was granted after taking into consideration the periods during which the project could not be implemented owing to judicial proceedings, statutory restraints and circumstances entirely beyond the control of the Project Proponent. The Letter dated 25.11.2025, which formed the basis for such extension, clearly explains the reasons for the delay in implementation of the project.

(a) Delay on account of litigation relating to the award of EPC Contract

When the above contract was awarded to M/s BHEL, the successful L1 bidder, on 27.09.2014, the same was challenged by filing **W.P. Nos.26762 and 27529 of 2014** before the Hon'ble High Court of Madras. Although the Single Judge upheld the award in favour of TANGEDCO, the unsuccessful bidder preferred writ appeals before the Division Bench. The Division Bench, by order dated **07.09.2015**, granted relief in favour of the appellant, compelling suspension of the project activities. Aggrieved thereby, TANGEDCO preferred appeals before the Hon'ble Supreme Court of India. Upon hearing all parties, the Hon'ble Supreme Court, by judgment dated **18.10.2016**, restored the award in favour of TANGEDCO, enabling the EPC contractor to resume execution of the project. Consequently, the project remained stalled for **407 days**, from **07.09.2015** to **18.10.2016**, entirely on account of judicial proceedings beyond the control of the Project Proponent.

(b) Delay arising from Public Agitation and Proceedings before the National Green Tribunal

Subsequently, owing to public agitation, the Revenue Divisional Officer, Ponneri directed stoppage of the construction activities relating to the pipe conveyor system and cooling water pipeline crossing the Kosasthalaiyar River. Consequently, the project activities were halted from **27.07.2021**. Thereafter, the

National Green Tribunal (Southern Zone) suo motu registered **O.A. No.162 of 2021** based upon newspaper reports concerning the project. By its final order dated **31.01.2022**, the Hon'ble National Green Tribunal directed that amendments to the Environmental Clearance and Coastal Regulation Zone Clearance were required before continuation of works in the CRZ area. Consequently, all works relating to the pipe conveyor and cooling water pipeline remained suspended. Thereafter, TNPGL filed **M.A. No.13 of 2024 in O.A. No.26 of 2021**, and upon consideration of the application, the Hon'ble National Green Tribunal disposed of the proceedings on **23.09.2024**, thereby permitting the project activities to resume. Accordingly, the project remained delayed for **966 days**, i.e., approximately **2 years, 7 months and 23 days**, from **31.01.2022 to 23.09.2024**, entirely owing to judicial proceedings.

(c) Delay owing to proceedings before the Hon'ble Supreme Court

Even after the National Green Tribunal proceedings had concluded, M/s TPIPL, by communication dated **23.01.2025**, directed TNPGL to discontinue construction activities. In order to safeguard the implementation of the project, TNPGL approached the Hon'ble Supreme Court by filing an appropriate Interim Application. After hearing the parties, the Hon'ble Supreme Court, by order dated **18.09.2025**, permitted TNPGL to resume the construction activities relating to the pipe conveyor and cooling water pipeline. Consequently, the project suffered a further delay of **239 days**, namely from **23.01.2025 to 19.09.2025**, solely on account of pending judicial proceedings.

4. By Consent Order No. 2603172062896 dated 13.01.2026, TNPCB, accepted that the aforesaid periods of delay were wholly beyond the control of the 2nd respondent and extended further period up to 31.03.2030. It is pertinent to point out that recognising such situations, the 1st respondent, Ministry of Environment, Forest and Climate Change issued an **Office Memorandum dated 30.10.2025** for clarification on calculating the validity of EC granted excluding

For Chennai Radha Engineering Works (P) Ltd.


(J.SELVAKUMAR),
Senior General Manager - Contracts & Services

the time taken with regard to proceedings before NCLT or Courts. The Office Memorandum specifically provides that where implementation of a project is prevented due to orders of competent Courts or proceedings before the National Company Law Tribunal, such period shall be treated as a **"Zero Period"** and excluded while calculating the validity of the Environmental Clearance.

The relevant clarification reads as follows:

"The Ministry hereby clarifies that the following time period during which the Project Proponent was unable to implement the Environmental Clearance granted for the related project/activity shall be treated as a Zero Period for calculating the validity of the Environmental Clearance:

- (a) the duration covered by stay orders or proceedings before competent Courts leading to non-implementation of the project, subject to production of documentary evidence;
- (b) the duration of proceedings before the National Company Law Tribunal till approval of the Resolution Plan and transfer of the project to the successful Resolution Applicant, subject to documentary evidence; or
- (c) the duration of liquidation proceedings before the National Company Law Tribunal till approval of the sale or scheme in favour of the successful bidder, subject to documentary evidence."

The extension granted by TNPCB is therefore fully consistent with the aforesaid Office Memorandum and was issued after duly excluding the periods during which the project remained stalled owing to judicial proceedings. Accordingly, the Environmental Clearance continues to remain valid till **31.03.2030**, and the petitioner's allegation that the project is proceeding without a valid Environmental Clearance is wholly false, baseless and liable to be rejected.

For Chennai Radha Engineering Works (P) Ltd.

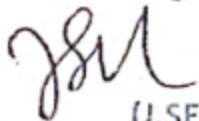
(J. SELVAKUMAR),
Senior General Manager - Contracts & Services

5. The averments made in para No.7 to 14 are also denied by this respondent. It is respectfully submitted that the Second Respondent is merely an executing agency carrying out the contractual obligations entrusted to it by the Project Proponent. The Second Respondent has commenced and continues the execution of the work only after ensuring that the Project Proponent possesses all requisite statutory approvals, permissions and clearances. At no point of time has the Second Respondent undertaken any activity dehors the statutory permissions or in violation of any order passed by any competent authority or Court.

6. In these circumstances, the allegations levelled against the Second Respondent are wholly unsustainable either on facts or in law.

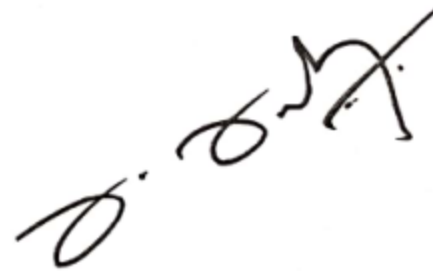
It is therefore respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the above petition as against the Second Respondent with costs and thus render justice.

For Chennai Rajha Engineering Works (P) Ltd.



(J.SELVAKUMAR),
Senior General Manager - Contracts & Services

2nd Respondent



Counsel for 2nd Respondent