

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

Application No.106 of 2024 (SZ)

K. Saravanan s/o kasinathan

Aged about 37 years

30, ururkuppam, Besant Nagar, Chennai – 90

- Applicant

Vs

1. Tamil Nadu Coastal Zone Management Authority

By its Member Secretary

1, Jennis Road, Panagal Building

Ground Floor, Saidapet, Chennai – 600 015

2. The National Highways Authority of India

Rep by its Project Director

Sri Balaji Towers, 54-28, Butt Road, near kathipara Junction

South Phase, SP Industrial Estate Area, Parangi malai

Guindy, Chennai, Tamil Nadu – 600 016

- Respondents

Status report filed by the 2nd Respondent

I, M.S. Chaithanya son of Mr. M. Thejendranath, Hindu, aged about 40 years, presently working as Project Director, Project Implementation Unit (PIU) – Chengalpattu, having office at No. 41/8A, 2/285, Second Floor, Velachery – Tambaram Main Road, Santhoshapuram, Medavakkam,

एम.एस.चैतन्या | M.S. Chaithanya
परियोजना निदेशक | Project Director
प.का.ई. चेंगलपट्टु | PIU Chengalpattu

Chengalpattu District, do hereby solemnly affirm and sincerely state as follows:

1. I am serving as Project Director, Project Implementation Unit - Chengalpattu, National Highways Authority of India and I am conversant with the facts of the case from the records available in the office as such I am Competent to swear this status report on behalf of 2nd Respondent.
2. I submit that the existing ECR connecting Chennai & Puducherry was initially designated as State Highway (SH-59). The stretch was developed as 2 Lane with Paved Shoulder / 2 Lane by State Government of Tamil Nadu through its corporation M/s. TNRDC.
3. I submit that Government of India decided to develop various roads in the country under Bharatmala Pariyojana and circulated an SOP dated. 03.11.2017 regarding investment approval for Phase – I of Bharatmala. The list include project connecting Chennai to Puducherry stretch of 137 Km vide Sl. No. 7 of Annexure II (c) under Feeder Routes. The stretch was entrusted to NHAI for implementation.
4. I submit that National Highways Authority of India had obtained clearance for the project from Mugaiyur to Marakkanam (Pkg II) of ECR from Ministry of Environment, Forest and Climate Change and Government of India (GOI) vide File No. 11-37/2019-IA-III dated 23.10.2020 based on the



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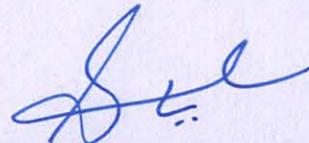
recommendation of Tamil Nadu Coastal Zone Management Authority (TNCZMA)'s Lr. No. 9909/EC-3/2019-1 dated 26.06.2019.

5. I submit that , the Concessionaire of the project had submitted the GAD to WRD for obtaining enter upon permission and to commence construction with an assurance that they will take up the construction activity initially for a length of 50% of the waterway across the river and the rest will be taken up by clearing the already dumped material. It is also assured that the entire waterway area will be cleared within a month once the construction of the bridge is completed.

6.I humbly submit that A Major Bridge is proposed to construct for 500m across Odaiyur Lake on as a part of Mamallapuram - Puducherry (PKG-02) on NH-332A (ECR). NHAI has obtained necessary CRZ clearances from MoEF&CC as the project passes through CRZ limits at various locations including Odaiyur lake.

7. I humbly submit that during execution of works by M/s SPL ECR Highway Pvt., Ltd., a petition was filed before NGT Southern Zone, Chennai Bench challenging construction of cofferdam inside Lake area.

8. I further submit that already a status report was filed by NHAI stating that the cofferdam is proposed in two stages for Half width of Odaiyur lake instead of entire width at single stage to ensure free flow of natural tidal water. The Earthen Material being used for construction of cofferdam will be



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removed within one month after completion of Major Bridge construction as specified by CRZ, MoEF & CC under Specific Condition while issuing CRZ clearance on 23.10.2020. I humbly submit that It was appraised to the Tribunal that the works are in compliance to CRZ Clearance and construction of cofferdam is universally adopted method for construction in Water Bodies. It was submitted to Tribunal that Cofferdam will be taken up in 02 stages to ensure uninterrupted tidal flow & debris will be removed after completing major bridge works.

9. I humbly submit that the Odaiyur Lake is backwaters, hence falls under CRZ-IVB. As per the conditions, construction of bridge is a permitted activity however debris after construction shall be removed.

10. I humbly submit that during the construction, Concessionaire had constructed more length of cofferdam without keeping up the assurance given by Nhai before this Honble Court. By observing this, the applicant Mr. K.Saravanan had filed an affidavit on 02.07.2024 before this Tribunal (case under O.A. No. 106 of 2024) stating that due to this action of Concessionaire, the tidal exchange is severely restricted and only a small gap has been left and hence requested to stop the violation of the assurance given to NGT.



एन एम चेंगलपट्टु N.M.Chengalpattu
परियोजना निदेशक | Project Director
ए.का.ई. चेन्नई ए.का.ई. चेन्नई Chengalpattu

11. I humbly submit that during execution, it is observed that the length of opening left by Concessionaire is not sufficient and the methodology concurred by IE is not in line with the discussions during review meetings.

10. I humbly submit that Instructions have been issued to the Concessionaire for immediate removal of Cofferdam additional length and show cause notice has been issued to Team Leader of IE. The report furnished by IE is filed herewith for the kind consideration of this Hon'ble Bench.

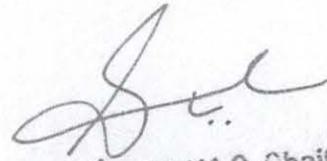
12. Incompliance with the directions of NGT vide Order dated. 02.07.2024, Respondent (2) has directed Independent Engineer for the project to take necessary action for removal of excess Cofferdam constructed.

13. Accordingly, Concessionaire commenced removal activities on 01.7.2024 and entire length of additional Cofferdam is beyond half of the width has been removed by 12.07.2024. Site photographs showing status of removal of Cofferdam is submitted herewith.



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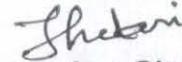
14. Hence I pray that this status report may kindly be recorded and thus render Justice.



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Solemnly affirmed at Chennai on this
the 6th Day of August 2024 and
Signed his name in my presence

Before me



Advocate : Chennai

Enrol. no 54/2005
481, Abbl. Law Chandra
Chennai - 1

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**Status Report filed by the 2nd
Respondent**

Mrs. S.R. Sumathy
Counsel for 2nd Respondent
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