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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE CHENNAI**

O.A No.99 of 2024

R. Narayanan,
S/o Raji,
No. 3/187, Bajanai Kovil Street,
Kovalam- 603112.
Email : yogeshwaranadv@gmail.com
Mobile: 9566254546

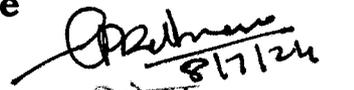
.... Applicant

Vs

1. The Tamilnadu Coastal Zone Management Authority
Rep by its Member Secretary
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet, Chennai-600 015
Email : tndoe@tn.nic.in
Phone: 044 - 24336594

2. The Secretary
Public Works Department
Government of Tamilnadu
Fort St George, Chennai.
Email: pwdsec@tn.gov.in
Phone: 044 - 25673040

3. **The Central Institute of Brackishwater Aquaculture**
ICAR – CIBA by its Director (I/c)
No. 75, Santhome High Road,


निदेशक
DIRECTOR (I/c)
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RA Puram, MRC Nagar, Chennai,
Tamil Nadu. 600028
Phone: 044 - 24610311
Email : director.ciba@icar.gov.in

.. Respondents No.1,2 & 3

COUNTER STATEMENT OF RESPONDENT NO. 3

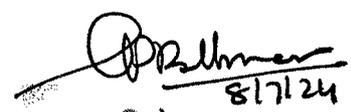
1. The Central Institute of Brackishwater Aquaculture is Respondent No.3 in this Original Application No.99 of 2024. The abovenamed Respondent No.3 is represented by their Director(I/c) having their office at 75, Santhome High Road, RA Puram, MRC Nagar, Chennai, Tamilnadu - 600028.
2. The Respondent No.3 through their Director(I/c) who is aware and acquainted with the facts of the case on the basis of the records and information made available in this Office.
3. This Respondent No. 3 denies the allegations, accusations, averments, contentions and statements made in O.A.No. 99 of 2024 and puts the Applicant to strict proof of each and every one of the same excepting hereinafter specifically admitted.
4. The Respondent No.3 humbly submit that **“THE CENTRAL INSTITUTE OF BRACKISHWATER AQUACULTURE ”** hereinafter referred as **CIBA**, is one of the prestigious Institute under the Indian

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DIRECTOR
CIBA
CHENNAI
8/17/24


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दि. देशक
DIRECTOR (I/c)
केखाजपादरतं, चैनई
CIBA, CHENNAI

Council of Agricultural Research hereinafter referred as ICAR under the Ministry of Agriculture, New Delhi. This CIBA was established on 1st April 1987. It serves as the Nodal Institute of Research and Development in Brackishwater Aquaculture in India with a vision of environmentally sustainable, economically viable and socially acceptable Brackishwater Aquaculture. This ICAR - CIBA is funded by the Government of India and functioning under the mandate and Guidance of the Ministry of Agriculture, New Delhi.

5. The Respondent No.3 humbly submit that this ICAR-CIBA is having its Pioneer Pilot Project and Experimentation conducted and operated by its Unit **“MUTTUKADU EXPERIMENTAL STATION”** hereinafter referred as **MES** being a Field Station which spread over and extent of 121.65 Acres of land in between the Bay of Bengal and Muttukadu Backwater Lagoon with state of the art Hatchery Facility for **Shrimp, Crab and Diverse Fin Fish Species**, this Unit is instrumental in developing farmer-friendly, cost effective technologies and catering to the stakeholders of the Country. Majority of the Land extent is covered with Brackishwater with good tidal influx, the area acting as good nursery grounds for many of the Fish Species, and Traditional Fishing Grounds for Local Fishers (Fishermen Community).


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MES conducts and carries out research assessment on quality of water, properties of water and biodiversity in and around surrounding water bodies. All the research and development related to hatchery (Reg No: 55-17(15)/24) and farming (Reg No: TN-II -2012-1598) of brackishwater aquaculture is formally registered under the Coastal Aquaculture Authority (CAA) of India. The registration was first done in Jan, 2012, and registration is valid up to Jan, 2027.

6. The Respondent No.3 humbly submit that Muttukadu Experimental Station (MES) which is located about 30 km South of Chennai on the Coastal State Highway (ECR) connecting Chennai and Pondicherry is one of the most modern Brackishwater Aquaculture Complex of International repute in India. The experimental facilities of MES-CIBA include **Experimental Shrimp Hatchery** of 10 million post larvae production capacity, Finfish Hatchery with huge facility for Finfish broodstock-holding and larval rearing, mud crab Hatchery, Algal culture and live feed laboratories, Crustacean biology and reproductive physiology laboratory, Soil and Water Testing Laboratory, Feed Biotechnology Laboratory, Pilot scale feed-mill housing a ring die pellet mill, twin screw extruder, cold extrusion cum spheronizer, drum vacuum coater etc.

7. With reference to Application paragraph

No. 1 this

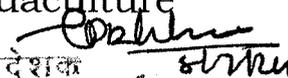
Respondent No.3 humbly submits as hereunder:-


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The assertions made in the present Application regarding illegal constructions or obstructions near the Kovalam estuary mouth are unfounded. The facilities present on the 121.65 acres of land allocated

(S.No. 113/1 – 36.62 Ha; S. No. 115/1 & 58/1 – 4.86 & 7.09 = 11.95 Ha; S. No. 97/3 – 0.688 Ha covering both Muttukadu & Kovalm Villages) to ICAR-CIBA by the Government of Tamil Nadu (refer G.O. Ms. No: 262; dated 05.03.1992 for establishment of R & D facilities in Brackishwater Aquaculture) are designated for Legitimate Research Activities in Brackishwater Aquaculture Development. Specifically, the constructions mentioned in O.A.No.99 of 2024 are systems developed and utilized for various Research Activities for Environmental friendly sustainable Brackishwater Aquaculture Development in this Country. ICAR – CIBA Establishments are made in land area categorized as CRZ III, which permits Agricultural activities and several other **Non-Destructive Activities** in this Zone (refer Page 11 of CRZ Notification). ICAR – CIBA operations strictly adhere to all applicable Coastal Regulation Zone (CRZ) Regulations, exemptions under the recent Coastal Aquaculture Authority Act (CAA, 2005) and Amendments (CAA, Amendments August, 2023) permitting the Hatchery setting in the CRZ, and Coastal Aquaculture


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Authority (CAA) Guidelines. Therefore, This Respondents No.3 categorically refute all allegations of illegal constructions or obstructions as stated in the Application.

8. With reference to Application paragraph No. 2 this Respondent No.3 humbly submits as hereunder:-

ICAR-CIBA has maintained Establishments in this area since the early 1990s, dedicated to Research and Developmental Activities aimed at advancing Brackishwater Aquaculture for sustainable Seafood production. The CIBA Land extent is situated far away from the mouth opening of the backwater (refer annexed satellite images) and adjoining Buckingham Canal, as depicted in the provided image. the mouths on both sides are protected by stone boulders laid by the State Government in 2017. **No Construction has been undertaken on the waterways. None of the Establishments under this Respondent No.3 obstruct the water flow or disrupt the natural diversity in the ecosystem.** The barbed wire fencing is located within the land allotted to ICAR-CIBA to safeguard experimental setups from the livestock menace, biosecurity to the live research materials and poachers. It is submitted that all the tanks are portable tanks without any RCC concrete roofing.


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9. With reference to Application paragraph No. 3 this Respondent No.3 humbly submits as hereunder:-

A. The area where the circular structure has been constructed and fences have been erected comes under CRZ III (marked in yellow;

in the Coastal Zone Map jointly prepared by NCSCM and Govt of Tamil Nadu; Map No TN 104; Mapped during 2017-18). ICAR – CIBA Establishments are made in this land area (CRZ III) in which, CRZ Notification 2011 itself, permits agricultural activities and several **other Non-Destructive Activities** (refer Page 11 of CRZ Notification). The areas of ICAR – CIBA Establishments marked in the map is inside the water ways, therefore it is wrong and it has no relevance and it is incorrect marking.

B. ICAR – CIBA operations strictly adhere to all applicable Coastal Regulation Zone (CRZ) Regulations, Exemptions under the recent CRZ Amendments permitting the Hatchery installation in the CRZ, and Coastal Aquaculture Authority (CAA) Guidelines. The temporary Circular Structure and fences erected in the specified area are integral to this Respondent’s No.3’s Research and Development Hatchery Operations for fish/crab/shrimp species intended for Brackishwater farming. It's humbly submitted that these activities

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Signature of the Director
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are exempted from CRZ Regulations, and permission has been granted in accordance with the CAA act 2005, CAA Notifications of 2011 and the subsequent Amendments in CAA act, August 2023.

C. ICAR – CIBA activities are duly registered under the Coastal Aquaculture Authority (CAA), Government of India, and ICAR – CIBA which strictly adhere to their Guidelines. The structures in question serves as essentials for Hatchery operations and are in compliance with the Regulations Governing Coastal Aquaculture.

D. This Respondent No.3 have provided Satellite Images and Topographic Maps clearly delineating the locations of the tanks within the Boundaries of ICAR-CIBA, evidently corroborating the strict adherence to Regulatory requirements.

10. With reference to Application paragraph No. 4 this Respondent No.3 humbly submits as hereunder:-

A. ICAR-CIBA firmly denies any involvement in the construction of breakwaters or the placement of groynes, as alleged in the OA. This was the efforts by the state Public Works Department (PWD) in 2016 -2017 for deepening the Barmouth, keep it open during monsoon months. This effort also worked very well, it was evident from the

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recent 2023 flood, where the water flow was very much below the brim of the above said Groyne. ICAR - CIBA has no association with these activities, and we adhere strictly to all Regulatory Guidelines Governing Coastal Construction and Development.

B. ICAR - CIBA establishments and research activities are far away from the above-mentioned Groyne structures in the bar mouth of the Muttu Kadu Backwaters.

11. With reference to Application paragraph No. 5 this Respondent No.3 humbly submits as hereunder:-

A. It is humbly submitted that efforts by the State Public Works Department (PWD) in 2017 by deepening the Barmouth and laying of boulders led to the exposure of the land boundaries of CIBA naturally. The Google Earth map presented by the Applicant reflects an outdated view of the area. The structures and fencing mentioned in this Application are temporary to avoid the entry of livestock, poaching of the valuable research materials and ensure biosecurity to live shrimps maintained within the land boundaries of ICAR-CIBA. These activities are exempted from CRZ Regulations, as per the Notifications of 2011 CAA act 2005, and the recent Amendment in the CAA act (August 2023).

B. It is pertinent to note that these temporary structures do not

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obstruct the natural water flow and are situated within the designated land area. Even during the last mega Chennai Floods in Dec, 2023, there was no such obstructions, and water was flowing very much below the brim of the Groynes on the both the sides of the bar mouth.

C. This Respondent No.3 remain committed to upholding all Regulatory Guidelines and in conducting activities responsibly and properly in accordance with Law.

12. With reference to Application paragraph No. 6 this Respondent No.3 humbly submits as hereunder:-

The Respondent No.3 humbly submits that it is pertinent to clarify that the land area designated as S.No. 58/1 in Kovalam Village, classified as "Buckingham Canal" in the 'A' Register Extract, which was allotted by the Government of Tamil Nadu for the Establishment of Research and Development (R&D) facilities (refer G.O. Ms. No: 262; dated 05/03/1992 for Establishment of R&D facilities in brackishwater aquaculture). Specifically, a portion of 17.5 Acres out of the total extent area of 70.43 Acres was allocated under this Survey Number for the Establishment of a hatchery and laboratory under the auspices of ICAR-CIBA for Research and Development purposes.

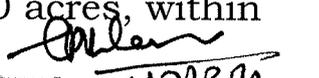

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While the classification of the land as "Buckingham Canal Poramboke" may indicate its proximity to the Canal, it is pertinent to note that the allocated land for ICAR-CIBA's activities are distinct and separate from the Canal area. The designated land for the hatchery and laboratory is situated at a considerable distance from the Buckingham Canal and is utilized exclusively for Research and Development activities.

13. With reference to Application paragraph No. 7 this Respondent No.3 humbly submits as hereunder:-

A. ICAR-CIBA operates as a Government-owned Institute dedicated to Research and Development in Brackishwater Aquaculture, with a core vision of promoting environmentally sustainable, economically viable, and socially acceptable practices in this sector. ICAR - CIBA committed to supporting and enhancing seafood production while also providing livelihood opportunities for coastal fishers (Fishermen Community) nationwide. Contrary to the allegations made, ICAR-CIBA has no intention or agenda to disrupt fishing grounds or impede traditional fishing activities. On the contrary, ICAR - CIBA actively collaborate with local fishers and communities to preserve and sustainably utilize coastal resources. For instance, ICAR - CIBA have allowed a substantial portion of land, exceeding 90 acres, within


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 this Respondent No.3 premises for traditional fishing activities in the backwater lagoon. ICAR - CIBA offers employment opportunities to local fishers across various job roles in the premises of CIBA Experimental Station at Muttukadu, based on their qualifications and skills.

B. ICAR - CIBA implement experimental **fish culture projects** in surrounding water bodies, engaging fishers and demonstrating aquaculture as a viable alternative livelihood option. These initiatives aim to empower local communities, enhance their economic well-being, and promote the sustainable utilization of coastal resources.

14. With reference to Application paragraph No. 8 this Respondent No.3 humbly submits as hereunder:-

A. ICAR-CIBA categorically denies the allegations made in the grounds presented by the Applicant. ICAR - CIBA have **not constructed any structures with the intention of obstructing or diverting the flow of water or obliterating fishing grounds within the Buckingham canal or any other area.** All structure constructed are in complete compliance with CRZ Regulations and adhere to the

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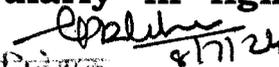
exemptions outlined in the CRZ Notification of 2011 and CAA act Amendments (Aug 2023), which permit the construction of fish/shrimp Hatcheries in designated Zones.

B. It is pertinent to clarify that ICAR-CIBA has not erected any illegal structures as alleged in O.A No.99 of 2024. Therefore, such an allegations are false frivolous, vexatious and without any basis whatsoever.

14. With reference to Application paragraph No. 9 this Respondent No.3 humbly submits as hereunder:-

A. The structures constructed by ICAR-CIBA are in accordance with CRZ Regulations and Exemptions mandated in the CRZ Notification of 2011 and subsequent Amendments. These Constructions are intended for the development of fish/shrimp hatcheries within the designated Zone, aligning with this Respondent No.3 mission as a Government-owned Institute dedicated to Research and Development in Brackishwater Aquaculture.

B. It is pertinent to point out that ICAR-CIBA has registered all activities under the Coastal Aquaculture Authority (CAA), Government of India, and strictly adheres to their Guidelines. ICAR - CIBA initiatives aim to develop **sustainable livelihood opportunities for fishers and coastal communities, particularly in light of**


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declining fish catch from wild oceans.

15. With reference to the Annexures A1 to A6, this Respondent No.3 humbly submits their Response, reply and explanation as hereunder:-

I. Annexure A1 Photographs at Page 11

A. This construction is on elevated land within ICAR - CIBA land Boundaries and not constructed on waterways.

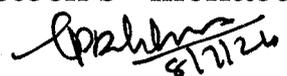
B. This is a recirculatory research tank system constructed to study the impact climate change on the fish reproductive biology and hatchery production. This research tank facility has been built within the land boundaries of CIBA inside the CRZ III zone, in accordance with CRZ Regulations and Exemptions mandated in the CRZ Notification of 2011, and CAA act Amendments (Aug 2023), which permit the construction of fish/shrimp Hatcheries in designated Zones.

Page 12 :- A different view of the same system as in Page – 11.

Page 13:-A different view of the same system as in page – 11 & 12.

Page 14 :-

C. The barbed fencing is located within the land allotted to ICAR-CIBA to safeguard experimental setups from the livestock's menace,


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biosecurity to the research materials and poaching of valuable research materials and equipment.

D. All these facilities are developed are designated for legitimate Research Activities in Brackishwater Aquaculture Development.

ICAR-CIBA Muttukadu Experimental Station (MES) and establishments are made in the land area categorized as CRZ III, which permits agricultural activities and several other non-destructive activities in this Zone (refer Page 11 of CRZ Notification). It's submitted that **Shrimp Hatchery and related activities are exempted from CRZ Regulations**, and permission has been granted in accordance with the CRZ Notifications of 2011; CAA 2005 and the subsequent Amendments made in August 2023.

E. ICAR-CIBA Muttukadu Experimental Station, operations are strictly adhere and follow all applicable Coastal Regulation Zone (CRZ) Regulations, exemptions under the recent August 2023 CRZ **Amendments permitting the Hatchery setting in the CRZ, and Coastal Aquaculture Authority (CAA) Guidelines.** Therefore, ICAR-CIBA categorically refutes allegations of illegal constructions or obstructions as stated in the Original Application No. 99 of 2024.

II. Annexure A2: CRZ Notification 2011

A. ICAR-CIBA Muttukadu Experimental Station and establishments

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are made in the land area categorized as CRZ III, which permits agricultural activities and several other non-destructive activities in this Zone (refer Page 11 of CRZ Notification). It's submitted that **Shrimp Hatchery and related activities are exempted from CRZ Regulations**, and permission has been granted in accordance with the CRZ Notifications of 2011; CAA 2005 and the subsequent Amendments made in August 2023.

B. ICAR-CIBA Muttukadu Experimental Station activities are **NOT carried out** in CRZ 1 B Zone as mentioned by the Applicant (refer the Coastal Zone Map jointly prepared by NCSCM and Govt of Tamil Nadu; Map No TN 104; Mapped during 2017-18).

C. It's humbly brought to Notice that activities involving **shrimp breeding, and hatchery operations are exempted** from CRZ Regulations, and permission has been granted in accordance with the CAA act 2005 and the subsequent Amendment in August 2023.

Therefore, ICAR-CIBA Muttukadu Experimental Station categorically refute and deny allegations of illegal constructions or obstructions as stated in this OA.

III. Annexure A3: CZMP

A. In the map the marking is made very deep inside the water mass at the bar mouth, to indicate that ICAR-CIBA occupied CRZ 1 B.

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Factually, activities of the ICAR-CIBA are on the land mass categorized as CRZ III and **doesn't have any activities** inside water mass of the bar mouth obstructing the flow of water.

B. ICAR-CIBA establishments are made in land area categorized as **CRZ III**, which permits agricultural and several other non-destructive activities in this Zone (refer Page 11 of CRZ Notification). Therefore, ICAR-CIBA categorically refutes and denies the contentions of Applicant.

IV. Annexure A4: Google Earth Map

A. This imagery was taken during February 2016, two months post 2015 Chennai Floods which devastated Chennai. Severe water inundations happened in CIBA land boundaries due to the bar mouth closure and due to several sand and silt accumulation, which happened in previous months of 2015.

B. Post Flood 2015, in 2016 - 2017, PWD deepened the bar mouth and put Groynes on both the sides of the bar mouth, which significantly helped to streamline the water flow. This effort also worked very well, it was evident from the recent 2023 Flood, where the water flow was very much below the brim of the above said Groynes. Please refer the imagery of 2016 vs 2023.

V. Annexure A5 : Buckingham Canal


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S.No. 58/1 – Government Land (Buckingham Canal Poramboke; 26.84 Ha total extant). Out of which the State Government has given 7.08 Ha (17.5 acres) to ICAR-CIBA during 05.03.1992 for conducting Research activities in Brackishwater Aquaculture. Remaining land extend alone mentioned in the digital FMB dated 17, Dec, 2023.

VI. Annexure A6 – Representation by Applicant

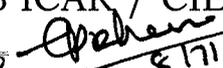
This Representation was baseless, false and without any Documentary evidence.

16. This Respondent No.3 ICAR-CIBA humbly crave leave of this Hon'ble Tribunal to submit Additional Reply and Additional Documents in support of their Case and prove that this O.A No.99 of 2024 is liable to be dismissed.

17. This Respondent No.3 ICAR-CIBA humbly submits that there is no prima facie Case has been made out in this O.A.No.99 of 2024 which is devoid of merits whatsoever. The issues and contentions raised in this O.A.No.99 of 2024, are untenable, unsustainable and not maintainable both on Law facts and circumstances of the Case and therefore, liable to be dismissed in limine with Costs and thus render Justice.

Counsels for Respondent

Respondent No.3 ICAR / CIBA

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VERIFICATION

I, **Dr. C.P.Balasubramanian, Director (I/c) of ICAR - CIBA**
Respondent No. 3 herein do hereby declare and verify that the
contentions and statements made in the above paragraphs are true to
the best of my knowledge, belief and information based on the
available records.

Verified and signed at Chennai on 5th day of July 2024.

Respondent No.3, ICAR / CIBA.
निदेशक
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**BEFORE THE HON'BLE
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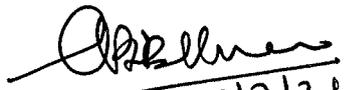
R. Narayanan,

.... Applicant

Vs

1. The Tamilnadu Coastal Zone Management Authority
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2. The Secretary
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- 3. The Central Institute of Brackishwater Aquaculture
ICAR – CIBA by its
Director(I/c)**
.. Respondents No.1,2 & 3

**COUNTER STATEMENT OF
RESPONDENT NO. 3**


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Mrs. S.Sakthi Subha Gopikrishnan
Er. No.1165 of 2003
Mr.M.Arunachalam Er.No.2297 of 2018
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