



K.T.V. OIL MILLS PRIVATE LIMITED

Terminal : No. 18/19, New Ennore Express High Road,
Thiruvottriyur, Chennai - 600 019. Phone: 25991807, 25994807, 25995807

PAN - AAECK7711M

GSTIN : 33AAECK7711M1ZE

CIN No. U40300TN2012PTC085926

10th July 2020

To,
The Addl. Principal Chief Conservation of Forest / Joint Director,
Ministry of Environment, Forest and Climate Change,
Regional Office (SEZ),
Ist and IInd Floor, Handloom Export Promotion council,
34, Cathedral Garden Road, Nungambakkam, Chennai – 600 034.

Respected Sir,

Sub.: Submission of Environment Clearance Half-Yearly Compliance Report for
January 2020 to June 2020

Ref.: MOEF&CC, New Delhi. Clearance Letter F.No.11-4/2017-IA-III, dated 12th
July 2017.

With reference to the above subject, please find enclosed herewith condition wise
compliance report of the conditions stipulated in schedule of the Environment
Clearance (transit storage terminal) on half-year basis.

This is for your kind information only.

Please acknowledge the receipt.

Thanking you.
Yours faithfully,
For KTV Oil Mills Private Limited,


(S. Ravindran, Authorized Signatory)



Copy to
The District Environmental Engineer,
TNPCB, 77.A, South Avenue Road, Ambattur, Chennai – 600058.

Encl.: Annexure 1_CRZ Clearance Copy,
Annexure_2_Compliance Report,
Annexure_3_TNPCB Consent Copy,
Annexure_4_Pending court case 62 of 2017,
Annexure_4A_Case 62 of 2017_Order copy,
Annexure-4B_ copy of review application No.6/2020(SZ) in Appeal No.62 of 2017 (No pending hearing)

F.No. 11-4/2017-IA-III
Government of India
Ministry of Environment, Forest and Climate Change
(IA-III Section)

Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi-3

Dated: 12 July, 2017

To

The Senior Terminal Manager (FST),
M/s KTV Oil Mills Private Ltd,
No. 18/19, New Ennore Express High Road,
Thiruvottiyur Village, Ambattur Taluk,
Thiruvallur District, Chennai,
Tamil Nadu - 6000189

Sub: Laying of pipeline for the transfer of Edible oil from Chennai Port to transit storage terminal and establishment of storage transit terminal at No. 18/19, New Ennore Express High Road, Thiruvottiyur, Chennai (Tamil Nadu) by M/s KTV Oil Mills Private Limited- CRZ Clearance- reg.

Sir,

This has reference to your proposal No. IA/TN/MIS/62059/2017 dated 27th January, 2017, submitting to this Ministry for grant of CRZ Clearance in terms of the provisions of the Coastal Regulation Zone (CRZ) Notification, 2011 under the Environment (Protection) Act, 1986.

2. The proposal for 'Laying of pipeline for the transfer of Edible oil from Chennai Port to transit storage terminal and establishment of storage transit terminal' at No. 18/19, New Ennore Express High Road, Thiruvottiyur, Chennai (Tamil Nadu) by M/s KTV Oil Mills Private Limited, was considered by the Expert Appraisal Committee (EAC) in the Ministry, for Infrastructure Development, Coastal Regulation Zone, Building / Construction and Miscellaneous projects, in its 167th meeting held on 23rd February, 2017.

3. The details of the project, as per the documents submitted by the project proponent, and also as informed during the above meeting, are reported to be as under:-

- (i) The project involves laying of pipeline for the transfer of Edible oil from Chennai Port to transit storage terminal and establishment of storage transit terminal at No. 18/19, New Ennore Express High Road, Thiruvottiyur, Chennai (Tamil Nadu) by M/s KTV Oil Mills Private Limited.
- (ii) The total length of the pipeline will be 10 inches single pipeline from Berth to Port Trust main gate and all along new Ennore Express High Road.
- (iii) There will be 13 nos. of storage having capacity of 2261 KL (four tanks each), 4021 KL (two tank), 6283 KL (two tanks each), 5098 KL (three tank), 3437 KL (one tank) and 3447 (one tank) for handling and transit of edible oil at the Transit terminal.

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- (iv) The proposed site falls in CRZ-II and the District Coastal Zone Management Authority for CMDA has recommended the project for clearance in the meeting held on 8th August, 2016. As per CRZ Notification 2011, vide para 8 II CRZ-II (vi) storage of non-hazardous cargo, such as edible oil, fertilizers and food grain shall be established only in notified ports. However vide para 3 (ii) (a) & (b) of CRZ Notification 2011, transfer of hazardous substances from ships to port, terminals and refineries and vice versa; facilities for receipt and storage of petroleum products and liquefied natural for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and like are permissible activities in CRZ area (other than CRZ-I (A) ecologically sensitive areas).
- (v) **SCZMA Recommendation:** The Tamil Nadu Coastal Zone Management Authority has recommended the project vide their letter No. 25182/EC.3/2016-1, dated 25.11.2016.
- (vi) **Water requirement:** 1 KLD which will be supplied by Chennai corporation.
- (vii) **Waste water generation:** Sewage generation will be 0.8 KLD, Sewage is treated through septic tank and disposed through Public sewerage line.
- (viii) **Municipal solid waste:** No Solid waste is generated in our operation.
- (ix) **Power requirement:** 80 HP.
- (x) **Proposed energy saving measures:** Proposed to install Roof Top Solar Panel.
- (xi) **Rain water harvesting system** will be installed.
- (xii) **Car Parking/ Tanker:** 50 Nos.
- (xiii) **Investment/ Cost of the project:** Rs. 9.0 Crores.
- (xiv) **Benefits of the project:** Reduces the traffic to Chennai Port Trust and increases the turn round time of Vessel by taking higher pumping rate.
- (xv) The project proponent also informed that permission for carrying out the proposed activity has been obtained from Chennai Port Trust, National Highway Authority of India and Chennai Fishing Harbour Management Committee.

4. The EAC, after detailed deliberations, has recommended the project for grant of CRZ Clearance. As per recommendations of the EAC, the Ministry of Environment, Forest and Climate Change hereby accords CRZ Clearance to the project '**Laying of pipeline for the transfer of Edible oil from Chennai Port to transit storage terminal and establishment of storage transit terminal**' at No. 18/19, New Ennore Express High Road, Thiruvottiyur, Chennai (Tamil Nadu) promoted by M/s KTV Oil Mills Private Limited, under the provisions of the CRZ Notification, 2011 and amendments thereto and circulars issued thereon, and subject to the compliance of the specific and general conditions as below:

A. SPECIFIC CONDITIONS:

- (i) 'Consent to Establish' shall be obtained from State Pollution Control Board (SPCB) under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974.
- (ii) A 2% of the cost of the project shall be apportioned for environment protection and conservation measures, to be spent by the Project Proponent towards fulfilling its Corporate Environmental Responsibility (CER) during the currency of the Project, while maintaining proper record and account of the same.

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- (iii) All the recommendations/conditions stipulated by Tamil Nadu Coastal Zone Management Authority vide their letter No. 25182/EC.3/2016-1, dated 25.11.2016, shall be strictly complied with.
- (iv) While laying pipeline, there shall be no disturbance of any mangrove area.
- (v) There shall be regular pigging to monitor the health of pipeline and to keep it clean.
- (vi) Necessary signages shall be installed in both English and local languages wherever the pipeline is passing.
- (vii) The construction in CRZ areas shall strictly be in accordance with the provisions of CRZ Notification, 2011 and as amended from time to time.
- (viii) All waste (liquid and solid) arising from the proposed development shall be disposed off as per the norms prescribed by State Pollution Control Board. There shall not be any disposal in to the sea/coastal water bodies.
- (ix) No labour camp, machinery and material storage is allowed in CRZ Area.
- (x) There shall no ground water drawal within CRZ.
- (xi) Proper maintenance of turbines shall be ensured so as to control the noise level.
- (xii) All the recommendations of EIA and Disaster Management Plan shall be strictly complied with.
- (xiii) All kinds of safety precautions shall be taken to avoid any sort of accidents during handling of equipments and laying of pipeline. Emergency medical service shall be provided.

B. 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 Chennai 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 Officer of this Ministry at Chennai regarding the implementation of the stipulated conditions.

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- (iv) The Ministry of Environment, Forest and Climate Change or any other competent authority may stipulate any additional conditions or modify the 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, Forest and Climate Change.
- (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) The funds earmarked for environment management plan shall be included in the budget and this shall not be diverted for any other purposes. Year-wise expenditure shall be reported to this Ministry and its concerned Regional Office.
- (ix) A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla 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 project proponent.
- (x) A copy of the clearance letter shall also be displayed on the website of the concerned State Pollution Control Board. The clearance letter shall also be displayed at the Regional Office, District Industries centre and Collector's Office/ Tehsildar's Office for 30 days.

5. The above stipulations would be enforced among other under the provision of the 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 the EIA Notification 1994, including the amendments and rules made thereafter.

6. All other statutory clearance such as the approvals for storage of diesel from Chief Controller of Explosive, Fire Department, Civil Aviation Department, the Forest Conservator Act, 1980 and the Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponent from the respective competent authorities.

7. 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, Forest and Climate Change at <http://www.envfor.nic.in>. The advertisement shall be made

within Seven days from the date of receipt of the Clearance letter and a copy of the same shall be forwarded to the Regional Office of this Ministry at Chennai.

8. 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.

9. 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&CC, the respective Zonal Office of CPCB and the SPCB.

10. The clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs Union of India in Write Petition (Civil) No. 460 of 2004 as may be applicable to this project.

11. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated Clearance conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF&CC, the respective Zonal Office of CPCB and the SPCB.

12. 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&CC by e-mail.

(Arvind Kumar Nautiyal)
Director

Copy to:

1. The Secretary, Environment & Forests Department, Govt of Tamil Nadu, Saint George Port, Chennai.
2. The Chairman, Central Pollution Control Board, Parivesh Bhavan, CBD- cum-Office Complex, East Arjun Nagar, Delhi – 110032.
3. The Chairman, Tamil Nadu, Environment and Forests (EC.3) Department, Secretariat, Chennai-9.
4. The Chairman, Tamil Nadu State Pollution Control Board, 76, Mount Salai, Guindly, Chennai – 600032.
5. The APCCF (C), MoEF&CC, RO, 1st Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai-34.
6. Guard File.
7. Monitoring File.

(Arvind Kumar Nautiyal)
Director

Compliance statement for conditions stipulated in the CRZ Clearance obtained from Government of India, Ministry of Environment, Forest and Climate change, New Delhi vide Lr. No.F.No. 11-4/2017-IA-III, Dated 12.07.2017

Half Yearly Report : January 2020 to June 2020.

A. SPECIFIC CONDITIONS:

S.No.	Conditions	Compliance
(i)	'Consent to Establish ' shall obtained from State Pollution Control Board (SPCB) under the Air (Prevention and Control of pollution) Act, 1981 and the Water (Prevention and control of pollution) Act, 1974	Complied
(ii)	A 2% of the cost of the project shall be apportioned for environment protection and conservation measures, to be spent by the Project Proponent towards fulfilling its Corporate Environmental Responsibility (CER) during the currency of the Project, while maintaining proper record and account of the same	Complied.
(iii)	All the recommendations / conditions stipulated by the Tamil Nadu Coastal Zone Management Authority vide their letter No. 25182/Even.3/2016-1, dated 25.11.2016, shall be strictly complied with	Complied.
(iv)	While laying pipeline, there shall be no disturbance of any mangrove area	No mangrove in the project area. Hence not applicable.
(v)	There shall be regular pigging to monitor the health of pipeline and to keep it clean.	Agreed to Comply- We will monitor the pipeline quality in regular intervals.
(vi)	Necessary signages shall be installed in both English and local language wherever the pipeline is passing	Complied - Markings of pipeline wherever required was complied.
(vii)	All waste (liquid and solid) arising from the proposed development with the provisions of CRZ Notification, 2011 and as amended from time to time	No Liquid and solid waste is expected from our activity.
(viii)	All waste (liquid and solid) arising from the proposed development shall be disposed off as per the norms prescribed by State Pollution Control Board. There shall not be any disposal in to the sea/coastal water bodies.	No Liquid and solid waste is generated from our activity.
(ix)	No labour camp, machinery and material storage is allowed in CRZ Area	Agreed. No permanent labour camp, machinery and material storage in CRZ Area.



(x)	There shall be ground water drawl within CRZ	Complied - We have no proposal to withdraw ground water for our activity.
(xi)	Proper maintenance of turbines Hall be ensured so as to control the noise level	Agreed to Comply
(xii)	All the recommendations of EIA and Disaster Management Plan shall be strictly complied with.	We will ensure that specific environmental protection measures and proposed safeguard measures are following.
(xiii)	All kind of safely precautions shall be taken to avoid any sort of accidents during handling of equipments and laying of pipeline. Emergency medical service shall be provided.	Complied- Precautionary measures are taken to avoid any accident during the transfer of oil through pipeline.

B. GENERAL CONDITIONS:

S.No.	Conditions	Compliance
(i)	Appropriate measures must be taken while undertaking digging activities to avoid any likely degradation of water quality.	Establishment work are completed. Transit terminal is in operation.
(ii)	Full support shall be extended to the officers of this Ministry / Regional Office at Chennai 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.	Shall be complied.
(iii)	A six-Monthly monitoring report shall need to be submitted by the project proponents to the Regional Officer of this Ministry at Chennai regarding the implementation of the stipulated conditions.	It is being complied on regular basis.
(iv)	The Ministry of Environment, Forest and Climate Change or any other competent authority may stipulate any additional condition or modify the existing ones, if necessary in the interest of environment and the same shall be complied with.	Agreed upon.
(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.	Agreed upon.
(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, Forest and Climate Change.	No change is envisaged as on date.



(vii)	The project proponents shall inform the Regional Office as well as 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.	We have obtained CTO Expansion from TNPC Board for our Transit Storage Terminal vide Proceeding No.F.0823AMB /OL/DEE/TNPCB/AMB/Air and Water dated 04/04/2019. Valid ending March 31, 2022. (Copy Enclosed)
(viii)	The funds earmarked for environment management plan shall be included in the budget and this shall not be diverted for any other purposes. Year-wise expenditure shall be reported to this Ministry and its concerned Regional Office.	The funds earmarked and shall not be diverted for any other purpose and we will inform you time to time about amount spending by us.
(ix)	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 project proponent.	Complied.
(x)	A copy of the clearance letter shall also be displayed on the website of the concerned State Pollution Control Board. The clearance letter shall also be displayed at the Regional Office, District Industries centre and Collector's Office / Tehsildar's Office for 30 days.	Complied.
5	The above stipulations would be enforced among other under the provision of the 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 the EIA Notification 1994, including the amendments and rules made thereafter.	Provisions of the acts will be complied. We are complying with Consent to Operate under Air and Water Act & other environmental Acts/Rules.
6	All other statutory clearance such as the approvals for storage of diesel from Chief Controller of Explosive, Fire Department, Civil Aviation Department, the Forest Conservator Act, 1980 and the Wildlife (Protection) Act, 1972 etc., shall be obtained, as applicable by project proponent from the respective competent authorities.	Fire department approval is applicable and Complied
7	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	Complied



	letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry of Environment, Forest and Climate Changes at http://www.envfor.nic.in . The advertisement shall be made within seven days from the date of receipt of the Clearance letter and a copy of the same shall be forwarded to the Regional Office of this Ministry at Chennai.	
8	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.	One Case pending in NGT (SZ) Review Application No.6/2020 (SZ) in Appeal No.62 of 2017. <i>No pending hearing.</i> Copy Enclosed.
9	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 off MoEF&CC, the respective Zonal Office of CPCB and the SPCB.	Complied.
10	The clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs Union of India in Write Petition (Civil) No. 460 of 2004 as may be applicable to this project.	Noted for compliance.
11	The project proponent shall also submit six monthly reports on the status of compliance of the stipulated Clearance conditions including results of monitored dated (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF&CC, the respective Zonal Office of CPCB and the SPCB.	Noted for compliance.
12	The environmental statement for each financial year ending 31 st 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&CC by e-mail.	Noted for compliance

For K.T.V. OIL MILLS PVT. LTD.


Authorised Signatory



TAMILNADU POLLUTION CONTROL BOARD



CONSENT ORDER NO. 1907120773635 DATED: 04/04/2019.

PROCEEDINGS NO.F.0823AMB/OL/DEE/TNPCB/AMB/W/2019 DATED: 04/04/2019

SUB: Tamil Nadu Pollution Control Board –CONSENT TO OPERATE FOR EXPANSION-I -M/s. K.T.V. OIL MILLS PRIVATE LIMITED , S.F.No. New T.S.No.26/1, (Old R.S.No.193/1A1, 1A2, 194/1B) and block No.12, Ward-J, THIRUVOTTIYUR village Thiruvottiyur Taluk and Tiruvallur District - Consent for the operation of the plant and discharge of sewage and/or trade effluent under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 (Central Act 6 of 1974) – Issued- Reg.

REF: 1. T.O CTO Proc. No F.0823AMB/OL/DEE/TNPCB/AMB/W&A/2018 DATED: 01/03/2018
2. Unit's application dated 08-02-2019
3. IR.No : F.0823AMB/OL/AE/AMB/2019 dated 01/04/2019
4. Minutes of 125th ZLCCC Meeting held on 4/4/2019 vide agend item No 125-74


CONSENT TO OPERATE FOR EXPANSION is hereby granted under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 as amended in 1988 (Central Act, 6 of 1974) (hereinafter referred to as "The Act") and the rules and orders made there under to

The Managing Director,
M/s . K.T.V. OIL MILLS PRIVATE LIMITED
S.F No.New T.S.No.26/1, (Old R.S.No.193/1A1, 1A2, 194/1B) and block No.12, Ward-J,
THIRUVOTTIYUR Village,
Thiruvottiyur Taluk,
Tiruvallur District.

Authorising the occupier to make discharge of sewage and /or trade effluent.

This is subject to the provisions of the Act, the rules and the orders made there under and the terms and conditions incorporated under the Special and General conditions stipulated in the Consent Order issued earlier and subject to the special conditions annexed.

This CONSENT is valid for the period ending March 31, 2022


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
AMBATTUR
4.04.19

To
The Managing Director,
M/s.K.T.V. OIL MILLS PRIVATE LIMITED,
18/19, New Ennore Express High Road, Thiruvottriyur, Chennai.,
Pin: 600019

Copy to:

- 1.The Commissioner, CHENNAI CORPORATION-Corporation, Thiruvottriyur Taluk, Tiruvallur District .
2. Copy submitted to the Member Secretary, Tamil Nadu Pollution Control Board, Chennai for favour of kind information.
3. Copy submitted to the JCEE-Monitoring, Tamil Nadu Pollution Control Board, Chennai for favour of kind information.
4. File

POLLUTION PREVENTION PAYS



TAMILNADU POLLUTION CONTROL BOARD

SPECIAL CONDITIONS

1. This consent to operate for Expansion is valid for operating the facility for the manufacture of products (Col. 2) at the rate (Col. 3) mentioned below. Any change in the products and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

Sl. No.	Description	Quantity	Unit
Product Details			
1.	STORAGE OF EDIBLE OIL (Edible Oil Transfer from Chennai Port to Transit Storage Terminal in 13 Nos. Storage Tanks through 10 inch MS pipeline)	50000	TONS/MONTH

2. This consent to operate for Expansion is valid for operating the facility with the below mentioned permitted outlets for the discharge of sewage/trade effluent. Any change in the outlets and the quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

Outlet No.	Description of Outlet	Maximum daily discharge in KLD	Point of disposal
Effluent Type : Sewage			
1.	Sewage	0.8	On Industrys own land
Effluent Type : Trade Effluent			

3. The effluent discharge shall not contain constituents in excess of the tolerance Limits as laid down hereunder.





TAMILNADU POLLUTION CONTROL BOARD

Sl. No.	Parameters	Unit	TOLERANCE LIMITS - OUTLETS -Nos			
			Sewage		Trade Effluent	
			I			
1.	pH		5.5 to 9			
2.	Temperature	oC	-			
3.	Particle size of Suspended solids	-	-			
4.	Total Suspended Solids	mg/l	30			
5.	Total Dissolved solids (inorganic)	mg/l	-			
6.	Oil & Grease	mg/l	-			
7.	Biochemical Oxygen Demand (3 days at 27oC)	mg/l	20			
8.	Chemical Oxygen Demand	mg/l	-			
9.	Chloride (as Cl)	mg/l	-			
10.	Sulphates (as SO4)	mg/l	-			
11.	Total Residual Chlorine	mg/l	-			
12.	Ammonical Nitrogen (as N)	mg/l	-			
13.	Total Kjeldahl Nitrogen (as N)	mg/l	-			
14.	Free Ammonia (as NH3)	mg/l	-			
15.	Arsenic (as As)	mg/l	-			
16.	Mercury (as Hg)	mg/l	-			
17.	Lead (as Pb)	mg/l	-			
18.	Cadmium(as Cd)	mg/l	-			
19.	Hexavalent Chromium (as Cr+6)	mg/l	-			
20.	Total Chromium (as Cr)	mg/l	-			
21.	Copper (as Cu)	mg/l	-			
22.	Zinc (as Zn)	mg/l	-			
23.	Selenium (as Se)	mg/l	-			
24.	Nickel (as Ni)	mg/l	-			
25.	Boron (as B)	mg/l	-			
26.	Percent Sodium	%	-			
27.	Residual Sodium Carbonate	mg/l	-			
28.	Cyanide (as CN)	mg/l	-			
29.	Fluoride (as F)	mg/l	-			
30.	Dissolved Phosphates(as P)	mg/l	-			
31.	Sulphide (as S)	mg/l	-			
32.	Pesticides	mg/l	-			
33.	Phenolic Compounds (as C6H5OH)	mg/l	-			
34.	Radioactive materials a) Alpha emitters	micro curie/ml	-			
35.	Radioactive materials b). Beta emitters	micro curie/ml	-			
36.	Fecal Coliform	MPN/100ml	-			

4. All units of the sewage and Trade effluent treatment plants shall be operated efficiently and continuously so as to achieve the standards prescribed in Sl No.3 above or to achieve the zero liquid discharge of effluent as applicable.



TAMILNADU POLLUTION CONTROL BOARD


5. The occupier shall maintain the Electro Magnetic Flow Meters/water Meters installed at the inlet of the water supply connection for each of the purposes mentioned below for assessing the quantity of water used and ensuring that such meters are easily accessible for inspection and maintenance and for other purposes of the Act.
 - a. Industrial Cooling, Spraying in mine pits or boiler feed.
 - b. Domestic purpose.
 - c. Process.
6. The occupier shall maintain the Electro Magnetic Flow Meters with computer recording arrangement for measuring the quantity of effluent generated and treated for the monitoring purposes of the Act.
7. Log book for each of the unit operations of ETP have to be maintained to reflect the working condition of ETP along with the readings of the Electro Magnetic Flow Meters installed to assess effluent quantity and the same shall be furnished for verification of the Board officials during inspection.
8. The occupier shall at his own cost get the samples of effluent/surface water/ground water collected in and around the unit by Board officials and analyzed by the TNPC Board Laboratory periodically.
9. Any upset condition in any of the plants of the factory which is, likely to result in increased effluent discharge and result in violation of the standards mentioned in Sl. No.3 above shall be reported to the Member Secretary / Joint Chief Environmental Engineer-Monitoring and the concerned District/Assistant Environmental Engineer of the Board by e-mail immediately and subsequently by Post with full details of such upset condition.
10. The occupier shall always comply and carryout the order/directions issued by the Board in this Consent Order and from time to time without any negligence. The occupier shall be liable for action as per provisions of the Act in case of non compliance of any order/directions issued.
11. The occupier shall develop adequate width of green belt at the rate of 400 numbers of trees per Hectare.
12. The occupier shall provide and maintain rain water harvesting facilities.
13. The occupier shall ensure that there shall not be any discharge of effluent either treated or untreated into storm water drain at any point of time.
14. In the case of zero liquid discharge of effluent units, the occupier shall adhere the following conditions as laid under.
 - i). The occupier shall ensure zero liquid discharge of effluent, thereby no discharge of untreated / treated effluent on land or into any water bodies either inside or outside the premises at any point of time.
 - ii) The occupier shall operate and maintain the Zero liquid discharge treatment components comprising of Primary, Secondary and tertiary treatment systems at all times and ensure that the RO permeate/Evaporator condensate shall be recycled in the process and the final RO reject shall be disposed off with the reject management system ensuring zero liquid discharge of effluents in the premises.
 - iii) The occupier shall operate and maintain the reject management system effectively and recover the salt from the system which shall be reused in the process if reusable or shall be disposed off as ETP sludge.
 - iv) In case of failure to achieve zero discharge of effluents for any reason, the occupier shall stop its production and operations forthwith and shall be reported to the Member Secretary/Joint Chief Environmental Engineer-Monitoring and the concerned District/Assistant Environmental Engineer of the Board by e-mail immediately and subsequently by Post with full details of such upset condition.
 - v) The occupier shall restart the production only after ascertaining that the Zero discharge treatment system can perform effectively for achieving zero discharge of effluents.

Additional Conditions:



TAMILNADU POLLUTION CONTROL BOARD

- 1) The unit shall treat and dispose the sewage into the public sewer through the septic tank.
- 2) The unit shall ensure that no trade effluent is generated at any stage of its activity.
- 3) The unit shall ensure that the solid waste generated is disposed off then and there without accumulation of the same within the premises.
- 4) The unit shall comply with the provisions of the Hazardous and other wastes (Management & Transboundary Movement) Rules 2016.
- 5) The unit shall comply with the conditions stipulated in the CRZ clearance obtained from Government of India, Ministry of Environment, Forest and Climate change, New Delhi vide Lr No.F.No 11-4/2017-IA – III, Dated 12.07.2017
- 6) The unit shall not extract ground water within the CRZ area.
- 7) The unit shall operate with a valid policy under the Public Liability Insurance Act, 1991.
- 8) All kinds of safety precautions shall be taken to avoid any sort of accidents during handling of equipments.
- 9) The unit shall ensure that the operation of the unit doesn't invite any public complaints.


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
AMBATTUR





TAMILNADU POLLUTION CONTROL BOARD

GENERAL CONDITIONS

1. The occupier shall make an application along with the prescribed consent fee for grant of renewal of consent at least 60 days before the date of expiry of this Consent Order along with all the required particulars ensuring that there is no change in Production quantity and change in sewage/Trade effluent.
2. This Consent is issued by the Board in consideration of the particulars given in the application. Any change or alteration or deviation made in actual practice from the particulars furnished in the application will also be ground for review/variation/revocation of the Consent Order under Section 27 of the Act and to make such variation as deemed fit for the purpose of the Act.
3. The consent conditions imposed in this order shall continue in force until revoked under Section 27(2) of the Act.
4. After the issue of this order, all the 'Consent to Operate' orders issued previously under Water (Prevention and Control of Pollution) Act, 1974 as amended stands defunct.
5. The occupier shall maintain an Inspection Register in the factory so that the inspecting officer shall record the details of the observations and instructions issued to the unit at the time of inspection for adherence.
6. The occupier shall provide and maintain an alternate power supply along with separate energy meter for the Effluent Treatment Plant sufficient to ensure continuous operation of all pollution control equipments to maintain compliance.
7. The occupier shall provide all facilities to the Board officials for inspection and collection of samples in and around the factory at any time.
8. The occupier shall display the flow diagram of the sources of effluent generation and pollution control systems provided at the ETP site.
9. The solid waste such as sweepings, wastage, package, empty containers, residues, sludge including that from air pollution control equipments collected within the premises of the industrial plant shall be collected in an earmarked area and shall be disposed off properly.
10. The occupier shall collect, treat the solid wastes like food waste, green waste generated from the canteen and convert into organic compost.
11. The occupier shall segregate the Hazardous waste from other solid wastes and comply in accordance with Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008.
12. The occupier shall maintain good house-keeping within the factory premises.
13. All pipes, valves, sewers and drains shall be leak proof. Floor washings shall be admitted into the trade effluent collection system only and shall not be allowed to find their way in storm drains or open areas.
14. The occupier shall ensure that there shall not be any diversion or by-pass of trade effluent on land or into any water sources.
15. The occupier shall ensure that solar Evaporation pans shall be constructed in such a way that the bottom of the solar pan is at least 1 m above the Ground level (if applicable).
16. The occupier shall furnish the following returns in the prescribed formats to the concerned District office regularly.
 - a) Monthly water consumption returns of each of the purposes with water meter readings in Form-I on or before 5th of every month.
 - b) Yearly return on Hazardous wastes generated and accumulated for the period from 1st April to 31st March in Form-4 before the end of the subsequent 30th June of every year (if applicable).
 - c) Yearly Environmental Statement for the period from 1st April to 31st March in Form -V before the end of the subsequent 30th September of every year(if applicable).
17. If applicable, the occupier has to comply with the provisions of Public Liability Insurance Act, 1991 to provide immediate relief in the event of any hazard to human beings, other living creatures/plants and properties while handling and storage of hazardous substances.
18. The issuance of this consent does not authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any natural watercourse or in Government Poramboke lands.
19. The issuance of this Consent does not convey any property right in either real personal property or any exclusive privileges, nor does it authorize any injury to private property or Government property or any invasion of personal rights nor any infringement of Central, State laws or regulation.



TAMILNADU POLLUTION CONTROL BOARD

20. The occupier shall forth with keep the Board informed of any accident of unforeseen act or event of any poisonous, noxious or polluting matter or emissions are being discharged into stream or well or air as a result of such discharge, water or air is being polluted.
21. If due to any technological improvements or otherwise the Board is of opinion that all or any of the conditions referred to above requires variation (including the change of any treatment system, either in whole or in part) the Board shall, after giving the applicant an opportunity of being heard, vary all or any of such conditions and thereupon the applicant shall be bound to comply with the conditions as so varied.
22. In case there is any change in the constitution of the management, the occupier of the new management shall file fresh application under Water (Prevention and Control of Pollution) Act, 1974, as amended in Form-II alongwith relevant documents of change of management immediately and get the necessary amendment with renewal of consent order.
23. In case there is any change in the name of the company alone, the occupier shall inform the same with relevant documents immediately and get the necessary amendments for the change of name from the Board.
24. The occupier shall display this consent order granted to him in a prominent place for perusal of the inspecting Officers of this Board.

S. Sathyan
District Environmental Engineer
Tamil Nadu Pollution Control Board,
AMBATTUR

15.01.19



TAMILNADU POLLUTION CONTROL BOARD



CONSENT ORDER NO. 1907220773635 DATED: 04/04/2019.

PROCEEDINGS NO.F.0823AMB/OL/DEE/TNPCB/AMB/A/2019 DATED: 04/04/2019

SUB: Tamil Nadu Pollution Control Board –CONSENT TO OPERATE FOR EXPANSION-I -M/s. K.T.V. OIL MILLS PRIVATE LIMITED , S.F.No. New T.S.No.26/1, (Old R.S.No.193/1A1, 1A2, 194/1B) and block No.12, Ward-J, THIRUVOTTIYUR village Thiruvottiyur Taluk and Tiruvallur District - Consent for operation of the plant and discharge of emissions under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 (Central Act 14 of 1981) –Issued- Reg.

REF: 1. T.O CTO Proc. No F.0823AMB/OL/DEE/TNPCB/AMB/W&A/2018 DATED: 01/03/2018
2. Unit's application dated 08-02-2019
3. IR.No : F.0823AMB/OL/AE/AMB/2019 dated 01/04/2019
4. Minutes of 125th ZLCCC Meeting held on 4/4/2019 vide agend item No 125-74


CONSENT TO OPERATE FOR EXPANSION is hereby granted under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987 (Central Act 14 of 1981) (hereinafter referred to as "The Act") and the rules and orders made there under to

The Managing Director,
M/s. K.T.V. OIL MILLS PRIVATE LIMITED
S.F No.New T.S.No.26/1, (Old R.S.No.193/1A1, 1A2, 194/1B) and block No.12, Ward-J,
THIRUVOTTIYUR Village,
Thiruvottiyur Taluk,
Tiruvallur District.

Authorizing the occupier to operate the industrial plant in the Air Pollution Control Area as notified by the Government and to make discharge of emission from the stacks/chimneys.

This is subject to the provisions of the Act, the rules and the orders made there under and the terms and conditions incorporated under the Special and General conditions stipulated in the Consent Order issued earlier and subject to the special conditions annexed.

This CONSENT is valid for the period ending March 31, 2022


District Environmental Engineer
Tamil Nadu Pollution Control Board,
AMBATTUR

To
The Managing Director,
M/s.K.T.V. OIL MILLS PRIVATE LIMITED,
18/19, New Ennore Express High Road, Thiruvottiyur, Chennai.,
Pin: 600019.

Copy to:

1. The Commissioner, CHENNAI CORPORATION-Corporation, Thiruvottiyur Taluk, Tiruvallur District.
2. Copy submitted to the Member Secretary, Tamil Nadu Pollution Control Board, Chennai for favour of kind information.
3. Copy submitted to the JCEE-Monitoring, Tamil Nadu Pollution Control Board, Chennai for favour of kind information.
4. File

POLLUTION PREVENTION PAYS



TAMILNADU POLLUTION CONTROL BOARD

SPECIAL CONDITIONS

1. This consent to operate for Expansion is valid for operating the facility for the manufacture of products (Col. 2) at the rate (Col. 3) mentioned below. Any change in the products and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

Sl. No.	Description	Quantity	Unit
Product Details			
1.	STORAGE OF EDIBLE OIL (Edible Oil Transfer from Chennai Port to Transit Storage Terminal in 13 Nos. Storage Tanks through 10 inch MS pipeline)	50000	TONS/MONTH

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

I Point source emission with stack :				
Stack No.	Point Emission Source	Air pollution Control measures	Stack height from Ground Level in m	Gaseous Discharge in Nm ³ /hr
01	D.G.Set 82.5 KVA	Acoustic enclosures with stack	5.0	
II Fugitive/Noise emission :				
Sl. No.	Fugitive or Noise Emission sources	Type of emission	Control measures	
1.	DG Set 82.50 KVA	Noise	Acoustic enclosures	

- 3(a). The emission shall not contain constituents in excess of the tolerance limits as laid down hereunder :

Sl. No.	Parameter	Unit	Tolerance limits	(1)	(2)	(3)	(4)	(5)	(6)

- 3.(b) The Ambient Air in the industrial plant area shall not contain constituents in excess of the tolerance limits prescribed below.

Sl. No.	Pollutant	Time Weighted Average	Unit	Tolerance Limits	
				Industrial, Residential, Rural and other area	Ecologically Sensitive Area (notified by Central Govt.)
1.	Sulphur Dioxide (SO ₂)	Annual 24 hours	microgram/m ³ microgram/m ³	50 80	20 80
2.	Nitrogen Dioxide (NO ₂)	Annual 24 hours	microgram/m ³ microgram/m ³	40 80	30 80
3.	Particulate Matter (Size Less than 10 micro M) or PM ₁₀	Annual 24 hours	microgram/m ³ microgram/m ³	60 100	60 100
4.	Particulate Matter (Size Less than 2.5 micro M) or PM _{2.5}	Annual 24 hours	microgram/m ³ microgram/m ³	40 60	40 60
5.	Ozone (O ₃)	Annual 24 hours	8 Hours 1 Hour	100 180	100 180



TAMILNADU POLLUTION CONTROL BOARD

Sl. No.	Pollutant	Time Weighted Average	Unit	Tolerance Limits	Industrial, Residential, Rural and other area
					Ecologically Sensitive Area (notified by Central Govt.)
6.	Lead (Pb)	Annual 24 hours	microgram/m ³ microgram/m ³	0.5 1.0	0.5 1.0
7.	Carbon Monoxide (CO)	8 Hours 1 Hour	miligram/m ³ miligram/m ³	02 04	02 04
8.	Ammonia (NH ₃)	Annual 24 hours	microgram/m ³ microgram/m ³	100 400	100 400
9.	Benzene (C ₆ H ₆)	Annual	microgram/m ³	5	5
10.	Benzo(O) Pyrene (BaP) -particulate phase only	Annual	nanogram/m ³	01	01
11.	Arsenic (As)	Annual	nanogram/m ³	06	06
12.	Nickel (Ni)	Annual	nanogram/m ³	20	20

3(c) The Ambient Noise Level in the industrial plant area shall not exceed the limits prescribed below:

Limits in L.eq.-dB(A)	Day Time	Night Time
Industrial Area	75	70


4. All units of the Air pollution control measures shall be operated efficiently and continuously so as to achieve the standards prescribed in Sl. No.3 above.
5. The occupier shall not change or alter quality or quantity or the rate of emission or replace or alter the air pollution control equipment or change the raw material or manufacturing process resulting in change in quality and/or quantity of emissions without the previous written permission of the Board.
6. The occupier shall maintain log book regarding the stack monitoring system or operation of the plant or any other particulars for each of the unit operations of air pollution control systems to reflect the working condition which shall be furnished for verification of the Board officials during inspection.
7. The occupier shall at his own cost get the samples of emission/air/noise levels collected and analyzed by the TNPC Board Laboratory once in every 6 months/once in a year/periodically for the parameters as prescribed.
8. Any upset condition in any of the plants of the factory which is likely to result in increased emissions and result in violation of the standards mentioned in Sl.No.3 shall be reported to the Member Secretary / Joint Chief Environmental Engineer-Monitoring and the concerned District/Assistant Environmental Engineer of the Board by e-mail immediately and subsequently by Post with full details of such upset condition.
9. The occupier shall always comply and carryout the order/directions issued by the Board in this Consent Order and from time to time without any negligence. The occupier shall be liable for action as per provisions of the Act in case of non compliance of any order/directions issued.

Additional Conditions:



TAMILNADU POLLUTION CONTROL BOARD

- 1) The unit shall ensure that no process emission is let out from the premises of the unit.
- 2) The unit shall ensure that the emission from the DG Set satisfies the Ambient Air Quality/ Emission standards prescribed by the Board.
- 3) The unit shall operate and maintain the acoustic measures attached to DG set and ensure that the noise emission satisfies the Ambient Noise level standards prescribed by the Board.
- 4) The unit shall comply with the Ambient Noise Level standards prescribed.
- 5) The unit shall comply with the conditions stipulated in the CRZ clearance obtained from Government of India, Ministry of Environment, Forest and Climate change, New Delhi vide Lr No.F.No 11-4/2017-IA – III, Dated 12.07.2017.
- 6) The unit shall operate with a valid policy under the Public Liability Insurance Act, 1991.
- 7) All kinds of safety precautions shall be taken to avoid any sort of accidents during handling of equipment.
- 8) The unit shall ensure that the operation of the unit doesn't invite any public complaints.


District Environmental Engineer
Tamil Nadu Pollution Control Board,
AMBATTUR

4.04.19



TAMILNADU POLLUTION CONTROL BOARD

GENERAL CONDITIONS

1. The occupier shall make an application along with the prescribed consent fee for grant of renewal of consent at least 60 days before the date of expiry of this Consent Order along with all the required particulars ensuring that there is no change in production quantity and emission.
2. This Consent is given by the Board in consideration of the particulars given in the application. Any change or alteration or deviation made in actual practice from the particulars furnished, in the application will also be ground for review/variation/revocation of the Consent Order under Section 21 of the Act.
3. The conditions imposed shall continue in force until revoked under Section 21 of the Act.
4. After the issue of this order, all the 'Consent to Operate' orders issued previously under Air (Prevention and Control of Pollution) Act, 1981 as amended stands defunct.
5. The occupier shall maintain an Inspection Register in the factory so that the inspecting officer shall record the details of the observations and instructions issued to the unit at the time of inspection for adherence.
6. The occupier shall provide and maintain an alternate power supply along with separate energy meter for the Air Pollution Control measures sufficient to ensure continuous operation of all pollution control equipments to ensure compliance.
7. The occupier shall provide all facilities to the Board officials for collection of samples in and around the factory at any time.
8. The applicant shall display the flow diagram of the sources of emission and pollution control systems provided at the site.
9. The liquid effluent arising out of the operation of the air pollution control equipment shall also be treated in a manner and to the satisfaction of standards prescribed by the Board in accordance with the provisions of Water (Prevention and Control of Pollution) Act, 1974 as amended.
10. The air pollution control equipments, location of inspection chambers and sampling port holes shall be made easily accessible at all time.
11. In case of any episodal discharge of emission, the industry shall take immediate action to bring down the emission within the limits prescribed by the Board.
12. If applicable, the occupier has to comply with the provisions of Public Liability Insurance Act, 1991 to provide immediate relief in the event of any hazard to human beings, other living creatures/plants and properties while handling and storage of hazardous substances.
13. The issuance of this consent does not authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any natural watercourse or in Government Poramboke lands.
14. The issuance of this Consent does not convey any property right in either real personal property or any exclusive privileges, nor does it authorize any injury to private property or Government property or any invasion of personal rights nor any infringement of Central, State laws or regulation.
15. The occupier shall forth with keep the Board informed of any accident of unforeseen act or event of any poisonous, noxious or polluting matter or emissions are being discharged into stream or well or air as a result of such discharge, water or air is being polluted.
16. If due to any technological improvements or otherwise the Board is of opinion that all or any of the conditions referred to above requires variation (including the change of any treatment system, either in whole or in part) the Board shall, after giving the applicant an opportunity of being heard, vary all or any of such conditions and thereupon the applicant shall be bound to comply with the conditions as so varied.
17. In case there is any change in the constitution of the management, the occupier of the new management shall file fresh application under Air (Prevention and Control of Pollution) Act, 1981, as amended in Form-I alongwith relevant documents of change of management immediately and get the necessary amendment with renewal of consent order.
18. In case there is any change in the name of the company alone, the occupier shall inform the same with relevant documents immediately and get the necessary amendments for the change of name from the Board.



TAMILNADU POLLUTION CONTROL BOARD

19. The occupier shall display this consent order granted to him in a prominent place for perusal of the inspecting Officers of this Board.

S. Salmay
District Environmental Engineer,
Tamil Nadu Pollution Control Board
AMBATTUR

06.04.19



FORM I
{SEE RULE 8(1)}

BEFORE THE HON'BLE NATIONAL GREEN BENCH TRIBUNAL AT CHENNAI
(SZ)

[UNDER SECTION 18(1) R/W. SECTION 16 OF THE NATIONAL GREEN
TRIBUNAL ACT, 2010]

APPEAL NO **62** OF 2017

BETWEEN:

MEENAVA THANTHAJ K.R.SELVARAJ KUMAR
MEENAVAR NALA SANGAM
(Registered under section 10 of the Tamil Nadu
Societies Act, in SI.No. 205 of 2015 dated 26.06.2015)
Represented by its president,
M.R. THIYAGARAJAN,
S/o Late C.Rajalingam,
Office at No.15/8, A.J.Colony,
Royapuram, Chennai-600 013.

... Appellant

AND

1. **The Secretary to Government,**
Union of India
Ministry of Environment and Forest,
Paryavaran Bhavan,
CGO complex, Lodhi Road,
New Delhi-110 003 and 5 others

... Respondents

MEMORANDUM OF APPEAL

VOLUME 1

S.No	NATURE OF DOCUMENT	PAGE NO.
1.	Memorandum of Appeal	1 - 9
2.	Verifying Affidavit	10
3.	Vakalat	11

Dated at Chennai on this the 8th day of August, 2017.



COUNSEL FOR APPELLANT

**BEFORE THE HON'BLE NATIONAL GREEN BENCH TRIBUNAL AT CHENNAI
(SZ)**

**MEMORANDUM OF APPEAL
[UNDER SECTION 18(1) R/W SECTION 16 OF THE NATIONAL GREEN
TRIBUNAL ACT. 2010]**

APPEAL NO **62** OF 2017

BETWEEN:

**MEENAVA THANTHAI K.R.SELVARAJ KUMAR
MEENAVAR NALA SANGAM**
Represented by its president,
M.R.THIYAGARAJAN ,
S/o Late C.Rajalingam,
Office at No.15/8,
A.J.Colony,Royapuram,
Chennai-600 013.

... Appellant

AND

1. **The Secretary to Government,
Union of India,**
Ministry of Environment and Forest,
Paryavaran Bhavan,
CGO complex, Lodhi Road,
New Delhi-110 003.
2. **The Director, (IA-III Section)**
Ministry of Environment and Forest,
Paryavaran Bhavan,
CGO complex, Lodhi Road,
New Delhi-110 003.
3. **The Member Secretary**
Tamil Nadu Pollution Control Board
No.76, Anna Salai,
Guindy, Chennai - 600 032.
4. **The Member Secretary,**
Tamil Nadu Coastal Zone Management Authority,
Panagal Building, Saidapet,
Chennai - 600 015.
5. **The Chairman**
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Building,
Egmore, Chennai - 600 008.
6. **M/s. KTV Oil Mills Private Limited**
Representing by its Managing Director,
Having its Principal Office at,
No.18 /19, New Ennore Express High Road,
Thiruvottriyur, Chennai - 600 019.

... Respondents



(2)

1. The address of the Appellant is as given above for the service of notices of this appeal.
2. The addresses of the Respondents are as given above for the service of notices of this appeal.
3. The Appellant begs to present the Memorandum of Appeal on the grounds set as under:

Facts in Brief:

1. The Appellant is MEENAVA THANTHAI K.R.SELVARAJ KUMAR MEENAVAR NALA SANGAM, Represented by its President M.R.THIYAGARAJAN, Son of Mr.C.RAJALINGAM, Hindu, aged 51 Years, having office at No.15/8, A.J.Colony, Royapuram, Chennai-600 013. The Appellant's association is a public interested association concerned about the unauthorized, illegal and polluted activities of the 6th respondent herein.
2. The Appellant MEENAVA THANTHAI K.R.SELVARAJ KUMAR MEENAVAR NALA SANGAM is a registered body which was registered under section 10 of the Tamil Nadu Societies Act, 1975 (Tamil Nadu Act 27 of 1975) before the Registrar of Societies, Chennai North in SI.No. 205 of 2015 dated 26.06.2015.
3. The Appellant states that the First respondent is the Ministry of Environment Forest and Climate Changes the nodal agency for the planning, promotion, co-ordination and overseeing the implementation of India's environmental and forestry policies and programmes.
4. The Appellant states that the Third Respondent is an authority to check the pollution in the water, air and smoke emitted by the factories, aircrafts, ships, trains, etc, and to take action against the erring person who violating rules and regulations framed therein according to the notifications issued by the Ministry of Environment and the fifth respondent is an authority to take necessary action against illegal construction of Buildings, Theatres, Companies etc.

(3)

5. The Appellant submits that the 6th Respondent M/s KTV Oil Mills Pvt Ltd. has constructed totally seven tanks for storing edible oil at No.18/19 New Ennore Express High Road, Thiruvottiyur, Chennai, Tamil Nadu. This respondent had laid pipeline from Chennai port to its company without obtaining CRZ clearance from the 1st respondent MoEF. Under such circumstances this Appellant filed Application No.239/2016 and 238/2016 in which on 20-10-2016 this Hon'ble Tribunal appointed Advocate Commissioner to file a detailed report after inspecting the construction put up by the M/s KTV Oil Mill Pvt Ltd. and also note the physical features of the company. Accordingly Advocate Commissioner filed the report and noted its physical structure at para 9 which is extracted as follows:

"The total land area of the said premises is stated to be about 80,000 Sq.Ft. The front half portion i.e. the eastern portion is lying vacant wherein several un-laid pipes, iron roads, tin sheets, 4 numbers of sediment extract devices are stored in the open yard. Both the portions are separated by an inner wall with an entrance on the northern side. On the western portion, there are six oil storage tanks which have been erected already and one storage tank that is under the process of erection. The capacities of the tanks are as follows: (1) 2800.000 MT (2) 5700.000 MT (3) 5700.000 (4) under construction (5) 4600.000 MT (6) 4600.000 MT (7) 3600.000 MT. This apart, another basement has also been constructed wherein one more tank can be erected."

6. The Appellant submits that the 6th respondent also filed the documents containing the transaction and corresponding letters with the National Highways Authority of India. Finally this Hon'ble Tribunal after hearing both sides positive direction was issued directing the regulatory authority to pass appropriate orders based on the recommendations made by EAC in the manner known to law till such time, CRZ clearance is obtained the 6th respondent therein shall not carry on any activities.

(4)

7. The Appellant further submits that subsequently the 6th respondent managed to obtain CRZ clearance order dated 12-7-2017 from the 1st respondent for laying of pipeline for the transfer of edible oil from Chennai Port to transit storage terminal and establishment of storage transit terminal at No.18/19 New Ennore Express High Road, Thiruvottiyur, Chennai, Tamil Nadu. It is stated in the CRZ clearance order that the proposal of the 6th respondent was considered by the EAC in the Ministry the meeting held on 23-2-2017. This clearance order the details of the project and the documents submitted by the 6th respondent were taken in to consideration. In the CRZ clearance order at **para 2(ii) it is stated that the total length of pipeline will be 10 inches single pipeline from Berth to Port Trust main gate and all along new Ennore Express High Road.**

It is stated by the project proponent the total length of the pipeline is only 10 inches which may not be correct but it might be indicating diameter of the pipeline. Further the total length of the pipeline and the route through which this pipeline is proposed to lay is not given. However the 1st respondent accorded and issued CRZ clearance order to lay 30 inches length of pipeline this clearly shows that the 1st respondent without proper application of mind; mechanically issued CRZ clearance order dated 12-7-2017.

8. The Appellant submits that permission was already granted by the National Highways Authority of India in its order dated 10-1-2015 to lay 12 inches edible oil pipeline in Ennore Express way and no permission was granted for 10 inches pipeline. Further in the order it is stated that it is valid only for 2 years and as such the permission granted by NHAI had expired as early as 10-1-2017 without knowing the expiry of the permission CRZ clearance was given by the 1st respondent. Further there is no scientific report or analysis which diameter is safety and adequate for transmission of edible oil. Apart from this the quality of the pipeline base on the scientific analysis is not reported or whispered in the CRZ clearance order. It is scientific law that the diameter of the pipeline is disproportionate to the

(5)

speed of the liquid or oil passes through. When 12 inches pipeline is found to be adequate by NHAI in its permission order dated 10-1-2015 the 6th respondent submitted a proposal to the 1st respondent for laying 10 inches. On the other hand the advocate commissioner report indicates already 6th respondent laid 12 inches pipes along with the highway road. These discrepancies and the effect of changing the diameter of the pipeline from 12 inches to 10 inches are not at all considered by the 1st respondent which is more essential for the protection of environment. Furthermore the width of the pipeline is also not mentioned by the project proponent. By analyzing all these factors it is evident that CRZ clearance order is issued mechanically without proper application of mind.

9. The Appellant further submits that which is stated that at para 3(iii) of the Clearance order that there will be 30 numbers of storage with different capacities, but it is totally different physical structures of the 6th respondent. further it is altogether different from the physical features noted in the advocate commissioner report. This clearly shows that the 6th respondent has submitted untrue documents in respect of its project. The 1st respondent even without verifying the genuineness of the project report, issued CRZ clearance order, which is illegal and non sustainable in eye of law.
10. The Appellant further submits that the 6th respondent submitted the project report which is extracted at para 3(iv) of the CRZ clearance order that the proposed sight falls in CRZ II, but no documentary evidence is submitted along with the project report. In fact the proposed sight falls in CRZ I (A) ecologically sensitive area and as such issuing the CRZ clearance order is against the CRZ notification- 2011.
11. The Appellant respectfully submits that the proposed sight is not established in the notified ports and as such the CRZ clearance order dated 12-7-2017 issued in favour of 6th respondent is against CRZ notification- 2011 [para 8 II CRZ- II(vi)].

(6)

12. The Appellant submits that the recommendation of the Tamil Nadu Coastal zone Management authority in its order dated 25-11-2016 is already expired and the conditions stipulated therein are not complied with 6th respondent and hence CRZ clearance order shall be revoked by the 1st respondent.

13. The Appellant submits that at para 3(vi) it is stated that 1KLD water will be supplied by the corporation. This information is given by the 6th respondent unanimously without any basis and they have not produced any deed or document executing the contract with the Chennai Corporation. The time duration viz per day, per week or month, duration which 1KLD water would be supplied by the Chennai Corporation is mentioned. It is eternal truth that Chennai Corporation is unable to supply even the drinking water to the Chennai people. The Chennai Corporation depends mainly the Puzhal Lake the only reservoir available in Chennai. Other artificial lake at Porur is very small one. In the recent past the Government of Tamil Nadu constrained to take the water stagnated at Stone Quarry hallow pit. This being the pathetic situation prevailing in the area under the Chennai Corporation, it is absolutely impossible to supply this much quantity 1KLD water by the Chennai Corporation. Under these circumstances without verifying the project report of the 6th respondent in the absence of any agreement deed with the Chennai Corporation, issuing the clearance order is per se illegal.

14. The Appellant further submits that with regard to para 3(vii) of the CRZ clearance order there is no permission granted by any authority for generating waste water and the process mentioned by the project proponent is not approved by any local authority and especially by Chennai Corporation/ PWD authority. Further no document is furnished by the 6th respondent and there is no whisper or indication with regards to such permission in the CRZ clearance order.

(7)

15. The Appellant submits that at para 3(ix) it is stated that rain water harvesting system will be installed. In fact there is no space available to establish such system inside the campus of the 6th respondent and no detail with regards to the rain harvesting system particularly length, width, depth are not given by the project proponent.

GROUND:

The Appellant submits that under such circumstances he files this Appeal before this Hon'ble Tribunal against the CRZ clearance order in F.No.11-4/2017-IA-III dated 12-7-2017 for the following reasons among other grounds:

- a.) Issuing the CRZ clearance order dated 12-7-2017 in favour of the 6th respondent is against CRZ notification 2011.
- b.) The proposed sight of the 6th respondent falls under CRZ IA zone ecologically sensitive area and as such CRZ clearance order cannot be issued.
- c.) The proposed sight of the 6th respondent is not established in the notified ports. As such the 1st respondent violated the conditions stated at para 8 II CRZ- II (vi) of the CRZ notification 2011.
- d.) The recommendation of the Tamil Nadu Coastal Zone Management Authority dated 25-11-2016 is against the CRZ notification 2011.
- e.) The project proponent has not submitted any documents to substantiate the facts at para 3(vi) of the CRZ clearance order that the water required for their project is 1KLD will be supplied by Chennai Corporation. Without verifying this fact issuing the clearance order mechanically is liable to be quashed.
- f.) No permission is given by the local authority namely the Chennai Corporation or PWD authority for generating water wastage as stated at para 3(vii) of the clearance order. The impugned order passed in favour of 6th Respondent is against the Water Act and Air Act and its objects.



(8)

- g.) There is no space for installing rain water harvesting system as stated at para 3(ix) of the clearance order.
- h.) The NHAI has given permission in its order dated 10-1-2015 to lay only 12-inch diameter of the pipeline but the project proponent submitted the project to lay total length of pipeline of 10 inches single pipeline [para 3(ii)] of the clearance order which is against the recommendations of NHAI.
- i.) The project proponent has submitted its physical structures at para 3(iii) of the clearance order which is against the physical features noted in the advocate commissioner report submitted before this Hon'ble Tribunal in Application No.238 and 239 of 2016 and also against the factual structures which are in existence in the project site of the 6th respondent.
- j.) No particulars are furnished by the project proponent with regards to the quantity and quality of the pipeline in respect of materials, width of the pipeline and the coating material of the pipeline. Hence issuing the CRZ clearance without knowing these essential factors are against the Water (Prevention and Control of Pollution) Act and Air (Prevention and Control of Pollution) Act.
- k.) No particulars are furnished by the project proponent in respect of construction of tanks and its capacity, quality and quantity, etc in the CRZ zone. Therefore the constructions of these storage terminals are against the CRZ notification 2011. Further no permission is obtained from the local authority for constructing such tanks.
- l.) No assurance or proposal is made by the project proponent to maintain or build green belt to improve and protect the environment in and around the project site and further no condition is stipulated by the 1st respondent to save and improve the environment in the clearance order.

LIMITATION:

On 12.07.2017 the 1st respondent issued the CRZ Clearance order to the 6th respondent. The Appellant filed this Appeal is within the period of 30 days and the Appellant declares that the subject matter is within the jurisdiction of this Hon'ble Tribunal.

INTERIM RELIEF:

i). To pass interim order restraining the 6th respondent from carrying out any work in respect of its project based on the CRZ clearance F.NO.11-4/2017-IA-III dated 12-7-2017 of the 1st respondent.

ii). To appoint advocate commissioner to verify as to whether is there any possibilities of constructing water harvest system as stated at para 3(xi) of the CRZ clearance order dated 12-7-2017.

MAIN RELIEF PRAYED FOR:

It is therefore prayed that this Hon'ble Tribunal may be pleased to set aside the order of CRZ clearance F.NO.11-4/2017-IA-III dated 12-7-2017 issued by the 1st respondent in favour of 6th respondent and pass such other order or orders as this Hon'ble may deem fit and proper in the circumstances of the case and thus render justice.

COUNSEL FOR APPELLANT

APPELLANT

VERIFICATION

I, M.R.THİYAGARAJAN, Son of Mr.C.Rajalingam, Hindu, aged 51 years, President MEENAVA THANTHAI K.R.SELVARAJ KUMAR MEENAVAR NALA SANGAM, having office at No.15/8, A.J.Colony, Royapuram, Chennai-600 013 hereby declare that the contents of paragraphs stated above are true to my personal knowledge and are believed to be true on legal advice and I have not suppressed any material fact.

Place : Chennai
Date : 08-08-2017

APPELLANT

(10)

**BEFORE THE HON'BLE NATIONAL GREEN BENCH TRIBUNAL AT CHENNAI
(SZ)**

APPEAL NO. **62** OF 2017

BETWEEN:

**MEENAVA THANTHAI K.R.SELVARAJ KUMAR
MEENAVAR NALA SANGAM**

(Registered under section 10 of the Tamil Nadu
Societies Act, in Sl.No. 205 of 2015 dated 26.06.2015)

Represented by its president,

**M.R.THIYAGARAJAN ,
S/o Late C.Rajalingam,
Office at No.15/8,
A.J.Colony,Royapuram,
Chennai-600 013.**

... Appellant

AND

**The Secretary to Government,
Union of India
Minsitry of Environment and Forest,
Paryavaran Bhavan,
CGO complex, Lodhi Road,
New Delhi-110 003 and 5 others**

... Respondents

VERIFYING AFFIDAVIT OF M.R.THIYAGARAJAN

I, **M.R.THIYAGARAJAN**, Son of Mr.C.Rajalingam, Hindu, aged ⁵¹~~50~~ years, President **MEENAVA THANTHAI K.R.SELVARAJ KUMAR MEENAVAR NALA SANGAM**, having office at No.15/8, A.J.Colony, Royapuram, Chennai-600 013, do hereby solemnly affirm and sincerely state as follows:

1. I state that I am the Appellant herein and as such am well acquainted with the facts of the case and submit as follows:
2. I do hereby declare and verify what are all stated in the Appeal paragraphs are true and correct to the best of my knowledge and belief.

Solemnly affirmed at Chennai on
this the 6th day of August 2017 and
signed his name in my presence.

BEFORE ME,

ADVOCATE, CHENNAI

BEFORE THE HON'BLE NATIONAL
GREEN BENCH TRIBUNAL AT
CHENNAI (SZ)

APPEAL NO **62** OF 2017

MEENAVA THANTHAI
K.R.SELVARAJ KUMAR
MEENAVAR NALA SANGAM
Represented by its president,
M.R.THIYAGARAJAN .

... Appellant

Vs

The Secretary to Government,
Union of India
New Delhi - 110 003 5 others.

... Respondents

MEMORANDUM OF APPEAL

MR.K.MAGESHWARAN
ENRT NO.937/2015
COUNSEL FOR APPLICANT

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

Appeal No. 62 of 2017(SZ)

IN THE MATTER OF:

Meenava Thanthai K.R. Selvaraj Kumar
Meenavar Nala Sangam,
Represented by its President,
M.R. Thiyagarajan, S/o. Late C. Rajalingam,
Office at No.15/8, A.J. Colony,
Royapuram, Chennai-600 013.

... Appellant(s)

With

1. The Secretary to Government,
Union of India,
Ministry of Environment and Forests & Climate Change,
Paryavaran Bhavan,
6th Floor CGO Complex, Lodhi Road,
New Delhi- 110 003.
2. The Director, (IA- III Section)
Ministry of Environment and ForParyavaran Bhavan,
6th Floor CGO Complex, Lodhi Road,
New Delhi- 110 003.
3. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai,
Guindy, Chennai-600 032.

4. The Member Secretary,
Tamil Nadu Coastal Zone Management Authority,
Panagal Building, Saidapet,
Chennai-600 015.
5. The Chairman,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Building,
Egmore, Chennai-600 008.
6. M/s. KTV Oil Mills Private Limited,
Representing by its Managing Director,
Having its Principal Office at
No.18/19, New Ennore Express High Road,
Thiruvottriyur, Chennai-600 019.

...Respondent(s)

For Appellant(s):

M/s. Kalaiarasan for
K. Mageshwaran

For Respondent(s):

M/s. G.M. Syed Nurullah Sheriff
for R1& R2

M/s. Abdul Saleem and
S. Saravanan for R3

M/s. S.N. Parthasarathi for R4

M/s. R. Saravanakumar for R6

Judgment Reserved on: 12th February, 2020

Order/ Judgment pronounced on: 19th February, 2020

CORAM:

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

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

Whether the Judgement is allowed to be published on the Internet – Yes/No

Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

ORDER/ JUDGMENT

JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

The above appeal has been filed against the grant of Coastal Regulation Zone (CRZ) clearance granted to the sixth respondent by the first respondent for their project by proceeding F.No.11-4/2017-IA-III dated 12.07.2017.

2) It is alleged in the appeal memorandum that the appellant association is working for the protection of the interest of Fishermen Community and it is agitating against the environmental issues affecting the Coastal Zone. The sixth respondent, M/s. KTV Oil Mills Private Limited has constructed seven tanks for storing edible oil at No.18/19 New Ennore Express High Road, Thiruvottiyur, Chennai. This respondent had laid pipeline from Chennai Port to its company without obtaining CRZ clearance from the first respondent, Ministry of Environment Forest & Climate Change (MoEF & CC). Under such circumstances, the appellant filed O.A.No. 239 of 2016 and 238 of 2016 challenging the activities of the sixth respondent. An Advocate

Commissioner was appointed and he had submitted a report stating the physical structure found in the area which is extracted as follows:

“The total land area of the said premises is stated to be about 80,000 Sq.ft. The front half portion i.e., the eastern portion is lying vacant wherein several un-laid pipes, iron roads, tin sheets, 4 numbers of sediment extract devices are stored in the open yard. Both the portions are separated by an inner wall with an entrance on the northern side. On the western portion, there are six oil storage tanks which have been erected already and one storage tank that is under the process of erection. The capacities of the tanks are as follows: (1) 2800.000 MT (2) 5700.000 MT (3) 5700.000 (4) under construction (5) 4600.000 MT (6) 4600.000 MT (7) 3600.000 MT. This apart, another basement has also been constructed wherein one more tank can be erected.”

3) Thereafter, the sixth respondent appeared and filed certain documents showing that they have obtained necessary No Objection Certificate (NOC) from the National Highways Authority of India. The Tribunal after hearing both sides, disposed of the matter directing the regulatory authority to pass appropriate orders based on the recommendations made by the Expert Appraisal Committee (EAC) in the manner known to law and till such time CRZ clearance is obtained, the sixth respondent therein, shall not carry on any activities. Thereafter, the first respondent had issued CRZ clearance dated 12.07.2017 for laying pipeline for the transfer of edible oil from Chennai Port to transit

storage terminal and establishment of storage transit terminal at No.18/19 New Ennore Express High Road, Thiruvottiyur, Chennai. According to the appellant, permission was granted to lay pipeline for the total length having 10 inches from Berth to Port Trust main gate and all along new Ennore Express High Road. According to the National Highways Authority, they must provide pipeline of 12 inches. So, this condition was imposed by the Coastal Regulation Zone Authority (CRZA) without proper application of mind. Further, the permission granted by National Highways Authority of India (NHAI) had expired as early as 10.01.2017 and without considering the same, the present order has been passed. They also contended that storage facility is not permissible under clause 3(iv) of CRZ Notification 2011 as it falls in CRZ-II but in fact it falls in CRZ-I (A) which is ecologically sensitive area and it was issued against the CRZ Notification 2011. Further, it was not done in the notified ports and as such the same is likely to be affected and this is not a permissible activity. They also contended that the impact of establishment of this unit was not properly considered by the authorities. So, they filed the appeal seeking the following relief:

“ To set aside the order of CRZ clearance F.No.11-4 / 2017-IA-III dated 12.07.2017 issued by the first respondent in favour of the sixth respondent.”

4) The first respondent, Ministry of Environment Forest & Climate Change (MoEF & CC) submitted that the appeal is not maintainable and the activity for which the clearance was granted is a permitted activity in the CRZ zone. Para 3 of the CRZ Notification, 2011 deals with the prohibited activities within CRZ. Para 4 of the CRZ Notification, 2011, deals with the activities within the regulated area which are permitted but require clearance for laying of pipelines, conveying systems, transmission line and will fall under that category. In CRZ-II, as per Para 8 of the CRZ Notification, 2011, storage of non-hazardous cargo, such as edible oil, fertilizers and food grain in notified ports is permissible. As per the records made available related to the project, total length of 10 inches pipeline is 5.2 K.M. and the area of storage facility is 7430 sq.m. and the project area falls in CRZ-II area as per the provisions of CRZ Notification, 2011. As per order in O.A.No.239 of 2016 filed by the same appellant against the same unit, this Tribunal by order dated 14.02.2017 directed the National Coastal Zone Management Authority to consider the application filed by the sixth respondent and dispose of the same in accordance with law. This was considered by the Expert Appraisal Committee (CRZ) of this Ministry in its 167th meeting held on 23.02.2017 and on the basis of the recommendations given by the Tamil Nadu Coastal Zone Management Authority (TNCZMA) to consider the same as fresh proposal, the Expert Appraisal Committee considered

and recommended the project and granted CRZ clearance subject to certain conditions. On the basis of the recommendations, the impugned CRZ clearance was granted and there was no illegality committed in the matter. They prayed for dismissal of the appeal.

5) The sixth respondent filed a counter, more or less adopting the contentions of the first respondent. It is a permitted activity under the CRZ Notification, 2011 and none of the grounds alleged are sufficient to set aside the CRZ clearance granted. The sixth respondent has laid 10 inches diameter pipeline as provided under CRZ clearance though National Highways Authority of India gave approval to lay 12 inches diameter pipeline. According to them, there is no illegality and they prayed for dismissal of the appeal.

6) Heard the learned counsel appearing for the appellant, Ministry of Environment Forest & Climate Change (MoEF & CC) and the project proponent.

7) Learned counsel appearing for the appellant argued that as per Para 3 of the CRZ Notification, 2011, manufacture and storage of

hazardous substance is prohibited and since it is a storage facility, it should be deemed to have been prohibited activity and no clearance should be granted. He had further argued that the National Highways Authority of India had directed the sixth respondent to lay 12 inches diameter pipeline whereas the Coastal Zone Management Authority (CZMA) had permitted to lay the pipeline having diameter of 10 inches which shows there was no application of mind. He further contended that in Para 8 of the CRZ Notification, 2011, even if storage facility has to be provided for edible oil, it should be only in the notified ports and not in the terminal where it is now permitted and on these grounds the clearance granted is not legal.

8) On the other hand, learned counsel appearing for the first respondent, MoEF & CC and sixth respondent project proponent argued that the area where the activity is proposed is CRZ-II and the activity of the project is a permissible one and it can be provided only after getting prior clearance and all these aspects have been properly considered by the authorities and rightly granted the clearance.

9) It is an admitted fact that the sixth respondent unit has proposed to have storage facility for transporting their oil from Chennai Port to their Terminal through pipeline for which they applied for Coastal

Regulation Zone clearance and it was granted. It is also not in dispute that Chennai Port is a notified Port. It is also not in dispute that the area where the project has to be established namely storage tank falls within CRZ-II.

10) There is no definition of Port or notified Port in CRZ Notification, 2011. *Section 3(4) of the Indian Ports Act, 1908, definition of "port" includes also any part of a river or channel in which this Act is for the time being in force.* So, it only gives an inclusive definition and not an exhaustive definition.

11) The definition of "port" in *Section 2(q) of the Major Port Trusts Act, 1963 says "port" means any major port to which this Act applies within such limits as may, from time to time, be defined by the Central Government for the purposes of this Act by notification in the Official Gazette, and, until a notification is so issued, within such limits as may have been defined by the Central Government under the provisions of the Indian Ports Act.* Here also, the port has not been defined.

12) Para 3 of the Coastal Regulation Zone (CRZ) Notification, 2011 reads as follows:

“ Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ,-

- i. xxxxxxxx
 - a. xxxxx
 - b. xxxxxx
 - c. xxxxxx
 - d. xxxxxx
 - e. xxxxxx
- ii. *Manufacture or handling oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594(E), dated the 28th July 1989, S.O.No.966(E), dated the 27th November, 1989 and GSR 1037 (E), dated the 5th December , 1989 except,-*
 - a) *Transfer of hazardous substances from ships to ports, terminals and refineries and vice versa;*
 - b) *Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for reclassification of Liquefied Natural Gas (hereinafter referred to as the LNG) in the areas not classified as CRZ- I(i) subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and*

restorative measures in relation to environment as may be stipulated by in MoEF.

Provided that facilities for receipt and storage of fertilizers and raw materials required for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and the like, shall be permitted within the said zone in the areas not classified as CRZ-I(i)."

13) It is clear from this that what is prohibited is manufacture or handling, oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594 (E), dated the 28th July 1989, S.O.No.966 (E), dated the 27th November, 1989 and GSR 1037 (E), dated the 5th December, 1989. So, storage of edible oil is not prohibited activity as it cannot be said to be a hazardous substance.

14) Further, the exception to the same provides that transfer of hazardous substances from ships to ports, terminals and refineries and vice versa is permitted. So, even transfer of hazardous substance from ship to port and terminal is permitted activity even if it is a hazardous substance.

15) Para 8 of the Coastal Regulation Zone (CRZ) Notification, 2011 reads as follows:

“ Norms for regulation of activities permissible under this notification,-

I.CRZ-I,-

- (i) xxxxxxxx
 - a) xxxxxxx
 - b) xxxxxxx
 - c) xxxxxxx
 - d) xxxxxxx
 - e) xxxxxxx
 - f) xxxxxxx

- (ii) xxxxxxxx
 - a) xxxxxxx
 - b) xxxxxxx
 - c) xxxxxxx
 - d) xxxxxxx
 - e) xxxxxxx
 - f) xxxxxxx
 - g) xxxxxxx

II.CRZ-II,-

- i. xxxxxxxx
- ii. xxxxxxxx
- iii. xxxxxxxx
- iv. xxxxxxxx
- v. xxxxxxxx
- vi. storage of non-hazardous cargo, such as edible oil, fertilizers and food grain in notified ports. “

So, it is clear from this that in CRZ-II zone storage of non-hazardous cargo, such as edible oil, fertilizers and food grain in notified ports is permissible.

16) The submission made by learned counsel appearing for the appellant that it should be within the notified port and not beyond the port cannot be accepted. Port includes its terminal as well. Port activity will extend not only in the port where ship landing is happening but also to its other activities connected with the shipment as well.

17) In the decision **reported in *M. Nizamudeen vs. Chemplast Sanmar Limited and others (2010 (4) SCC, 240)***, the question of laying pipeline within the port area has been considered and it was held that harmonious construction of Para 3(2) (ii) which permits activity of laying pipelines in the CRZ area has to be done. It should be construed to remedy the mischief and not in a manner which frustrates the very purpose of it. Purposive construction is to be employed to avoid a lacuna and suppress the mischief and advance the remedy. If language used is capable of more than one construction preference should be given to a construction that brings it into harmony with its purpose and avoids absurdity or anomaly.

18) If that be the case, what is the area of notified port if not defined under the Act, then any area connected with the port activity to

which the Notification dated 20th April, 2012 issued by Ministry of Environment Forest & Climate Change (MoEF & CC) of Shipping under Section 456 of the Merchant Shipping Act, 1958 under the title the Merchant Shipping (Regulation of Entry of Ships into Ports, Anchorages and Offshore facilities) Rules, 2012 issued by the Central Government can be looked into. Here “Port facility” has been defined under Rule (1) (d) as “Port facility” means any area of land or water, or land and water within a port including without limitation any buildings, installations, terminals, floating terminals and transportation facilities, shipyards, ship repair yards or equipment in or on the relevant area used either wholly or partly in connection with the loading or unloading of goods to or from ships, the moving of passengers to or from ships or for maintenance, repair and or anchorage of ships or for the provision of services to ships. This includes not only the port area but also area covering the terminal and other areas connected with the shipping activity.

19) Unless the expression in notified port is extended to cover the terminal where the shipment will have to be transported through pipeline is also included, the purpose of the shipment and the transport of oil from the ship to its storage area will not be possible and that will defeat the purpose of the project itself. So, in such circumstances, it must be purposive interpretation that has to be applied. When the notified port has not been defined and it can be treated as only a notified port area which is inclusive of the place where the shipment of the cargo

has to be transported and storage till it is taken to its terminal. So, under such circumstances, it can only be treated as permissible activity under CRZ-II zone and the authorities were perfectly justified in granting clearance to this project.

20) As regards the diameter of the pipeline is concerned, the National Highways Authority of India is an authority dealing with the conditions to be imposed for laying pipeline while crossing the National Highways under the General Act namely National High Ways Authority Act whereas the Coastal Regulation Zone (CRZ) Notification, 2011 is a special enactment dealing with granting clearance for certain activities within the CRZ regulated zone. Since this being a special enactment, the condition imposed by the authority under this enactment will prevail over the authority under the general enactment. So, when the Coastal Zone Management Authority (CZMA) has imposed conditions to lay pipeline of 10 inches diameter, it cannot be said to be non-application of mind ignoring the conditions imposed by the National Highways Authority of India under the respective Act. So, under such circumstances, this contention also will not hold good to set aside the Coastal Regulation Zone Clearance granted.

21) The authorities have considered all these aspects in its right prospective and issued clearance only for permitted activity within the regulated zone under the CRZ Notification, 2011 and it does not call for any interference. Therefore, the appeal fails and the same is liable to be dismissed.

22) In the result, the appeal is dismissed. No cost.

.....J.M.

(Justice K. Ramakrishnan)

.....E.M.

(SaibalDasgupta)

Appeal No.62/2017
19th February, 2020.
KR.



Item No.7

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Review Application No.6/2020 (SZ)
in
Appeal No.62 of 2017

IN THE MATTER OF

Meenava Thanthai K.R. Selvaraj Kumar,
MeenavarNala Sangam, rep. By its President,
M. R. Thiyagrajan, 15/8, A.J. Co,ony,
Royapuram, Chennai 600013.

...Applicant(s)

Vs

1. The Secretary to Government,
Union of India, MoEF & CC,
Jor Bagh, New Delhi 110003.
2. The Director, MoEF & CC,
Jor Bagh, New Delhi 110003.
3. The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Anna Salai, Guindy, Chennai – 600032.
4. The Member Secretary,
Tamil Nadu Coastal Zone Management Authority,
Saidapet, Chennai – 600 015.
5. The Chairman,
Chennai Metropolitan Development Authority,
Egmore, Chennai – 600 008.
6. M/s. KTV Oil Mills Pvt. Ltd.,
Rep. by its Managing Director,
18/19 New Ennore Express High Road,
Thiruvottriyur, Chennai – 600 019.

.....Respondent(s)

Date of hearing: 29.05.2020.

CORM:

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

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s) : Sri. Ritwick Dutta
Sri. Stanley Hebzon Singh
Sri. K. Mageshwasran

For Respondent(s): Mr. G.Y. Syed Nurrullah Sheriff for R1 & R2
Mr. Abdul Saleem, Mr. Saravanan and
Mrs. Akshaya for R3
Mr. Kamalesh Kannan for R4
Mr. Saravana Kumar for R6

ORDER

Above Review Application has been filed by the review applicant, seeking review of the judgment dated 19.2.2020 in Appeal No.62 of 2017.

2. The above appeal was filed against the grant of CRZ clearance to the sixth respondent, by the first respondent for drawing pipeline and also establishment of storage facility in CRZ II zone. It was alleged even in the appeal that the place where the storage facility was permitted is outside the notified port area and as such it is not a permissible activity as per the CRZ Notification 2011. This Tribunal, while rejecting the contention, dismissed the appeal by the impugned judgment and the same is sought to be reviewed on the ground that the Tribunal has not considered the real object of passing of CRZ Notification, 2011 in its right spirit. Further, the Tribunal also did not look into the precedents on the question of interpretation of statutes on environmental

laws and also its impact on environment, while making liberal construction and extending the activities outside the notified port area and thereby, there is an error apparent on the face of the record and hence the same is to be reviewed. They relied on the decision reported in RBI VS. PEERLESS GENERAL FINANCE & INVESTMENT Co.LTD (1987) 1 SCC 424 and also DR. K. MOHAN VS. CHENNAI PORT TRUST & OTHERS (2009) SCC Online Madras 1907.

3. Relying on the decision reported in M. NIZAMUDEEN VS. CHEMPLAST SANMASR LTD., & OTHERS (2010 (4) SCC 240) and Notification dated 20.4.2012, this Tribunal has not considered the impact of the decision reported in INDIAN COUNCIL FOR ENVIRO LEGAL ACTION V. UNION OF INDIA (1996) 5 SCC 281), VASMIKA ISLAND (GREEN LAGOON RESORT) V. UNION OF INDIA (2013) 8 SCC 760, PIEDADE FILOMENA GONSALVES V. STATE OF GOA (2004) 3 SCC 445 and JAGANNATHAN V. KUNION OF INDIA & ORS (1997) 2 SCC 87. All these decisions will go to show the provisions of CRZ Notification, 2011 has to be strictly interpreted and it has to be implemented in its letter and spirit and also taken into consideration of its impact on coastal area.

4. The review applicant filed written submissions in the review application and also produced certain documents. Sixth respondent filed counter statement in the review application through e-filing dated 28.5.2020. Sixth respondent also produced certain documents along with the counter statement which they have not produced in the appeal.

5. Sixth respondent filed counter in the review application, opposing the application contending that there is no error apparent on the face of the record and

another interpretation is possible, is not a ground for review even if wrong interpretation was made, it is a matter for appeal and not for review. They also contended that this Tribunal has considered all the legal as well as factual aspects and thereafter dismissed the appeal and hence there is no error apparent on the face of the record, warranting review of the impugned judgment. The sixth respondent further contended that there is no prohibition for granting storage facility of edible oil in CRZ II area. Para 3 of CRZ Notification 2011 deals with prohibited activity with some exception. Clause 7 defines CRZ II area and clause 8 deals with the permitted activity which includes edible oil, fertilizer, food grain etc. Sixth respondent further submits that a combined reading of Clauses 3 and 8 will go to show that the intention of the legislation is only to prohibit certain activities which would affect the coastal structure or livelihood of fishermen and the local community and this is not a hazardous activity. Further, the activity of the sixth respondent is located on the landward side of Ennore Express Highways, close to shoreline and the permission granted by the authorities will go to show that the distance is not as alleged by the applicant and it is not a polluting activity and this Tribunal has considered all these aspects and rightly held that the CRZ clearance granted is correct.

6. The review applicant also produced additional documents to be considered by this Tribunal. The matter has been taken up through Video Conference. We heard Mr. Ritwick Dutta, Mr. Stanley Hebzon Singh and Mr. Mageshwaran learned counsel appearing for review applicant, Mr. G.M. Syed Nurullah Sheriff, learned counsel appearing for respondents 1 and 2, Mr. Abdul Saleem, Mr. Saravanan and Ms. Akshaya, learned counsel appearing for third respondent, Mr. Kamalesh Kannan, learned counsel appearing for fourth respondent and Mr. Saravana Kumar, learned

counsel appearing for sixth respondent. They have reiterated their contentions in the review application and counter statement.

7. Heard the counsel appearing for review applicant and also the respondents. The applicant submitted that the impugned judgment is to be reviewed. Learned counsel appearing for the sixth respondent submitted that there is no valid ground raised for review.

8. Before going into the merits of the case, it may be mentioned here that review scope is very limited and unless there is error apparent on the face of the record which requires interference and there is a possibility of miscarriage of justice on account of wrong interpretation of legal provisions will be a ground for review. Further, it may be mentioned here that as per the National Green Tribunal Act, 2010 and National Green Tribunal (Practices & Procedure) Rules, 2011, Code of Civil Procedure Code will not be applicable and so Order 47 Rule 1 C.P.C is not strictly applicable. But at the same time principles of Civil Procedure Code and the principles of power of review, as envisaged therein can be made applicable while exercising power under review.

9. In the decision reported in KAMALESH VARMA VS. MAYAVATI & OTHERS (2013 8 SC 320) the Hon'ble Apex Court has considered the scope of review and held as follows:

"The principles relating to review jurisdiction may be summarised as follows:

When the review will be maintainable:

(i) Discovery of new and important matter or evidence which, after the exercise of the due diligence, was not within knowledge of the petitioner or could not be produced by him;

(ii) Mistake or error apparent on the face of the record;

(iii) Any other sufficient reason

'The words "any other sufficient reason" have been interpreted in CHHAJJU RAM (1921-22) 49 IA 144 and approved by this Court in MORAN MAR BASSELIONS CHTHOLICOS (AIR 1954 SC 526 to mean "a reason sufficient on grounds at least analogous to those specified in the rule". (paras 12 to 20)

When the review will not be maintainable:

(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.

(ii) Minor mistakes of inconsequential import.

(iii) Review proceedings cannot be equated with the original hearing of the case.

(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.

(underline supplied by us)

(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time arguing the main matter had been negated."

10. The question in this case is whether the storage facility can be permitted outside the notified port area. The Tribunal had extracted the definition of "port" and its activities mentioned in Major Port Trust Act, 1963 and also and Notification issued by MoEF & CC dated 27.11.1986 and 5.12.1989 and also dated 18.12.2012 issued under the Merchant Shipping Act, 1958 under the title Merchant Shipping (Regulation of Entry of Ships into Ports, Anchorages and Offshore facilities) Rules, 2012.

11. It may be mentioned here that a reading of Para 8 of CRZ Notification, 2011 will go to show the permissible activity within the notified port area. While interpreting the provision and extending the activity outside the notified port area, the Tribunal has not considered its impact on environment and also its impact of similar activities to be considered in future by authorities and liberally construing that provision, causing impact on environment etc. The larger aspect of impact of the decision is not considered while liberally interpreting the provision against the principles of interpretation of statutes in respect of environment laws will amount to error apparent on the face of the record which is likely to cause miscarriage of justice on the question of environment.

12. We have considered the submissions of both parties and we feel that there arise a larger question to be considered regarding expansion of the activity outside the notified port area as mentioned in Para 8 of the CRZ Notification, 2011 and as such the matter has to be reviewed. So the review application is allowed and judgment dated 19.2.2020 made in Appeal No.62 of 2017 has been reviewed. An opportunity has been given to the parties to rehear the matter. The appeal is posted to 3.6.2020 for further hearing.

13. Under these circumstances, we are not going to the merits of the contentions,

since we feel that the larger aspect of miscarriage of justice is likely to be caused on account of the liberal interpretation of environmental laws which has to be considered by this Tribunal while extending the activity outside the notified port area while considering the appeal. Those documents which could not have been produced earlier, exercising due diligence, have to be considered in the appeal and not in the review application. We feel it appropriate that the matter has to be reconsidered and the judgment passed by this Tribunal dated 19.2.2020 has to be reviewed for further hearing.

13. So the review application is allowed and the judgment in Appeal No.62 of 2017 dated 19.2.2020 is reviewed and Appeal No.62 of 2017 is posted for further hearing on 3.6.2020

.....J.M.

(Justice K. Ramakrishnan)

.....E.M.

(Shri. SaibalDasgupta)

Review Appln No. 6/2020
29.5. 2020
kk

o/c



K.T.V. OIL MILLS PRIVATE LIMITED

Terminal : No. 18/19, New Ennore Express High Road,
Thiruvottriyur, Chennai - 600 019. Phone: 25991807, 25994807, 25995807

PAN - AAECK7711M

GSTIN : 33AAECK7711M1ZE

CIN No. U40300TN2012PTC085926

10th July 2020

To,
The Addl. Principal Chief Conservation of Forest / Joint Director,
Ministry of Environment, Forest and Climate Change,
Regional Office (SEZ),
Ist and IInd Floor, Handloom Export Promotion council,
34, Cathedral Garden Road, Nungambakkam, Chennai – 600 034.

Respected Sir,

Sub.: Submission of Environment Clearance Half-Yearly Compliance Report for
January 2020 to June 2020

Ref.: MOEF&CC, New Delhi. Clearance Letter F.No.11-4/2017-IA-III, dated 12th
July 2017.

With reference to the above subject, please find enclosed herewith condition wise
compliance report of the conditions stipulated in schedule of the Environment
Clearance (transit storage terminal) on half-year basis.

This is for your kind information only.

Please acknowledge the receipt.

Thanking you.
Yours faithfully,
For KTV Oil Mills Private Limited,


(S. Ravindran, Authorized Signatory)



Copy to
The District Environmental Engineer,
TNPCB, 77.A, South Avenue Road, Ambattur, Chennai – 600058

Encl.: Annexure 1_CRZ Clearance Copy,
Annexure_2_Compliance Report,
Annexure_3_TNPCB Consent Copy,
Annexure_4_Pending court case 62 of 2017,
Annexure_4A_Case 62 of 2017_Order copy,
Annxure-4B_ copy of review application No.6/2020(SZ) in Appeal No.62 of 2017 (No pending hearing)

