

MINUTES OF THE 334th MEETING OF EXPERT APPRAISAL COMMITTEE FOR PROJECTS RELATED TO COASTAL REGULATION ZONE HELD ON 31/07/2023.

The 334th meeting of the Expert Appraisal Committee (EAC) for projects related to Coastal Regulation Zone was held on 31/07/2023 at IBP, MoEF&CC, New Delhi through Video Conferencing. The list of Members presents in the EAC (CRZ) is at **Annexure**.

The deliberations held and the decisions taken are as under:

1.0 OPENING REMARKS OF THE CHAIRMAN

At the outset, Dr. Deepak Arun Apte, Chairman, EAC (CRZ) welcomed the Members of the EAC and requested Dr. H. Kharkwal, the Member Secretary, EAC to initiate the proceedings of the meeting with a brief account of the activities undertaken by the Ministry under CRZ Division.

2.0 CONFIRMATION OF THE MINUTES OF THE LAST MEETING

The Committee having noted that the Minutes of the 332nd meeting held on 10/07/2023 are in order and confirmed the same with suggestions that in case any typographical /grammatical errors are noticed in due course, the same may be corrected suitably.

3.0 CONSIDERATION PROPOSAL:

The EAC (CRZ) considered proposals as per the agenda adopted for the 334th meeting. The details of deliberations held and decisions taken in the meeting are as follows:

Proposal for Underground laying of Natural Gas Transportation Pipeline Passing through Uppanar River approximately a length of 0.255 kms out of the total length of 29.197 km from Palayapalayam village, Sirkali Taluk to Memathur Village Tharangambadi Taluk, Nagapattinum District by M/s GAIL (India) Ltd., Karaikkal, Tamil Nadu- Reconsideration for CRZ Clearance Regarding.

[IA/TN/CRZ/269326/2022; F. No. 11/19/2022-IA.III]

1. The proposal for Underground laying of Natural Gas Transportation Pipeline Passing through Uppanar River approximately a length of 0.255 kms out of the total length of 29.197 km from Palayapalayam Village, Sirkali Taluk to Memathur Village Tharangambadi Taluk, Nagapattinum District has submitted by M/s GAIL (India) Limited, Karaikkal, Tamil Nadu for CRZ Clearance.

2. The proposal was earlier considered by EAC in its 299th meeting held on 14/06/2022; wherein the Committee noted that the proposal is a case of violation and project proponent did not disclose this proposal is for already constructed prior CRZ Clearance 2011.

3. The Committee also observed that the issue of addressing such procedural lapse and other concerned issues may be decided in accordance with the MoEFCC O.M dated 19/02/2021 which states that "Procedure for dealing with violations arising due to not obtaining a prior CRZ clearance for permissible activities". Further, the Committee has noted that the said OM is under Sub-judice and has been stayed by Hon'ble High Court of Bombay in the PIL(L) No. 8540 of 2021 by which Ministry is restrained from granting a permission / clearance on the basis of the office memorandum under challenge till August 31, 2021 or until further orders, whichever is earlier. Also, the Hon'ble Court directed that if an application for permission is received hereafter, the receiving authority shall bring the fact of pendency of this PIL petition and the interim order passed thereon to the notice of the applicant. Accordingly the proposal has been deferred by the Committee in its 299th meeting.

4. The proposal was placed before the EAC (CRZ) for re-consideration with direction of Hon'ble Supreme court *vide* order dated 25/07/2023, wherein directed as:

"...we find that at this stage a direction ought to be issued to the third respondent to consider the application made by the appellant for grant of clearance for the pipeline already laid by the appellant herein, more particularly, with regard to 255 meters which is stated to be in the CRZ zone out of a total 29 kms. The said consideration of the application shall be made within a period of two weeks from today. In the circumstances, list this matter after two weeks."

5. The project proponent made a detailed presentation of salient features of the project and informed that during cleaning of pipeline by compressed air as a part of construction stage, the air released out with dust & sound due to presence of mud, heavy dust inside the pipe on 22/07/2020 without damage to any person/property/environment. This event/incident was reported in Dinamalar Tamil news paper as "panic due to natural gas released..." Subsequently, Suo-Motu case was registered by Hon'ble NGT on the basis of newspaper report.

6. With reference to above said case in Hon'ble NGT, TNPCB has submitted its factual report mentioning that the pipeline was under establishment and no natural gas was carried in the pipeline. Only venting of air was carried out under GAIL supervision. Further, TNPCB submitted to the Hon'ble NGT that GAIL to obtain necessary clearance from authority and to stop the pipeline laying activity.

7. The said Suo-Motu case was disposed of *vide* order dated 05/08/2022 with direction to GAIL/TNPCB to initiate proceedings as per notice issued to GAIL by giving applicable opportunity to GAIL.

8. Since the proposal has already been recommended by the District Coastal Zone Management Authority *vide* letter dated 18/07/2019 and Tamil Nadu State Coastal Zone Management Authority *vide* letter dated 21/03/2022, the proponent filed appeal Civil Appeal No. 18853/2023 in Hon'ble Supreme Court.

9. The matter was listed for hearing on 25/07/2023; wherein Hon'ble Supreme court *vide* order dated 25/07/2023 has issued direction to consider the application made by the appellant for grant of clearance.

10. The proposal has been considered by the EAC in the present meeting. The project proponent (M/s GAIL (India) Limited) and their EIA consultant (M/s Bhagavathi Ana Labs Private Limited) made a presentation on above said proposal. The EAC took note of following key parameters and salient features of the project as presented during the meeting as well as the details provided in the brief and application for this project:

- (i) The name of the project is Madanam-Memathur Natural Gas Pipeline (MMPL)
- (ii) Total length of the pipeline is 29.197 km.
- (iii) Diameter & thickness of the pipeline is 24" & API5L Gr 70, Th 10.3 mm
- (iv) Pipeline capacity is 0.85 MMSCMD
- (v) The method of laying pipeline is under-ground (min 1.2 mtr) pipeline and HDD crossings. No storage.
- (vi) Total cost of the project is ₹114 Crores
- (vii) Pipeline Laying and terminal work has been completed and Pipeline system is ready for operation
- (viii) The proposal has already been recommended by the District Coastal Zone Management Authority *vide* letter dated 18/07/2019 and Tamil Nadu State Coastal Zone Management Authority *vide* letter dated 21/03/2022. However, CRZ Clearance from Ministry is not yet received.
- (ix) Detailed chronology of the proposal is as follows:

Sr. No	Date/ Month of Event	Description of Event
1	08/02/2017	MoPNG advised GAIL to work out requisite infrastructure considering the peak availability of 0.66 MMSCMD and take necessary approvals from PNGRB and other concerned authorities.
2	24/10/2017	GAIL had requested Department of Town and Country Planning (DTCP) regarding CRZ confirmation along pipeline route.
3	01/12/2017	DTCP has confirmed <i>vide</i> his letter dated 01/12/2017 that as per MoEF map 1996, the pipeline route survey numbers are falling out of CRZ
4	21/12/2017	PNGRB Authorized GAIL to lay the pipeline
5	18/08/2018	Pipeline laying / construction contract awarded

6	14/11/2018	The application for CTE was submitted by GAIL on 14/11/2018 to TNPCB and same was returned in view of applicability of CRZ Regulation 2011.
7	12/04/2019	Subsequently, on various communication with DTCP and TNPCB, GAIL has been informed by DTCP that 255 meter of pipeline is falling under CRZ as per CRZ Regulation 2011.
8	08/05/2019	GAIL has applied for CRZ clearance <i>vide</i> dated 08/05/2019 to District Level Coastal Zone Management Authority (DCZMA).
9	18/07/2019	After site review / committee meeting, DCZMA has forwarded the project recommendations to the State Level Coastal Zone Management Authority (SCZMA) subject to the fulfilment of certain conditions.
10		Meanwhile GAIL awarded the contract and started the construction activities.
11	11/10/2019	SCZMA asked GAIL to submit further details and revised HTL (High Tide Line) demarcation map superimposing GAIL's project and scrutiny fee of ₹5.0 Lakhs.
12	18/11/2019	GAIL submitted the requisite fees and documents.
13	29/11/2019	SCZMA intimated GAIL to submit the demarcation map prepared by authorized institute (NCSCM) approved by Government of India.
14	15/04/2020	GAIL had placed work order to NCSCM. However, due to Covid-19 pandemic, NCSCM were unable to make field investigation and submission of map delayed. Finally, GAIL has submitted the desired demarcation map to SCZMA on 28/01/2021.
15		Construction activities were continued considering the flaring of gas from Madanam, continuous follow up with CRZ / TNPCB, availability of other permissions/ clearances.
16	May 2020 – Mar 2022	Parallel Follow ups were continued with SCZMA for CRZ clearance. Presentation / review by TNSCZMA committee on 08/10/2021 at Chennai.
17	06/04/2022	SCZMA intimated <i>vide</i> letter No. R.C. No. P1/2024/2019 dated 06/04/2022 that the application has been recommended and forwarded to National Level Coastal Zone Management Authority (NCZMA), New Delhi for CRZ Clearance on 21/03/2022
18	14/06/2022	As per Minutes of 299 th meeting of Expert Appraisal Committee (CRZ- NCZMA @ Delhi) held on 14/06/2022, and GAIL's proposal for CRZ Clearance was deferred considering post-facto case and related MOEF OM dated 19/02/2021 is sub-judice.
19	Till date	GAIL requested at numerous times to Chairperson-TNPCB, Secretary –MoEF&CC, Addl. Chief Secretary- MoEF&CC at Chennai and Delhi for considering the CRZ clearance.
20	22/07/2020	During cleaning of pipeline by compressed air as a part of construction stage, the air released out with dust & sound due to presence of mud, heavy dust inside the pipe on 22/07/2020 without damage to any person/property / environment.

21	23/07/2020	This event / incident was reported in Dinamalar Tamil news paper as “panic due to natural gas released...” Subsequently, Suo-Motu case was registered by NGT on the basis of newspaper report.
22	20/08/2020	TNPCB has submitted its factual report mentioning that the pipeline was under establishment and no natural gas was carried in the pipeline. Only venting of air was carried out under GAIL supervision. Further, TNPCB submitted to the Hon'ble NGT that GAIL to obtain necessary clearance from authority and to stop the pipeline laying activity.
23	05/08/2022	The Suo-Motu case was disposed with direction to GAIL / TNPCB to initiate proceedings as per notice issued to GAIL by giving applicable opportunity to GAIL.
24		GAIL has taken up with TNPCB, TNCZMA, NCZMA, MoEF&CC and other state level secretaries for consideration of clearances.
25		Considering the facts that <ul style="list-style-type: none"> • the national resource of Natural gas wastage due to flaring from Madanam field for more than 3 years • Environment damage due to the continues flaring • Pipeline system safety & integrity • Gas demand from power and CGD sectors • Revenue loss in the tune of ₹8.0 Crs per month • No impact / damage due to underground laid pipeline to the environment
26	May 2023	GAIL approached Supreme Court to consider GAIL's request
27	25/07/2023	SC has given direction to CRZ-NCZMA to consider the clearance.
		In view of above facts GAIL humbly request NCZMA to consider CRZ clearance to our MMPL project.

11. After detailed deliberation, the committee has noted that project activity is permissible as per CRZ Notification 2011. However, the project proponent has already completed the pipeline laying in CRZ area of 255m without prior CRZ Clearance from the Ministry. So this is the case of violation of CRZ Notification 2011 and can be appraised as per Ministry's OM dated 19/02/2021, prescribes the "Procedure for dealing with violations arising due to not obtaining a prior CRZ Clearance for permissible activities".

12. It is pertinent to note that the said OM is sub-judice and has been stayed by Hon'ble High Court of Chennai (WP (MD)-8866/2021 and High Court of Bombay PIL (L) No. 8540 of 2021 as:

I. Hon'ble High Court of Chennai WP (MD)-8866/2021 *vide* order dated 13/04/2021:

.....6. *Therefore, we are of the prima facie view that the impugned notification is without jurisdiction. There is one more facet, which we noted when we examined the impugned notification. The notification states that it has prospective effect only in such cases, wherein the project proponent applies for such a clearance to a concerned coastal Zonal Management*

Authority, this aspect can be considered only after the respondent filed their counter affidavit.

7. For the above reasons, we are of the considered view that the petitioner has made out a case for entertaining this Public Interest Litigation and accordingly, this writ Petition is admitted and there will be a stay of the operation of the impugned order. However, we make it clear that the stay will be operative prospectively from today....

As per the last business date order by Hon'ble High Court of Madras (Madras Bench) dated 17/03/2022, Hon'ble Court has adjourned the matter but the matter has never been heard by the Hon'ble Court after that and this Ministry is not able to consider the project in compliance of the order dated 13/04/2021 till today

II. The Hon'ble High Court of Bombay PIL (L) No. 8540 of 2021 *vide* order dated 07/05/2021:

.....3. In our prima facie view, contents of the office memorandum under challenge have the effect of diluting the rigours of the provisions of the Environment Act and other related enactments. We also find that the said office memorandum refers to the decision of the Supreme Court dated April 1, 2020 in Civil Appeal No.1526 of 2016 (Alembic Pharmaceutical Limited Vs. Rohit Prajapati), since reported in 2020 SCC Online SC 347. Quite unusually, the Government despite being bound by the ratio decided of such decision has elected to follow the directions contained in the said decision which were issued under Article 142 of the Constitution.

4. In such view of the matter, we restrain the respondents from granting an permission/clearance on the basis of the office memorandum under challenge till August 31, 2021 or until further orders, whichever is earlier.....

....7. We also make it clear that if an application for permission is received hereafter, the receiving authority shall bring the fact of pendency of this PIL petition and the interim order passed thereon to the notice of the applicant.....

As per the last order issued by Hon'ble High Court of Bombay *vide* order dated 21/12/2022, Hon'ble Court has directed that Interim orders passed earlier to continue till the next date which was 25/01/2023. Thereafter, the matter has never been heard by the Hon'ble Court and this Ministry is not able to consider the project in compliance of the order dated 07/05/2021 till today.

13. Since, the Ministry is restrained from granting a permission/clearance on the basis of the Office Memorandum dated 19/02/2021 under challenge till further orders. The Committee thus requested Ministry to provide further guidance considering that the Hon'ble Supreme Court has directed to consider the proposal under dealing with violations arising due to not obtaining a prior CRZ clearance for permissible activities.

List of the Expert Appraisal Committee (CRZ) Members participated during Hybrid Meeting held on 31/07/2023.

S. No.	Name of Members	Designation
1.	Dr. Deepak Arun Apte	Chairman
2.	Dr. M.V. Ramana Murthy	Member
3.	Dr. Manoranjan Hota	Member
4.	Shri M.S. Negi	Member
5.	Shri S. Jeyakrishnan	Member
6.	Prof. V. K. Jain	Member
7.	Prof. A.K. Pachauri	Member
8.	Prof. Mukesh Khare	Member
9.	Dr. Neraj Sharma	Member
10.	Shri Sham Wagh	Member
11.	Shri P.K. Mishra	Member
12.	Dr. H. Kharkwal	Member Secretary
13.	Dr. Ragavan P, Scientist 'B'	MoEF&CC
