

**Joint committee report submitted to the Hon'ble National Green Tribunal
(SZ), Chennai**

1. CASE DETAILS

M/s. Atana Flat owners and Residents association, Kancheepuram District has filed a Original Application No. 106 of 2020 before the Hon'ble National Green Tribunal (SZ), Chennai for the following main prayer.

1. *To call for the records culminated in the District Environmental Engineer's show cause notice in Proc. NO. To call for the records culminated in the 1st respondent's show-cause notice in Proc.No.DEE/ TNPCB/SPR/ Complaint /Cr.No.5443-2020-1, dated: 19.05.2020 and quash the same.*
2. *Directing the 2nd respondent to ensure that the STP is made to operational without causing any disturbance to the residents of the residents of the Applicant and without causing any pollution by complying with the directions issued by this Hon'le court in the above referred order dated: 13.01.2016 in Application No.291 of 2014 (SZ).*
3. *Pass such other order or relief that may deem fit and proper in the circumstances of the case.*

2. ORDERS OF THE HON'BLE TRIBUNAL

It is respectively submitted that the Hon'ble National Green Tribunal(SZ), Chennai order dated 21.07.2020 in the matter of O.A.No.106 of 2020 directed the following,

"11. In order to ascertain the factual situation as well as any violation of environmental laws, by the builder, we feel it appropriate to appoint a joint committee consisting of 1) senior officer from Regional office, MoEF & CC, Chennai II) Senior officer from the SEIAA, Tamil Nadu III) A senior officer from the TNPCB to inspect the area in question and submit a factual as well as action taken report, in case if any violation is found.

12. The committee is directed to ascertain whether the builder had obtained environmental clearance and what are all the terms and conditions imposed in the environmental clearance regarding the establishment of STP and its treatment and whether the builder had complied with the conditions of the conditions and if there is any violation what are the remedial measures to be taken to rectify the same, and assess the environmental compensation to be

payable for the damage caused to the environment and submit a factual as well as action taken report to this tribunal within a period of two months."

3. COMPOSITION OF THE COMMITTEE

In accordance to Hon'ble Tribunal direction the following members have been nominated as members of the committee.

1. Dr. C. Kaliyaperumal,
Director, Regional Office, MoEF & CC, Nungambakkam
Chennai - Member
2. Er. P. Ravichandran,
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Sriperumbudur - Member
3. Er. K. Vijay Kumar,
Assistant Executive Engineer,
SEIAA-TN, Saidapet, Chennai - Nodal officer

4. SCOPE OF THE COMMITTEE AS PER ORDER

- (i) To inspect the residential apartment and ascertain whether the builder had obtained environmental clearance and what are all the terms and conditions imposed in the environmental clearance regarding the establishment of Sewerage Treatment Plant (STP) and its treatment.
- (ii) To ascertain whether the builder had complied with the conditions of sending periodical reports of compliance of the conditions and if there is any violation what are all the remedial measures to be taken to rectify the same.
- (iii) To assess the environmental compensation payable for the damage caused to the environment and submit a factual

5. JOINT INSPECTION OF THE COMMITTEE

The Joint Committee has inspected the said residential apartment on 05.10.2020. During the time inspection, the committee observed the following.

1. It is a residential apartment having 4 Nos of individual gated community with 420 dwelling units (Vasantha Apartments), 388 dwelling units (Megha Apartments), 213 dwelling units (Madhulika Apartments) and 198 dwelling

units (Attana Appartments-applicant) located in Karanaitankal village, Vandallur Wallajabad Road, Kundrathur Taluk, Kanchipuram District.

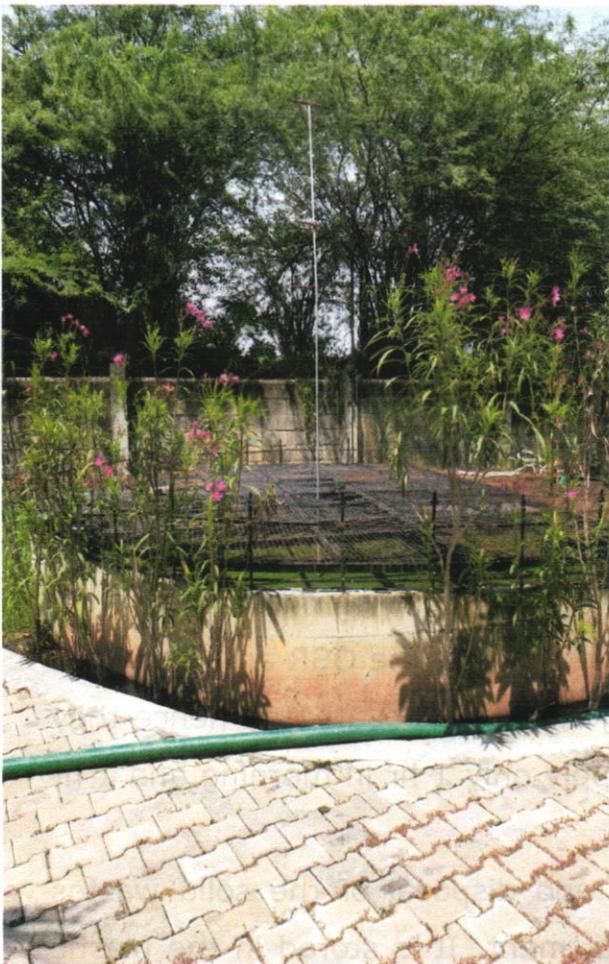
2. All the said 4 residential apartments have been established by the developer M/s. Arun Excello Constructions LLP in different periods and after completion of the entire work, the said apartments were handed over to the residents in different periods.
3. The developer has not obtained Environmental Clearance from the competent authority.
4. M/s Arun Excello Constructions LLP has not obtained consent for establishment / Consent to operate from the Tamil Nadu Pollution Control Board.
5. The residential apartment have provided individual STP (4 Nos) for each apartment below the ground level.
6. Observations of the individual apartments are as follows.

Madhulika Apartments:

- i. It consist of 213 dwelling units with total land extent of 9388.64 sq.m with total built up area of 13901.54 sq.m.
- ii. The developer has obtained planning permission from DTCP during 08.12.2014.
- iii. The project has completed during 26.08.2016 and handed over to the association on 31.12.2018.
- iv. Bore well has provided for meeting the fresh water requirement, for which the residential apartment has not obtained any ground water permission from the competent authority.
- v. The apartment has provided with the Sewage Treatment Plant for the treatment and disposal of sewage generated from the apartment below the ground level.
- vi. It is reported by the association secretary that during march 2020 the existing STP was revamped completely for the efficient operation, based on the show cause notice issued by the TNPCB.
- vii. At present, treated sewage is utilized for toilet flushing and for gardening and greenbelt development within the premises.
- viii. As reported by the association secretary that the OSR area allocated for the utilization of treated sewage is not adequate and hence they restricted the quantity of water supply only 1 hr in morning and 1 hr in evening.
- ix. There is no facility for treatment and disposal of the solid wastes generated from the residential apartment. It is stored in the plastic bins and disposed through the local body for further disposal.

Vasantha Apartment:

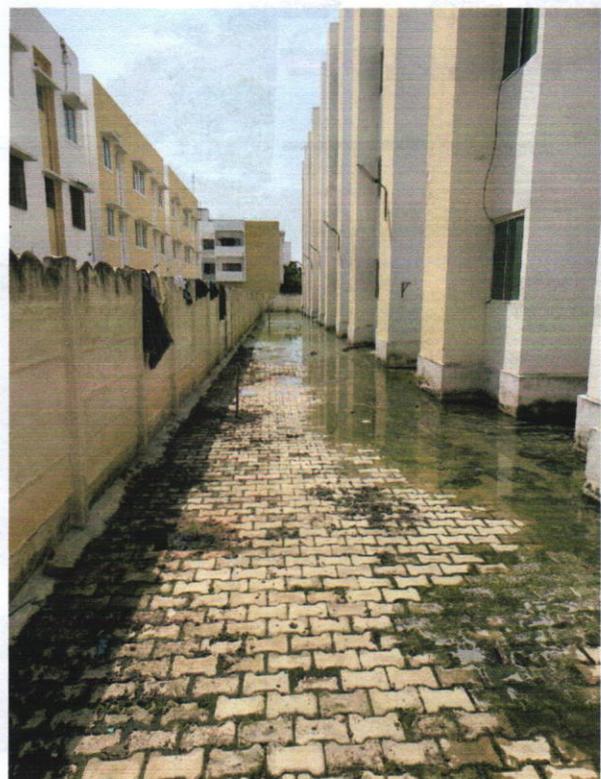
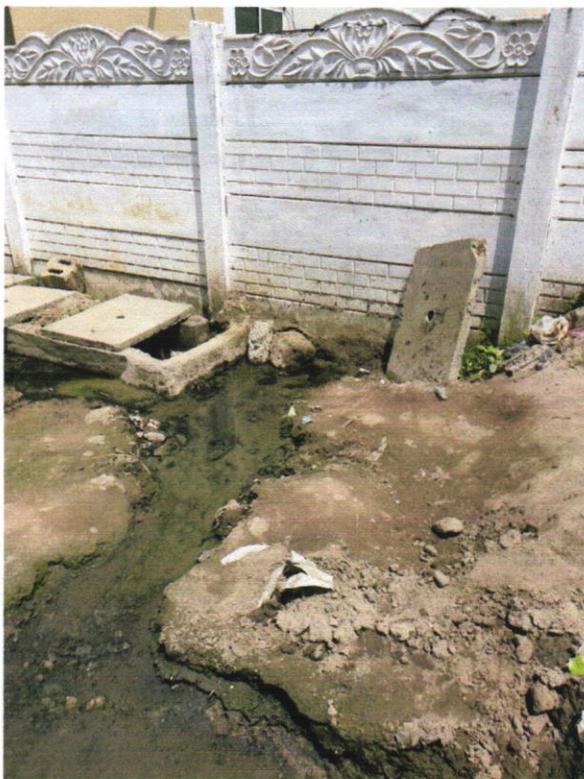
- i. It consist of 420 dwelling units with total land extent of 9510.4 sq.m with total built up area of 14,684.132 sq.m.
- ii. The developer has obtained planning permission from DTCP during 23.05.2013.
- iii. The project has completed during 12.01.2015 and handed over to the association on 31.03.2017.
- iv. Bore well has provided for meeting the fresh water requirement, for which the residential apartment has not obtained any ground water permission from the competent authority.
- v. The apartment has provided with the Sewage Treatment Plant for the treatment and disposal of sewage generated from the apartment below the ground level.
- vi. Operation and maintenance of the STP is not satisfactory.
- vii. Treated / untreated sewage is disposed into the open well provided within the premises.
- viii. There is no facility for treatment and disposal of the solid wastes generated from the residential apartment. It is stored in the plastic bins and disposed through the local body for further disposal.



Open well in Vasantha Apartment

Megha Apartment:

- i. It consist of 388 dwelling units with total land extent of 9105.36 sq.m with total built up area of 13,561.872 sq.m.
- ii. The developer has obtained planning permission from DTCP during 07.02.2014.
- iii. The project has completed during 29.02.2016 and handed over to the association on 31.03.2018.
- iv. Bore well has provided for meeting the fresh water requirement, for which the residential apartment has not obtained any ground water permission from the competent authority.
- v. The apartment has provided with the Sewage Treatment Plant for the treatment and disposal of sewage generated from the apartment below the ground level.
- vi. Operation and maintenance of the STP is not satisfactory.
- vii. Treated / untreated sewage is pumped into the open area within the premises for evaporation. Also, it is disposed outside the premises through storm water drain.
- viii. There is no facility for treatment and disposal of the solid wastes generated from the residential apartment. It is stored in the plastic bins and disposed through the local body for further disposal.





Sewage disposed into road from Megha Apartment





Sewage stagnation in road side

Atana Apartment:

1. It consist of 198 dwelling units with total land extent of 8935.39 sq.m with total built up area of 12,460.052 sq.m.
 2. The developer has obtained planning permission from DTCP during 18.05.2015.
 3. The project has completed during 02.09.2016 and handed over to the association on 31.07.2019.
 4. Bore well has provided for meeting the fresh water requirement, for which the residential apartment has not obtained any ground water permission from the competent authority.
 5. The apartment has provided with the Sewage Treatment Plant for the treatment and disposal of sewage generated from the apartment below the ground level.
 6. At present, treated sewage is utilized for toilet flushing and for gardening and greenbelt development within the premises.
 7. It is reported by the association secretary, the excess treated sewage is pumped into the terrace and open area within the premises for evaporation.
 8. There is no facility for treatment and disposal of the solid wastes generated from the residential apartment. It is stored in the plastic bins and disposed through the local body for further disposal.
7. As per the CPCB guidelines the Environmental compensation shall be calculated as, Environmental compensation to be paid (EC) = $PI \times N \times R \times S \times LF$

Where,

PI = Pollution index of industrial sector - For Orange category it is 41 to 59.

An average value of 50 taken

N = Number of days of violation took place.

The developer has obtained planning permission from DTCP and handed over to the respective apartment's owners association details are as follows

S.No.	Apartment name	DTCP letter date	handed over date	violation days
01	Vasantha	23.05.2013	31.03.2017	1405
02	Megha	07.02.2014	31.03.2018	1514
03	Madhulika	08.12.2014	31.12.2018	1485
04	Atana	18.05.2015	31.07.2019	1536

It is seen from the above, minimum violation days of 1405 may be considered as violation period.

R = A factor in Rupees for EC is minimum of 100 and maximum of 500.

An average value of 250 taken for violation

S = Factor for scale of operation (0.5 for small, 1.0 for medium and 1.5 for large scale). **Hence 1.5 taken since it is large scale.**

LF = Location factor (**population from 1 to <5 million LF is 1.25**).

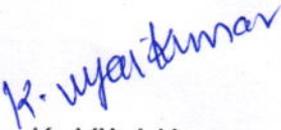
EC = $50 \times 1405 \times 250 \times 1.5 \times 1.25 = \text{Rs. } 32929687/-$

6. Recommendations

1. The developer (M/s. Arun Excello company limited) has constructed 4 individual block namely Vasantha (14, 684.132 sqm), Megha (13, 561.872 sqm), Madhulika (13,901.54 sqm) and Atana (12, 460.502 sqm) for EWS category in a different period and also completed as well as handed over in different periods. As stated by the developer during the inspection that the individual building / block's buildup area is less than 20,000 sqm and because of this EC was not obtained. The Hon'ble court may decide about the applicability of the EC requirement in the instant case.
2. The overall buildup area of the above 4 blocks is 54,607.486 sq.m.
3. The developer has not obtained Consent for establishment / Consent to operate from the Tamil Nadu Pollution Control Board.
4. As gathered during the visit that the developer has constructed 4 individual STP in all 4 respective blocks, maintained and handed over to the residential society for further maintenance. The society except

Madhulika and Atana are maintaining the sewage treatment plant properly.

5. During the visit it was observed that untreated sewage from Megha was purposefully let-out to the adjacent road which is in between 4 blocks (Photograph). In addition to this the untreated sewage was got stagnated in Megha apartment area itself. Lot of green patches (algae) was also noticed / observed. This shows that letting out of untreated sewage is not one day affair and it is for a month together. To let out this untreated sewage they have purposefully broke opened the compound wall. The residents also informed the same including bad odor problem.
6. It was found by the team that all 4 individual STPs are not having sufficient adequate capacity to treat the untreated sewage and because of this the committee is felt that all 4 STPs has to be certified / approved by the competent authority / institutions such as Anna University / IIT for its adequacy. If it is inadequate the same may be revamped and put into operation.
7. The treated sewage should be monitored and it should meet the PCB standard.
8. For this separate energy meters, flow meters (in-flow and out-flow of the STP) has to be installed. A separate individual register also has to be maintained at the site.
9. The greenbelt development work is very poor and it has to be developed.
10. The residential apartments shall ensure were the entire quantity of treated sewage should be utilized for toilet flushing and for greenbelt development within the premieres.
11. As per CPCB guidelines the environmental compensation of Rs.3,29,29,687 should be levied to the developer to rectified the damage cost to the environment.


Er. K. Vijai Kumar,
AEE, SEIAA-TN
Saidapet, Chennai


Er. P. Ravichandran,
DEE, TNPCB
Sriperumbudur


Dr. C. Kaliyaperumal,
Director, MoEF & CC,
Chennai