

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE AT CHENNAI  
ORIGINAL APPLICATION NO.106 OF 2020**

Atana Flat Owners and Residents  
Association, Regn.No.80/2018  
Rep by its Secretary Mrs.G.Anitha  
Vandalore – Walajabath Road,  
Karanithangal Village  
Kancheepuram District – 602105  
Mobile: 99402 79186  
Email: [atanaassociation@gmail.com](mailto:atanaassociation@gmail.com)

...Applicant

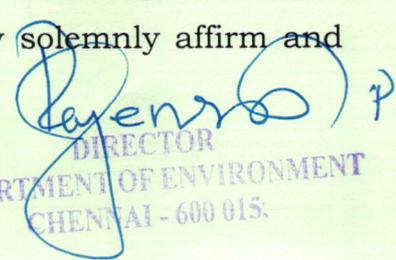
Versus

1. The District Environmental Engineer  
Tamil Nadu Pollution Control Board  
Plot No.CP-5B, SIPCOT, Oragadam  
Sriperumbudur Taluk  
Kancheepuram District – 602105  
Email ID: [tnpcbtoragadam@gmail.com](mailto:tnpcbtoragadam@gmail.com)  
Phone: 9884800236
2. M/s.Arun Excello Construction LLP  
Rep by its Managing Director  
Bhatted Towers, II Floor  
No18, West Cott Road  
Royapettah, Chennai – 600014  
Phone: 044-28412841
3. The Chairperson  
State Level Environmental Impact  
Assessment Authority (SEIAA)  
Govt. of Tamil Nadu  
Panagal Building  
Saidapet, Chennai-600015

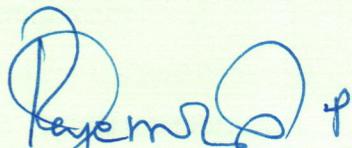
... Respondents

**COUNTER AFFIDAVIT FILED ON BEHALF OF THIRD RESPONDENT**

I, Tmt.Rajeswari.P, I.F.S., Director, Department of Environment, Government of Tamil Nadu having office at, Ground Floor, Panagal Maaligai, No1,Jeenis Road, Saidapet, Chennai-600015, do here by solemnly affirm and state as follows;

  
DIRECTOR  
DEPARTMENT OF ENVIRONMENT  
CHENNAI - 600 015.

1. I respectfully submit that as per the G.O.(Ms)No:260 Environment and Forests (EC.3) dated: 15.12.2012 the Directorate of Environment is nominated to the function as the secretariat for the State Level Environment Impact Assessment Authority and State Level Expert Appraisal Committee from the date of issue of the order.
2. I respectfully submit that as per the Ministry of Environment, Forests and Climate Change, New Delhi Notification S.O.No.5651 (E), dated: 05.11.2018, the tenure of State Level Expert Appraisal Committee and State Level Environment Impact Assessment Authority – Tamil Nadu expired on 04.11.2021 on completion of three years. Also, MoEF&CC is yet to reconstitute SEAC/SEIAA in Tamil Nadu.
3. I respectfully submit that I am filing counter affidavit on behalf of 3<sup>rd</sup> Respondent herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.
4. I respectfully submit that at the outset, I deny the averments stated in the application as false except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
5. I respectfully submit that, the Environmental Impact Assessment Notification, 2006 mandates prior Environmental Clearance (EC) for new projects or activities including expansion, or modernization of existing projects listed in its Schedule. The Category 'A' projects shall obtain EC from the Central Government and Category 'B' projects from the concerned State Level Environment Impact Assessment Authority (SEIAA)/Union Territory Environment Impact Assessment Authority (SEIAA). The proposal will be placed before the State Expert Appraisal Committee (SEAC) for screening, scoping and appraisal; Based on the recommendations of SEAC, the proposal is placed before the State Environment Impact Assessment Authority (SEIAA) for the consideration of issue of Environmental Clearance. After detailed discussion and based on the documents furnished, Environmental Clearance is issued by the Authority.

  
DIRECTOR  
DEPARTMENT OF ENVIRONMENT  
CHENNAI - 600 015.

6. I respectfully submit that Entry 8 (a) of EIA Notification, 2006 is extracted below:

*SCHEDULE  
(See paragraph 2 and 7)*

*LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE*

<i>Project or Activity</i>		<i>Category with threshold limit</i>	
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>8(a)</i>	<i>Building and Construction projects</i>		<i>≥20000 sq.mtrs and &lt;1, 50,000 sq.mtrs. of built-up area#</i>

7. I respectfully submit that, from the inspection report of the joint committee submitted to Hon'ble National Green Tribunal ( SZ), Chennai, the following was inferred :

- 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 Apartments ) located in Karanitankal Village, Vandallur Wallajabad Road, Kundrathur Taluk, Kanchipuram District.
- The residential apartments have provided individual STP (4 Nos) for each apartment below the ground level.
- The developer has obtained planning permission from DTCP for individual apartments during 2013, 2014 & 2015.
- Further, "The developer (M/s. Arun Excello company limited) has constructed 4 individual block namely Vasantha (14, 684.132 sq.m), Megha (13, 561.872 sq.m), Madhulika (13,901.54 sq.m) and Atana (12, 460.502 sq.m) 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 built up area is less than 20,000 sqm and because of this EC was not obtained."

8. I respectfully submit that, from the joint committee inspection report. It may be noted, it is a residential apartment having 4 Nos of individual gated community, the developers has obtained individual DTCP approval for

  
DIRECTOR  
DEPARTMENT OF ENVIRONMENT  
CHENNAI - 600 015.

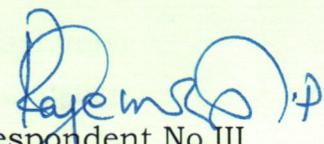
individual apartments which is found to be less than 20,000 sq.m built up area. Hence, the individual apartments does not come under the schedule of list of projects or activities requiring prior Environmental Clearance of EIA Notification 2006 as amended (stated in the para no 6).

9. I respectfully submit that, to fix above anomaly of building and construction projects having Built-up area < 20,000 Sq.m, CPCB vide CPCB/IPC-VI/ROGW dated : 12.01.2021 has categorised the building and construction projects with Built-up area up to 20,000 Sq.m & waste water generation upto 50 KLD & 100 KLD as Orange & Red Categories accordingly on the following criteria
- i. Waste water is generated due to domestic use.
  - ii. Projects having overall waste water generation of 50 KLD or more are considered for categorization. However, projects having waste water generation <50 KLD are also required to treat/manage sewage with appropriate systems such as soak pit, septic tank, STP etc. or direct discharge into sewer connected with terminal STP etc., as per the prescribed guidelines/norms.
  - iii. If the discharge  $\geq$  100 KLD, it will have the normalized score (pollution index) of 75 and hence, be categorized as Red. (Annexure)

10. I respectfully submit that, in view of the above, the project proponent / developer / Resident welfare association may be directed to approach TNPCB for obtaining Consent to Operate under Water and Air Acts as amended.

In view of the above mentioned facts, it is therefore humbly prayed that this Hon'ble Tribunal may be pleased to record and pass such order (or) any other orders as this Hon'ble Tribunal may deem to fit and proper in light of the facts and circumstances of this case and thus render justice.

Solemnly affirmed at Chennai  
On this 15<sup>th</sup> day of December 2021  
& signed his name in my presence

  
Respondent No III

**DIRECTOR**  
DEPARTMENT OF ENVIRONMENT  
CHENNAI - 600 015:

Attesting Officer

  
**Assistant Environmental Engineer**  
State Level Environment Impact Assessment Authority-Tamilnadu  
Third Floor, Panagal Maligai  
Saidapet, Chennai - 600 015