

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

**Original Application No.106 of 2020 (SZ)**

BETWEEN

Atana Flat Owners and Residents Association  
Regn.No.80201B  
Rep. by its Secretary Mrs.G.Anitha  
Vandalore-Walajabad Road,  
Karanithangal Village,  
Kancheepuram District 602105

Applicant

and

1) The District Environmental Engineer  
Tamil Nadu Pollution Control Board  
Plot No.CP-5B, SIPCOT, Oragadam,  
Sriperumpudur Taluk,  
Kancheepuram District – 602 105

2) M/s. Arun Excello Constructions LLP,  
Represented by its Designated Partner  
Mr.P.Suresh,  
Bhattad Tower,  
No.18, West Cott Road,  
Royapettah, Chennai – 600 014.

3) The Chairman  
State Level Environment Impact Assessment Authority (SEIAA)  
Govt. of Tamil Nadu, Panagal Maligai,  
3<sup>rd</sup> Floor, Saidapet,  
Chennai – 600 015

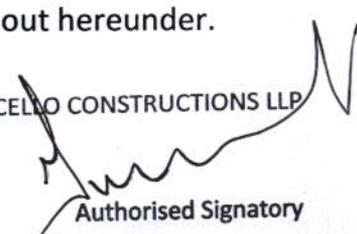
Respondents

**REPLY TO THE APPLICANT'S REJOINDER BY 2<sup>ND</sup> RESPONDENT**

I, P.Suresh, Son of V.Panchapakesan, Hindu, aged about 63 years having its registered office at Bhattad Towers, 18, West Cott Road, Royapettah, Chennai – 600 014, do hereby solemnly affirm and sincerely state as follows:

I submit that 2<sup>nd</sup> Respondent herein is a Limited Liability Partnership Firm duly registered under the Limited Liability Partnership Act, 2008. I am one of the partners of the Respondent firm. I am well acquainted with the facts of the case set out hereunder.

For ARUN EXCELLO CONSTRUCTIONS LLP

  
Authorised Signatory

This respondent is filing this reply in response to the applicant's rejoinder.

At the outset, this respondent denies all the allegations attributed against this respondent in the said rejoinder and the applicant is put to strict proof of the same.

- 1) It is submitted that with regard to the averments stated in para 2 of the rejoinder the same is denied as totally false and incorrect. It is submitted that the design of the STP was prepared by a qualified agency and presented before the DTCP. The same was accepted and based on the same design, the tank sizes were finalised and shown in the approval drawing and was duly approved by DTCP. This would prove that the 2<sup>nd</sup> respondent had not failed in providing the STP to the proportionate requirement of the number of flats in each project.
- 2) It is submitted that with regard to the averments stated in para 3 of the rejoinder this respondent had obtained the requisite approvals from the competent authorities.
- 3) With regard to the averments stated in para 4 of the rejoinder this respondent submits as follows :

First and foremost the NBC norms does not provide any distinct standards for the low income group or middle income group as such and it is made clear that it is not the intention of the respondent to classify as low income group as what so ever. It is further submitted that the STP provided by this respondent was of the required capacity proportionate to the number of single bed room apartments and double bed room apartments as per the standards recommended by NBC.

- 4) With regard to the averments stated in para 5 of the rejoinder this respondent submits that the average water consumption is 135 litres per person per day as prescribed by NBC norms. It is further submitted this respondent is not aware of the soil absorption capacity in different seasons as it is not mandatory. It is established in the approval that any excess treated water from the STP can be disposed using tanker lorries. It is authenticated by the local bodies that the excess treated water has to be removed by tanker lorries and the same having been

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incorporated in the approval itself as one of the clause. This is irrespective of the soil absorption capacity of the any proposed land site for construction activity. Further as per the computation, more than 60% of treated water is to be recycled for ablution purposes. Since the STP was not properly maintained, the untreated water from the STP was found unsuitable for ablution purposes and therefore resulted in the increase of excess water to be disposed on a daily basis.

- 5) It is submitted that with regard to the averments stated in para 6 of the rejoinder this respondent denies the averments as false. The STP has been designed based on the number of persons stipulated in NBC for single bed room apartments and for double bed room apartments. If the number of persons in each flat exceeds the permissible number of occupants as stipulated in NBC, the daily consumption of water is bound to increase. Pursuant to the same, the quantum of water that has to be treated also exceeds beyond the capacity of the STP. This is the consequence of excess occupancy by the flat owners. The same cannot be attributed to this respondent. Hence, saying that the STP provided by this respondent is inadequate is not true.
- 6) It is submitted that with regard to the averments stated in para 7 & 8 of the rejoinder this respondent states that it is false that the handing over to the association was not done in a proper manner, whereas the association had refused to take over the maintenance from this respondent in a proper manner. Moreover, the maintenance team i.e. the electrician, plumber deployed by this respondent is retained by the association till date. However, the same STP had been well maintained and operated under the supervision this respondent with the same set of maintenance team and the failure to maintain the same subsequent to handing over of the maintenance clearly reflects the fact that the association had failed to manage the STP in a proper manner.

Moreover, this respondent had addressed the issues of the association of all the grievances of any nature with regard to all common amenities then and there and there was no hue or cry about the STP at any point of time by then and hence, the non-functioning of the STP to this extent has occurred only after handing over of

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the maintenance to the association, which is due to the improper handling of the STP by the association.

- 7) With regard to the averments stated in para 9 of the rejoinder this respondent submits that the tanker lorries were not provided to the association as a stop gap arrangement or as an afterthought. One of the clauses incorporated in the approval states that any excess treated water can be disposed of by using tanker lorries. This respondent neither had any obligation nor any intention to pacify the residents association by providing a tanker lorry in lieu of providing STP of inadequate capacity as alleged by the applicant. Hence, the averment stated in the rejoinder saying that the tanker lorries were provided in order to deceive the applicant for any reason whatsoever is not true. As a gesture of goodwill even though this respondent was not obliged to do, this respondent had taken the initiative of purchasing a tanker lorry at a cost of Rs.25 lakhs which the applicant fails to appreciate and refused to accept it.
- 8) The averments stated in para 10 is denied as false and the applicant is put to strict proof of the same.
- 9) With regard to the averments stated in para 11 of the rejoinder this respondent stoutly denies the said allegation as there is no nexus between the statements averred by this respondent in the counter and the explanation given by the applicant in this rejoinder. This respondent submits that there is no connection made between the storm water drain and the storage tank as averred by the applicant.
- 10) With regard to the contents in para 12 of the rejoinder this respondent submits that the applicant association refused to accept the handing over documents and also despite the knowledge having been imparted to the association by the respondent's vendors of the operations of the STP which has also ended futile. This was purposely done by the applicant association with an ulterior motive and now the applicant is trying to shift the blame on this respondent.

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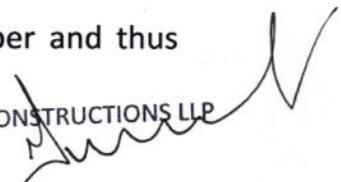
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- 11) With regard to the averments stated in para 13 & 14 of the rejoinder this respondent submits that this circular, a copy of the same is enclosed is regarding the constitution of SEIAA, TN by the Central Government and there is no mention about the Clause 2. The other notification is mentioned in the GO 112 dated 11-4-2012 as the second Reference. In the body of the G.O., it is mentioned that in the Notification dated 4-4-2012, Government of India, Ministry of Environment & Forest have constituted the SEIAA, TN. Hence, in both the notifications, there is no mention about the proposal to cover all buildings above 5000 sq.mtr under the environment norms. It is also pertinent to note that they have not enclosed the above two notifications as part of their exhibit which clearly shows their intention to mislead the Hon'ble Tribunal.
- 12) With regard to the averments stated in para 15 & 16 of the rejoinder this respondent submits that that since the amendments have come into effect only on 16-10-2016, the same is not applicable to the projects which were completed before this date.
- 13) It is submitted that with regard to the averments stated in para 17 of the rejoinder this respondent already filed a detailed counter and objections to the report filed by the Joint Committee.
- 14) With regard to the averments stated in para 18 of the rejoinder this respondent submits that the Association has not operated the STP properly. The association is entirely responsible for letting out the untreated sewage to the Highway through the storm water drain.

In these circumstances, it is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the application as devoid of merits with exemplary costs and to pass such other order or direction as this Hon'ble Tribunal may deem fit and proper and thus render justice.

Solemnly affirmed at Chennai this the  
21<sup>st</sup> day of March 2022 and signed  
His name in my presence

For ARUN EXCELLO CONSTRUCTIONS LLP

Before Me,   
Authorised Signatory

Advocate : Chennai