

JOINT COMMITTEE INSPECTION REPORT AS PER
THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ), CHENNAI
ORDER DATED 22/01/2020 IN O.A.NO.109 OF 2017

Submitted to
Hon'ble National Green Tribunal (SZ)
Chennai

October, 2020

1.0 Preamble

The Petitioner K.S. Suresh Kumar residing at Raja Annamalai Puram, Chennai - 660 028 prayed to the Hon'ble National Green Tribunal that to initiate appropriate action against the 8th respondent M/s. Appaswamy Real Estate Limited located at R. S.No. 4310/5 and R.S.Nos. 44569/34&35, Block No. 100, Santhome High Road, Mylapore Village, Chennai district for their building projects violating various norms as laid down in the Category "B2" and Schedule S. No. 8(a) of Construction Project under the EIA Notification, 2006 as amended and CRZ Clearance under CRZ Notification 2011 and also for not complying with several statutory requirements including the following:

1. Mandatory open space not provided
2. Development rules applicable to their buildings not followed
3. Statutory set-back area not provided
4. Illegal extraction of ground water for construction purpose by the project proponent
5. Construction of basement floor intersecting water table
6. Construction activities causing damage to the neighboring houses of the project site
7. Allegations of construction during night hours causing air and noise pollution and disturbance to the neighbors

It is alleged in the petition that M/s. Appaswamy Real Estate Limited is establishing a building projects in CRZ Zone at at S.No. 4310/5, Block No. 96 and R.S.Nos. 4569/34&35, Block No. 100, Santhome High Road, Mylapore Village, Chennai district without following properly the conditions laid down in the Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) Clearances as required under EIA Notification 2006 and CRZ Notification 2011.

According to the petitioner, the building project is coming under CRZ II under the CRZ Notification, 2011 and without properly following the conditions laid in the EC and CRZ clearance any activity in that area is illegal.

2.0 Orders of the Hon'ble Tribunal

The Hon'ble National Green Tribunal (SZ), Chennai Order dated 22/01/2020 vide O.A.No.109 of 2017 directed Tamil Nadu Pollution Control Board (TNPCB) as well as the Tamil Nadu State Level Impact Assessment Authority (SEIAA) to file a present status as to whether any violation of EC and CRZ conditions going on in the project site of M/s. Appaswamy Real Estate Limited located at R.S.No. 4310/5 and R.S.Nos. 44569/34&35, Block No. 100, Santhome High Road, Mylapore Village, Chennai district. If so, what action has been taken by them and also whether there is any violation of the order passed by this Tribunal regarding the extraction of

*R. Suresh Kumar*²

ground water for construction purpose as against the undertaking given by them that they will not use the ground water for construction purpose.

The Hon'ble National Green Tribunal (SZ), appointed a Joint Committee comprising of Tamil Nadu State Level Impact Assessment Authority (SEIAA), Tamil Nadu Coastal Zone Management Authority (TNCZMA) and Tamil Nadu Pollution Control Board (TNPCB) to inspect the disputed site for the purpose of ascertaining and submitting a report showing the following facts:

1. Whether there is any violation of EC conditions committed by the project proponent, if so, what action is taken against by them in this regard
2. Whether the construction undertaken by the project proponent is in conformity with/for complying with the EC conditions and also consent to establish/operate issued by SEIAA and Pollution Control Board and also ascertain the status of CRZ regulations of the area in question
3. The committee can also look if there is any violation of CRZ regulations and what action is taken regarding the same
4. The committee is also directed to assess the damage caused to environment on account of the use of ground water against the EC conditions for the period it has been used
5. The committee shall also consider whether the Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) has closed the open well as directed by this Hon'ble Tribunal by order dated 24/5/2017?
6. The committee shall also consider whether there is any noise pollution and air pollution on account of the operation of the construction activities and if so, what is the pollution control mechanism adopted by the project proponent to mitigate the same and if it is not sufficient, what are all the recommendations they want to suggest to improve the conditions
7. NGT(SZ), Chennai also directed Tamil Nadu State Pollution Control Board (TNPCB) to act as nodal agency for this purpose including for providing logistic
8. As per the order dated 22/01/2020, Hon'ble Tribunal constituted a Joint Committee with terms of reference to be considered and submit a report and posted the case to March 26, 2020 for consideration of report.
9. On March 26, 2020, NGT(SZ), Chennai adjourned the case to July 15, 2020 by notification.
10. On July 15, 2020, the learned counsel appearing for the Pollution Control Board requested NGT(SZ), Chennai for further time of two months, as inspection could not be conducted due to the present pandemic COVID - 19 conditions prevailing in the State.

R. Swaloman

11. Considering the circumstances, NGT(SZ), Chennai granted two months time period to the committee to submit the inspection report and directed the committee to submit the report to Hon'ble Tribunal on or before 25/09/2020 through mail or by e-filing at ngtszfiling@gmail.com.

In this connection, the Hon'ble Tribunal orders are enclosed as Annexures I and II in this Joint Inspection Report.

3.0 Composition of the Committee

The joint committee was constituted comprising the following members as directed by the Hon'ble National Green Tribunal.

1.	Dr. R. Umaiyakunjaram	Nodal Officer, District Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai
2.	Dr. R. Sivacoumar	Member, State Environment Appraisal Committee (SEAC), Tamil Nadu.
3.	Tmt. V. Sharmilee	Deputy Planner - Enforcement Cell (South), Chennai Metropolitan Development Authority, Chennai.

4.0 Joint Inspection of the Committee

The Joint Inspection Committee held detailed discussions with the project proponent and the consultants of the building project M/s Appaswamy Real Estate, Mylapore and visited the project site on September 21, 2020 (Monday) to collect the factual information as per the court directives and took photographs of the salient features of the site to get the first-hand information of the site and the details are presented below.

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Figure 1: Joint Inspection Committee

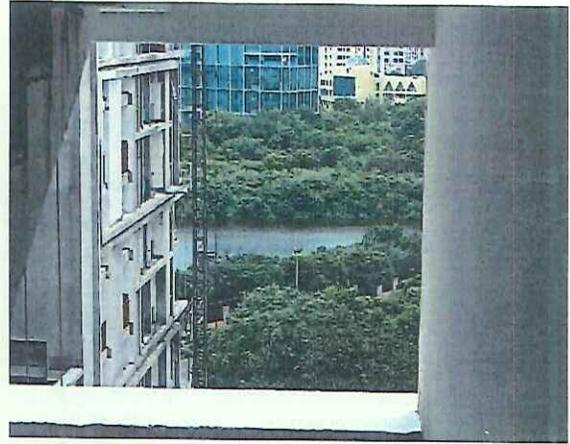


Figure 2: View of Adyar Creek



Figure 3: Status of the Construction Site

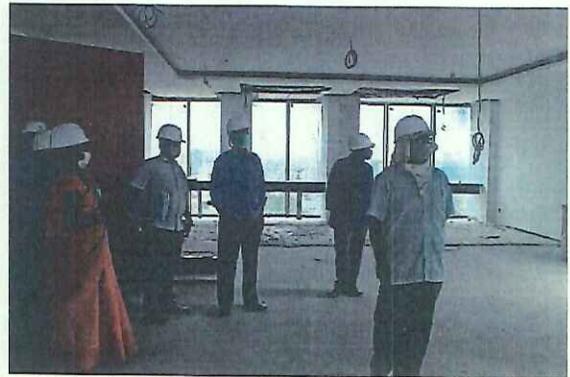


Figure 4: Party Hall under Construction



Figure 5: GYM Facility under Construction



Figure 6: Construction view of the Swimming Pool

R. Swacoumar

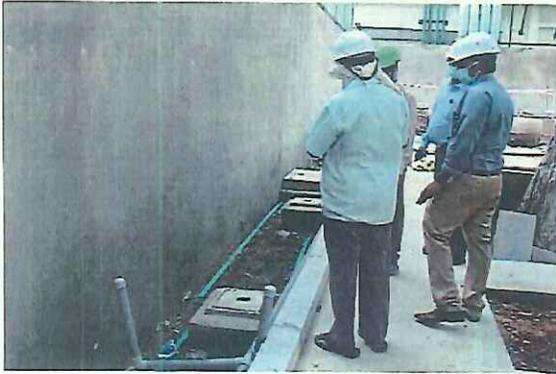


Figure 7: Green Belt Area



Figure 8: Rainwater Harvesting Area



Figure 9: Rainwater Recharge Pit

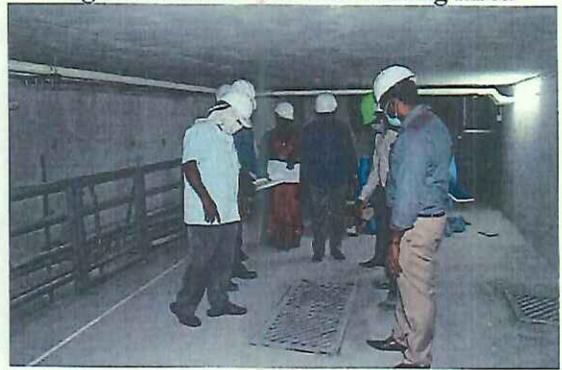


Figure 10: Collection Tank (STP)

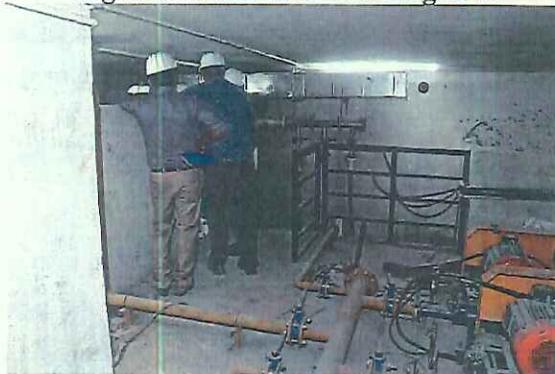


Figure 11: Aeration Tank (STP)



Figure 12: PSF & ACF (STP)

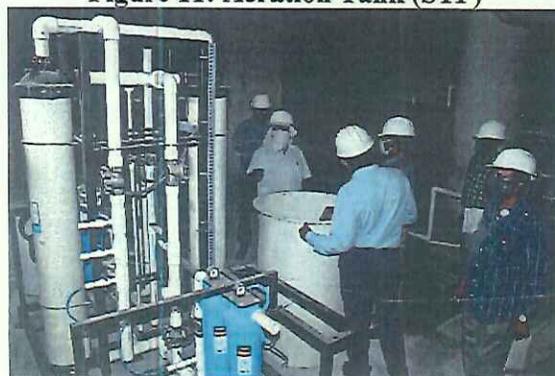


Figure 13: Ultra Filtration (STP)



Figure 14: Filter Press (STP)

R. Sivaloman

5.0 Assessment of the Joint Inspection Committee

The following are the observations by the joint inspection committee during field visit on September 21, 2020 (Monday) to the project site.

During the time of inspection, the committee observed the following:

1. The Consent to Establish (CTE) and Consent to Operate (CTO) not obtained by the Project Proponent
2. No Demarcation of CRZ and Non-CRZ areas found on land and building constructed inside the project site considering the separate conditions laid for CRZ areas by the Tamil Nadu State Coastal Zone Management Authority
3. The sufficient green belt area of 2721 m² as per the Environmental Clearance (EC) conditions not available inside the project site at the time of inspection
4. As per the CMDA Building Plan Approval No. C/PP/MSB/26A/X/2016 issued on May 11, 2016, Open Space Reserve (OSR) area of 917.63 m² totally not existing inside the project site
5. As per the CMDA Building Plan Approval No. C/PP/MSB/26A/X/2016 issued on May 11, 2016, the demarcation of land and building with respect to Coastal regulation Zone (CRZ) and non CRZ areas not marked inside the project site. Also, different FSI of 3.497 for non CRZ area and FSI of 2.435 for CRZ area achieved for the constructed building not clear at the time of inspection visit, since the building constructed on both CRZ and non-CRZ areas as a single continuous building without any partition
6. As per the CMDA Building Plan Approval No. C/PP/MSB/26A/X/2016 issued on May 11, 2016, the plot coverage for the entire site is 26.21% includes plot coverage of 25% in the CRZ area and 26.84% in the non-CRZ area do not match with actual site conditions at the time of inspection visit
7. Only one building tower having 16 floors was constructed as a single unit, i.e. one building for both CRZ and non CRZ area without any break as a continuous single building (combined FSI of 3.14 for the entire site extent) and achieving different Floor Space Index (FSI) in the same continuous building for CRZ (FSI of 2.435) and non CRZ areas (FSI of 3.497) as in CMDA Building Plan Approval is not clear at the time of inspection visit
8. Sewage Treatment Plant (STP): Treatment system units are not arranged in order at one location as a sequence for compact design. Instead STP units at different locations on two different floors needs proper justification and explanations

R. Swagouman⁷

9. The Project Proponent completed the construction of the Sewage Treatment Plant (STP) components including ultra filtration and the machineries are under erection and is yet to be commissioned.
10. Two basements below ground level are allotted for the purpose of car parking. Sufficient care must be taken by the project proponent for storm water/flood water management
11. Water and energy conservation measures as mentioned in the EC conditions are yet to be installed inside the building including lightening arrester suggested as in the EC for the safety of the building with 16 floors of 98 dwelling units
12. DG set of 250 KVA of 2 nos. with 68m stacks from GL not provided in the building site at the time of inspection
13. As per the EC condition laid down under Item No. (vi). of the Part C in the operation phase of the project, the "treatment of 100% grey water by decentralized treatment should be done" is not planned at the project site. Also, the treated sewage shall conform to the norm and the standards for bathing quality standards laid down by the CPCB irrespective of any use using Ultra Filtration Technique needs to be proved by providing design details and adequacy report by the project proponent illustrating technical competence of the STP and its salient feature in this connection are not shown to the Joint Inspection Committee at the time of inspection
14. Considering the above condition of treating the sewage to the standard of bathing quality and discharging the treated sewage into the public sewer needs to be reconsidered
15. The standby DG set for the Sewage Treatment Plant (STP) in case of power failures not provided in the site at the time of inspection visit
16. NGT(SZ), also directed to assess the damage and compensation in respect of extraction of ground water from the existing open well inside the project site before its closure. In this connection, from the date of start of construction of building project on June, 2016 and from the date of closure of the open well on September 21, 2019 by CMWSSB as per the direction of Hon'ble Tribunal order dated 24/5/2017 the number of days of extraction of ground water usage from the open well existing in the project site is 1034 days (excluding Sundays) for which damage and compensation worked out to be Rs. 16.10 Lakhs

R. Sivaloman

6.0 Summary and Conclusions of the Joint Inspection Committee (JIC)

As per the direction of NGT(SZ), Chennai to check and verify the compliance status of the building project by M/s. Appaswamy Real Estate located at R.S.No. 4310/5 and R.S.Nos. 44569/34&35, Block No. 100, Santhome High Road, Mylapore Village, Chennai District in connection with Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) clearance conditions as well as the assessment of damage and compensation for the extraction of ground water from the existing open well before its closure during the construction phase of the building project, the Joint Inspection Committee comprehensively evaluated all the above points raised by the NGT (SZ), Chennai by going through various appropriate documents, inspection visit made to the site and detailed discussion held with project proponent and consultants of the project during the time of inspection visit on September 21, 2020 (Monday) and also based on the clarifications sought by the Joint Inspection Committee summarized its conclusion as follows:

1. The Consent to Establish (CTE) and Consent to Operate (CTO) not obtained by the Project Proponent
2. No Demarcation of CRZ and Non-CRZ areas found on land and building constructed inside the project site considering the separate conditions laid for CRZ areas by the Tamil Nadu State Coastal Zone Management Authority
3. The FSI mentioned in CRZ and non CRZ areas, plot coverage as per CMDA Building Plan Approval not existing at the project site
4. The green belt area, open reserve area (OSR) area and decentralized greywater treatment system not existing inside the project site as per EC conditions
5. The design and adequacy reports of the Sewage Treatment Plant (STP) treatment system for treating effluent to standards of bathing water quality not shown to the Joint Inspection Committee at the time of inspection visit and discharge of treated sewage of 24 KLD to the standard of bathing water quality to the public sewer needs to be reconsidered
6. Energy and water conserved measures including lighting arrestors are yet to be installed in the building at the project site
7. DG Capacity of 2 numbers of 250 KVA capacity with 68m stack height not provided inside the project site at the time of inspection, in addition to standby DG unit for STP in case of power failures

R. S. Srinivasan

8. The damage and compensation for the extraction of ground water from the open well inside the project site before its closure is around Rs. 16.10 Lakhs

R. Umairajaram
Dr. R. Umairajaram
Nodal Officer, District
Environmental Engineer, Tamil
Nadu Pollution Control Board,
Chennai

—
Tmt. V. Sharmilee
Deputy Planner -
Enforcement Cell (South),
Chennai Metropolitan
Development Authority,
Chennai

R. Sivacoumar
Dr. R. Sivacoumar
Member
State Environment Appraisal
Committee (SEAC)
Tamil Nadu

Note: Individual report furnished by CMDA (Kembher - TNCZMA)
is enclosed.

BY RPAD



CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
Thalamuthu Natarajan Building, No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008
Phone : 28414855 Fax: 91-044-28548416

Letter No. EC/S-I/6589/2020

Dated: 14.10.2020

To

1. The Member-Secretary,
TNSCZMA and Director of Environment,
Ground Floor, Panagal Building
Saidapet, Chennai – 600 015
2. The Member-Secretary
Tamil Nadu Pollution Control Board
No.76, Mount Salai
Guindy, Chennai 600 032

Sir / Madam,

- Sub: CMDA – Enforcement Cell (South-I Division) – Application No.109 of 2017 filed by Thiru K.S. Suresh Kumar & Other before the Hon'ble National Green Tribunal (SZ) – Joint inspection – Remarks on CMDA aspects furnished - Reg.
- Ref: 1) The Member Secretary, TNSCZMA and Director of Environment letter R.C. No.P1/1224/2017 dated 30.05.2020 along with Hon'ble NGT (SZ) order dated 22.01.2020 received through DEE, TNPCB, Chennai in letter No.DEE/TNPCB/CHN/NGT 109 of 2017 (SZ)/2020 dated 27.05.2020.
- 2) DEE, TNPCB letter No.DEE/TNPCB/CHN/NGT 109 of 2017 (SZ)/2020 dated 30.06.2020.
- 3) This office letter even No. dated 21.8.2020 addressed to DEE, TNPCB.
- 4) E-mail received from DEE, TNPCB on 29.8.2020, 17.9.2020, 23.9.2020 & 6.10.2020.
- 5) This office letter even No. dated 10.9.2020 & 24.9.2020 addressed to MS, TNSCZMA and MS, TNPCB.

Kind attention is invited to the references cited. With reference to the e-mail received on 6.10.2020, joint committee inspection report on CMDA aspects as per Hon'ble NGT (SZ), Chennai order dated 22.1.2020 in O.A. No.109 of 2017 is enclosed herewith for taking further action.

Yours faithfully,

Sairh
14/10/2020
for MEMBER SECRETARY

14/10/2020

JOINT COMMITTEE INSPECTION REPORT ON CMDA ASPECTS:

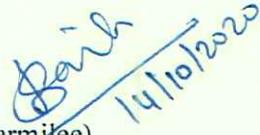
The applicant, Thiru T.V. Sathiya Narayana (GPA) has submitted Completion Certificate application for the MSB construction of double Basement floors + Stilt floor + 2 floors (Meant for parking) & 3rd floor + 4th floor + 5th floor to 10th floor part + Service floor and 11th floor + 12th floor to 15th floor + 16th floor part (lying both in CRZ and Non CRZ portion of the site) residential building with 97 dwelling units with Club house at 16th Floor comprised in R.S. No.4310/5, Block No.96 and R.S. No.4569/34 & 35, Block No.100 of Mylapore village being Door No.40, South Canal bank Rod, R.A. Puram, Chennai and the building under reference was inspected by CMDA officials and noted that the construction works are under progress. Hence, the applicant was addressed to complete the works and inform the same to this office so as to enable CMDA to process further the Completion Certificate application, vide this office letter No.CMDA/CC/HRB/S/0056/2020 dated 1.9.2020.

On compliance with Hon'ble NGT (SZ) order dated 221.2020, the site under reference was jointly inspected on 2.9.2020 and 21.9.2020 along with DEE/TNPCB, Senior Principal Scientist CSIR, NEERI and Architect concerned and the following remarks and observations on CMDA aspects are furnished as follows:

"Due to incompleteness of works of the building under reference, the FSI achieved in CRZ and Non CRZ areas at site could not be arrived. Regarding the reservation of OSR area within the project site, it is informed that an extent of land measuring 1683.37 sq.m . towards OSR area was gifted vide Registered Document No.1693/95 dated 27.7.1995 during the previous approval accorded in the site measuring 16601.64 sq.m . The site under reference is only a portion of the site i.e. covered in the said approval. Hence, the question of issue of OSR does not arise for the site under reference".

Sd/- xxxxxxxxxx
On 14.10.2020
Senior Planner (Enforcement Cell)

// true copy //


(V. Sharmilee)
Deputy Planner / Enforcement Cell –
South – I i/c)
CMDA, Chennai 600 008

BY REPLY



CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY

Thalamuthu Natarajan Building, No.1, Gandhi Irwin Road, Egmore,
Chennai - 600 008

Phone : 28414855 Fax: 91-044-28548416

Letter No. CMDA/CC/HRB/S/0056/2020

Dated 01.09.2020

To

Thiru T.V., Sathia Narayana (GPA)
Paduka
No.12, Janakiammal Street
West Mambalam
Chennai 600 033

Sir / Madam,

Sub: CMDA – Enforcement Cell (South-I Division) – Construction of Double Basement floors + Stilt Floor + 2nd floors (Meant for Parking)+ Service floor+ 3rd floor +4th floor+ 5th floor to 10th floor(part) + Service floor and 11th floor + 12th floor to +15th floor +16th floor Part (Lying both CRZ and non CRZ Portion of the area) Residential building with 97 Dwelling units with Club house at 16th floor comprised in R.S.No.4310/5,Block No.96and R.S.No.4569/34& 35Bloc No.100 of Mylapore Village, bearing D.No.40, South Canal Bank Road, Mylapore, Chennai with premium FSI - Completion Certificate Application – Non-compliance with Completion Certificate Norms - Particulars called for –Reg.

- Ref: 1) CMDA Planning Permission No.C/PP/MSB/26(A to X)/2016, Permit No.9072 in letter No.C3(N)/1174/2014 dated 11.05.2016.
2) Your application for Completion Certificate request dated 24.07.2020.

The Completion Certificate Application for the construction Double Basement floors + Stilt Floor + 2nd floors (Meant for Parking)+ Service floor+ 3rd floor +4th floor+ 5th floor to 10th floor(part) + Service floor and 11th floor + 12th floor to +15th floor +16th floor Part (Lying both CRZ and non CRZ Portion of the area) Residential building with 97 Dwelling units with Club house at 16th floor comprised in R.S.No.4310/5,Block No.96and R.S.No.4569/34& 35Bloc No.100 of Mylapore Village, bearing D.No.40, South Canal Bank Road, Mylapore, Chennai with premium FSI received in the reference 2nd cited has been examined and the following works are not completed at site :-

- 1) Joinery works were not completed in the part of Building under reference
- 2) Partition works were not completed in the part of Building under reference

- 3) Handrails has not been provided to the entire building
- 4) 1/3rd area of Solar Photo Voltaic System & Aviation lamp has not been provided at terrace floor
- 5) Outer walls has not been provided in the part of the entire floors
- 6) Front side compound wall with gate has not been provided.
- 7) Revised as on site drawing reflecting the site condition including column position duly signed by the Class-I Licensed Surveyor and owner.
- 8) Non FSI area has to be constructed as per the approved plan.

In view of above, you are requested to comply the above works with in 10days time, otherwise, the completion certificate application is returned as unapproved

Yours faithfully,

A handwritten signature in black ink, appearing to be 'dl' followed by a flourish and '7/09/20'.

For MEMBER-SECRETARY

A small handwritten signature or mark.

1.9.20