

THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI.

Original Application No. 109 of 2017 (SZ).

1. K.S. Suresh Kumar,
S/o. Late Dr. K.V. Srinivasalu,
33/15A, Lazarus Church Road,
2nd Lane, R.A. Puram,
Chennai – 600028 & another

...Applicants

Vs

The State of Tamil Nadu,
Rep by its Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai-600009 & 7 others

...Respondents

INDEX

S.No	Description	Page No.
1.	REPORT FILED ON BEHALF OF THE 7 TH RESPONDENT-TAMIL NADU POLLUTION CONTROL BOARD	1- 8

Advocate
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.

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

Original Application No. 109 of 2017 (SZ).

1. K.S. Suresh Kumar,
S/o. Late Dr. K.V. Srinivasalu,
33/15A, Lazarus Church Road,
2nd Lane, R.A. Puram,
Chennai – 600028.

2. G.V. Shamugam,
S/o. Late Mr. G.V. Chengalvaroyan,
Old No.15, New No.35,
Lazarus Church Road,
2nd Lane, R.A. Puram
Chennai-600028.

...Applicants

Vs

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai-600009.
2. The Corporation of Chennai,
Represented by its Commissioner,
Rippon Buildings,
Chennai.
3. The Tamil Nadu Coastal Zone Management Authority,
Rep by its Member Secretary,
Panagal Maligai, Saidapet,
Chennai.
4. The Tamil Nadu State Level Impact Assessment Authority,
Represented by its Member Secretary,
Panagal Maligai,
Saidapet, Chennai.
5. Chennai Metropolitan Development Authority,
Represented by its Member Secretary,
No.1, Gandhi Irwin Road,
Thalamuthu Natarajan Maaligai,
Egmore, Chennai- 600008.

S. Suresh Kumar
29/10/21

**JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No 76, MOUNT SALAI, CHENNAI-600 032.**

*Sign with
date pl.*

6. Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai.
7. The Chairman,
Tamil Nadu Pollution Control Board,
Guindy,
Chennai – 600032.
8. M/s. Appaswamy Real Estates,
Rep. by its Director,
3, Mangesh Street,
T. Nagar,
Chennai-600017.

... Respondents

REPORT FILED ON BEHALF OF THE 7TH RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.

I, S. Ragupathi , son of Thiru. Sanganan, Hindu, aged about 57 years, having office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the 7th Respondent Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the Hon'ble NGT in its order dated 07.10.2021 has directed inter alia that

"...Tamil Nadu Pollution Control Board submitted that they will have to get some clarification from the Chennai Metropolitan Development Authority (CMDA) as to whether FSI of the construction is in conformity with the 1991 Rules and also the


29/10/21
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

question of assessing environmental compensation as per the CPCB guidelines, for which, they require some time.

Para 5. So, the Tamil Nadu Pollution Control Board is directed to submit a final report to this Tribunal, after incorporation of all those aspects as well on or before 29.10.2021”.

3. It is respectfully submitted that the Member Secretary, Tamil Nadu State Coastal Zone Management Authority & Director of Environment, Saidapet, Chennai - 600 015 vide their letter dated 12.07.2021, has requested District Environmental Engineer / Convener – District Coastal Zone Management Authority (DCZMA) , Tamil Nadu Pollution Control Board, to demark the CRZ zone on behalf of TNSCZMA and to realize the cost incurred from M/s. Appasamy Real Estates as a part of Environmental compensation if any as per the Hon’ble NGT order dt.07.10.2021 and to send the action taken report along with photo evidence for carrying out the demarking of CRZ / Non-CRZ area for enabling to file a report to the Honble NGT.

4. It is respectfully submitted that, as per the G.O.(Ms) No.85 dated 29.6.2020, District Coastal Zone Management Authority (DCZMA) has been reconstituted as follows:

1. Chairman – Additional Director of Department of Environment, Tamil Nadu
2. Member – Senior level Executive / representative from CMDA
3. Member – District Environmental Engineer, TNPCB, Chennai Region
4. Member – Senior Level Officer/ Representative Chennai Corporation

M. S. S. S. S.
29/10/21
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No 70, MOUNT SALAI, CHENNAI-600 032.

The Convener of the Committee will be the District Environmental Engineer, Tamil Nadu Pollution Control Board.

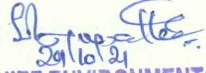
The main functions of the District Coastal Zone Management authority are as follows.

1. For monitoring and enforcement / Implementation of the provisions of the Coastal Regulation Zone Notification.
2. To ensure that the activities within coastal regulation zone take place as per approved Management Plan.
3. To assist the State Authority

5. It is respectfully submitted that M/s. T V Sathya Narayana, RS No. 4310/5, Block No 96 and RS No. 4569/34&35, Block No.100 of Mylapore Village bearing Door No.40, South Canal Bank Road, R.A.Puram, Chennai-600028 has demarcated the CRZ boundaries with the help of Institute of Remote sensing, Anna university, Chennai - 600025 in the CRZ and Non CRZ boundary at the above project site.

6. It is further submitted that, Tamil Nadu State Coastal Zone Management Authority, Chennai in the CRZ Clearance issued vide Proc.No.P1/1275/2015 dated 27/08/2015 to the residential complex at S No:4310/5 and 4569/34, 35 of Block No 96 and 100 respectively of Mylapore Village, Chennai District informed that

Para (4) As per the amendment issued by MoEF, GOI in Notification S.O.No.1599 (E) dated 16th June 2015 as Para 8 II CRZ II (ii) "buildings permitted on the landward side of the existing and proposed roads of existing authorized structure shall be subject to the local town and country planning regulations as


 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMILNADU POLLUTION CONTROL BOARD,
 No.76, MOUNT SALAI, CHENNAI-600 032.

notified time to time except the Floor Space Index or Floor Area Ratio which shall be as per 1991 level.

CRZ Clearance was issued to the above project under Para 8 II CRZ-II (i) and Para (ii) of CRZ Notification 2011 subject to certain conditions and the following conditions;

a) The proposed construction should conform to the local town and country planning regulations as modified from time to time except the Floor Space Index or Floor Area Ratio which shall be as per 1991 level.

b) Planning permission shall be obtained from the Chennai Metropolitan Development Authority.

c) Environmental Clearance shall be obtained under EIA Notification 2006 from the State Environmental Impact Assessment Authority.

7. It is respectfully submitted that the CMDA was requested to furnish the report vide letter dated 16.10.2021 that whether the residential complex M/s. T V Sathya Narayana, at S.No.4310/5, Block No 96 & R S No 4569/34, 4569/35 Block No 100 of Mylapore Village, bearing door No 40, South Canal Bank Road, R.A.Puram, Chennai - 600028 has constructed the building in conformity with respected to the CRZ Clearance issued vide Proc.No.P1/1275/2015 dated 27/08/2015 and whether the construction in CRZ area by the above residential complex was carried out as per the Floor Space Index or Floor Area Ratio which shall be as per 1991 level. The CMDA vide its report dated 27/10/2021 has submitted the following details;

“The Proposed site located on land ward side of existing public roads and the building confirm to CRZ Guidelines & 1991

S. Sathya Narayana
27/10/21
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
MOUNT SALAI, CHENNAI-600 032

DCR with reference to FSI/FAR norms, as per the Revised TNSCZMA Clearance issued in letter dated 27/08/2015, planning permission was issued to the proposed Multi Storied Building Construction with Premium FSI (For the portion of the site being lies in Non-CRZ area) applied by Thiru.T.V.Sathya Narayana in planning Permission No.C/PP/MSB/26 A to X/2016 , Permit No. 9072 vide letter No.C3 (N)/1174/2014 dated 11.05.2016

The details of approvals pertain to CRZ/Non CRZ area is;

- Distance of the project site from Adyar Creek & Sea Shore area;
This part of the site comprised in R S No. 4310/34 Part falls in CRZ II within 100m from Adyar River as well as within 500 m from the Bay of Bengal.
- FSI details under CRZ and Non CRZ zone;
The FSI achieved in the part of the site lies in CRZ area is 2.435 (Permissible FSI is 2.50). The FSI achieved in the part of the site lies in Non-CRZ area is 3.497 (Permissible FSI is 3.5 including premium FSI).
- Details of CRZ/Non-CRZ area;
Plot extent lies in CRZ -3199.05 Sq.m
Plot extent lies in Non CRZ=6651.08 Sq.m
- Plot Coverage for CRZ/Non CRZ and total area;
Coverage of the Plot extent lies in CRZ= 25.00 % (799.81 Sq.m)
Coverage for the Plot extent lies in Non CRZ= 26.84 % (1785.411 Sq.m)
Coverage of the total plot extent= 26.21% (2581.23 Sq.m)

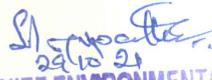
Further CMDA has confirmed that the completion Certificate was issued vide CMDA Lr.No.CMDA/CC/HRB/S/0056/2020 dated


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No. 76, MOUNT SALAI, CHENNAI-600 032.

28/12/2020 in CC No.EC/South-I/239/2020 dated 28.12.2020 and stated that the construction of the said residential complex is carried out as per the Floor Space Index/Floor Area Ratio as per 1991 level in conformity with respect to the CRZ Clearance issued vide Proc.No P1/1275/2015 dated 27/08/2015.

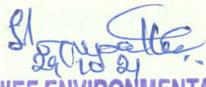
8. It is respectfully submitted that M/s.T.V.Sathya Narayana has obtained Environmental Clearance from SEIAA-TN, Chennai vide Lr.No:SEIAA/TN/F3751/EC/8(a)/420/2015 dated 06/11/2015 for construction of residential complex at S.No.4310/5, Block No.96 & R S No.4569/34, 4569/35 Block No.100 of Mylapore Village, Mylapore-Triplicane Taluk, Chennai District. Further in compliance to the Hon'ble NGT Order, M/s.T.V.Sathya Narayana has remitted an Environmental Compensation of Rs.16.1 lakhs vide CR No 108379 dated 22/03/2021 and the said project has obtained Consent to Operate from TNPCB under Water (P&CP) Act, 1974 as amended and Air (P&CP) Act 1981 as amended vide proc.No:T1/TNPCB/F.745CHN/OL/CHN/W&A/2021 dated 12/04/2021 with validity up to 31/03/2022. CMDA has also issued planning permission to the said project vide C/PP/MSB/26 A to X /2016 dt 11.05.2016 for the total built up area of 51642.86 Sq.mts and completion certificate was issued by CMDA vide Letter No: CMDA/CC/HRB/S/0056/2020 DT 28.12.2020.

9. It is respectfully submitted that CMDA has informed that the construction has satisfied the norms and construction is in compliance with respect to the CRZ Clearance and it is found that M/s.T.V.Sathya Narayana, construction at S.No.4310/5, Block No. 96


29/12/21
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

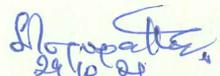
& R S No.4569/34, 4569/35 Block No.100 of Mylapore Village, Mylapore- Triplicane Taluk, Chennai District has not violated the CRZ Clearance issued vide Proc.No P1/1275/2015 dated 27/08/2015.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone), Chennai may be pleased to pass such further or other orders as it may deem fit and proper in the facts and circumstances of this case and thus render justice.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.
BEFORE ME

VERIFICATION

I, S. Ragupathi, son of Thiru. Sanganan, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, do hereby verify that the contents of above report are true to the best of my knowledge through records.


JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMILNADU POLLUTION CONTROL BOARD,
No.76, MOUNT SALAI, CHENNAI-600 032.

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

Original Application No. 109 of 2017 (SZ).

**1. K.S. Suresh Kumar,
S/o. Late Dr. K.V. Srinivasalu,
33/15A, Lazarus Church Road,
2nd Lane, R.A. Puram,
Chennai – 600028 & another**

...Applicants

Vs

**The State of Tamil Nadu,
Rep by its Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat, Fort St. George,
Chennai-600009 & 7 others**

...Respondents

**REPORT FILED ON BEHALF OF THE 7TH
RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD**

**Advocate for Respondent : 7th
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date:29.10.2021.

Date of hearing on:11.11.2021

