

**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT  
CHENNAI**

ORIGINAL APPLICATION NO. 109 OF 2017 (SZ)

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

...Applicants

-versus-

The State of Tamil Nadu,  
Represented by its secretary to government,  
Municipal administration and water supply department,  
Secretariat, Fort St. George,  
Chennai – 600009 & 7 others

...Respondents

**AFFIDAVIT OF COMPLIANCE FILED BY MR.T.V.SATHIA NARAYANA  
ON BEHALF OF RESPONDENT NO. 8**

I, T.V.Sathia Narayana, s/o Venkatanarasimhan, aged 55 years, with office at No.3, Mangesh Street, T.Nagar, Chennai – 600017, do hereby solemnly affirm and state on oath as follows

1. I am the authorised signatory of 8<sup>th</sup> Respondent and as such am competent to file the present affidavit on its behalf. I respectfully submitted that the present affidavit is filed on behalf of 8<sup>th</sup> Respondent to set out compliance of proceedings initiated by the 7<sup>th</sup> Respondent.
2. I state that the 8<sup>th</sup> Respondent on 08.03.2021 received a letter from Tamil Nadu Pollution Control Board the 7<sup>th</sup> Respondent herein. A copy of the letter with reference number *Proceeding No. T2/TNPCB/F.0745CHN/2021 dated 02.03.2021* (“Letter”) is annexed to this affidavit as **Annexure A**.
3. By way of the Letter the 8<sup>th</sup> Respondent had been called upon to make payment of environmental compensation of Rs. 16.10 Lakhs to the 7<sup>th</sup> Respondent Board pursuant to the finding of the Joint Committee Report dated October 2020 and the orders of this Hon’ble Tribunal dated 17.11.2020 and 11.01.2021 in the subject matter case.

FOR APPASWAMY REAL ESTATES LTD



Authorised Signatory

4. I state that the 8<sup>th</sup> Respondent has made payment of Rs.16.10 Lakhs in compliance of the Board's letter. I state that at the time of payment it has been made clear that the payment is without prejudice to the contentions of the 8<sup>th</sup> Respondent and shall not be construed to be an admission of any assertions made in the case by the Applicants and other Respondents.
5. I state that the payment was initially carried out on 15.03.2021 through DD No. 332121 dated 10.03.2021 for Rs. 16,10,000/- (Rupees Sixteen Lakhs Ten Thousand Only) in favour of the District Environmental Engineer, Tamil Nadu Pollution Control Board drawn on RBL Bank Ltd, Chennai. I state that a covering letter was furnished to the 7<sup>th</sup> Respondent whilst making the initial payment. The 7<sup>th</sup> Respondent has also acknowledged the receipt of the DD by affixing its seal on the covering letter. A copy of the covering letter for the initial payment is annexed to this affidavit as **Annexure B**.
6. I state that subsequently the officials of the 7<sup>th</sup> Respondent contacted the 8<sup>th</sup> Respondent and communicated that the payment must be made in favour of TNPCB Environmental Compensation Fund. Therefore, on 18.03.2021 a fresh DD No. 332174 dated 18.03.2021 for Rs. 16,10,000/- (Rupees Sixteen Lakhs Ten Thousand Only) in favour of TNPCB Environmental Compensation Fund drawn on RBL Bank Ltd, Chennai was furnished with a covering letter. The receipt of the DD has been acknowledged by the 7<sup>th</sup> Respondent by affixing its seal on the covering letter. A copy of the second covering letter along with a copy of the DD is annexed to this affidavit as **Annexure C**.
7. I humbly request that this affidavit may be taken on record and justice may be rendered.

for APPASWAMY REAL ESTATES LTD



Authorised Signatory

Solemnly affirmed at Chennai

This the 19<sup>th</sup> day of March 2021

And signed their name in my presence

Before me,



Advocate

K/1476/2019

## Annex A

By Speed Post



### TAMIL NADU POLLUTION CONTROL BOARD

Proceeding No. T2/ TNPCE/F.0745CHN/ 2021 dated: 02.03.2021

**Sub:** TNPCEB – Industries – M/s. T.V. Sathya Narayanan, S.No. 4310/5, Block No.96 & R.Nos.4569/34, 4569/35 Block No.100, Mylapore Village, Mylapore – Triplicane Taluk, Chennai District – To remit Environmental Compensation of Rs. 16.10 Lakhs - Directions under Section 5 of the Environment (Protection) Act, 1986 – Issued – Reg.

**Ref:** 1. Joint Committee report submitted to the Hon'ble NGT  
2. Hon'ble NGT order dated 17.11.2020 & 11.01.2021 in O.A.No.109 of 2017 (SZ)

\*\*\*\*\*

Whereas, the petitioner K.S Suresh Kumar residing at Raja Annamalai Puram, Chennai has filed a case in the Hon'ble NGT with a prayer to initiate appropriate action against M/s. Appaswamy Real Estate Limited located at R.S.No. 4310/5 and R.S Nos.4569/34&35, Block No. 100, Santhome High Road, Mylapore Village, Chennai District for illegal excavation & extraction of ground water, carrying out construction activity during night hours, violation of the environmental clearance and CRZ clearance, causing severe air & noise pollution, installed bore wells against the environmental clearance.

Whereas, the Hon'ble NGT(SZ) vide order dt: 22.01.2020 had constituted a joint committee comprising of Tamil Nadu State Level Impact Assessment Authority, Tamil Nadu Coastal Zone Management Authority and Tamil Nadu Pollution Control Board to inspect the disputed site for the purpose of ascertaining and submitting a report within a period of two months.

Based on the orders of the Hon'ble NGT (SZ), Chennai, the Joint Committee inspected the site on 02/09/2020 and submitted to the Hon'ble NGT.

Whereas the Joint Committee vide in its report has stated as follows:

*"NGT (SZ), also directed to assess the damage and compensation in respect of extraction of groundwater 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 CIMWSSB as per the direction of Hon'ble Tribunal order dated 24.05.2017 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 Lakh".*

Subsequently, the Hon'ble NGT (SZ) Chennai vide its order dated 17.11.2020 in O.A.No.109 of 2017 has directed that,

***"The committee is also directed to consider the question of assessment of environment compensation for the violation of environment clearance conditions and also the concerned authorities namely, Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) is directed to submit an independent report regarding the action taken for alleged illegal extraction of ground water as mentioned in the committee report in accordance with law".***

Meanwhile, the unit has applied for CTO-Direct of the Board under the provisions of the Water (P & CP) Act, 1974 as amended and the Air (P & CP) Act, 1981 as amended through online on 29.12.2020 and the DEE/ Chennai has furnished his report dated 19.01.2021.

Whereas, the Hon'ble NGT vide its order dated 11.01.2021 has stated that,

***"Though, it was mentioned in the earlier order itself that the committee had imposed an environmental compensation of Rs.16.10 Lakhs, but nothing has been mentioned as to whether any further steps have been taken to recover the same from the project proponent".***

In compliance to the Hon'ble NGT order, Board has decided to levy Environmental Compensation of Rs.16.10 Lakhs to the unit.

Therefore, in exercise of powers conferred under Section 5 of the Environment (Protection) Act, 1986, the Board issues the following Direction to comply within a period of seven days:

**"The unit shall remit Environmental Compensation of Rs. 16.10 Lakhs (Rupees Sixteen Lakhs Ten Thousand only) to the Board".**

Failure to comply with the above said directions, will lead to issue of further directions which may include closure and stoppage of power supply to your unit under Section 33A of the Water (P&CP) Act, 1974 as amended and section 31A of the Air (P&CP) Act 1981.

The receipt of this proceeding shall be acknowledged.

To  
The Proprietor,  
M/s. T V Sathya Narayana,  
No.40, South Canal Bank Road,  
R.A.Puram, Chennai – 600028.

*G. Govindarajan*  
For Chairman

Copy To

1. The Joint chief Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Chennai.
2. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Chennai – For follow up and report.
3. Technical file

## Annex B



3, Mangesh Street, T. Nagar, Chennai 600 017, India.

T +91 44 2434 6333, 2434 9090 F + 91 44 2434 3627  
E mail@appaswamy.com www.appaswamy.com

CIN No. U70101TN1987PLCC15210

GST No. 33AACCA8397H1ZH



To,

15.03.2021

Tamil Nadu Pollution Control Board  
No.76, Mount Salai, Guindy  
Chennai 600 032.

Kind Attention: The Chairmar

Respected Sir/Madam,

**Sub:** Proceeding No. T2/TNPCB/F.0745CHN/2021 dated 02.03.2021

1. We, Appaswamy Real Estate Limited are in receipt of the subject letter on 08.03.2021, issued by the Tamil Nadu Pollution Control Board ("**Board**") in reference to the case of *K.S.Suresh Kumar versus The State of Tamil Nadu & 7 others, Original Application No. 109 OF 2017 (SZ)* before Hon'ble National Green Tribunal, South Bench.
2. By way of the Board's letter we have now been called upon to make payment of environmental compensation of Rs. 16.10 Lakhs to the Board, which is pursuant to the finding of the Joint Committee Report dated October 2020 and the orders of the Hon'ble National Green Tribunal, South Bench dated 17.11.2020 and 11.01.2021.
3. We reiterate that we have not damaged the environment in any manner in the construction of our project. Without prejudice nor admission of any assertion made, we are making payment of Rs.16.10 Lakhs in compliance of the Board's letter.
4. The payment is being undertaken through DD No.332121 dated 10.03.2021 for Rs.16,10,000/- (Rupees Sixteen lakhs ten thousand only) in favour of District Environmental Engineer, Tamilnadu Pollution Control Board drawn on RBL Bank Ltd, Chennai. We humbly request that this payment may be recorded and compliance may be noted. We also humbly request that our application for CTO be processed at the earliest.

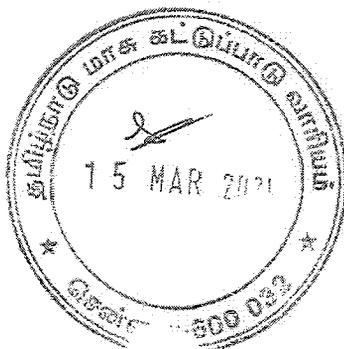
Thanking you

Yours faithfully

For APPASWAMY REAL ESTATES LTD

Authorised Signatory

Encl: as above.



Annex C



3, Mangesh Street, T. Nagar, Chennai 600 017, India.

T + 91 44 2434 6333, 2434 9090 F + 91 44 2434 3627  
E mail@appaswamy.com www.appaswamy.com

CIN No. U70101TN1987PLC015210

GST No. 33AACCA8397H1ZH



18<sup>th</sup> March 2021

To,

The Member Secretary  
Tamil Nadu Pollution Control Board  
No.76, Mount Salai, Guindy  
Chennai 600 032.

Respected Sir/Madam,

**Sub:** Proceeding No. T2/TNPCB/F.0745CHN/2021 dated 02.03.2021

1. We, Appaswamy Real Estate Limited are in receipt of the subject letter on 08.03.2021, issued by the Tamil Nadu Pollution Control Board ("Board") in reference to the case of *K.S.Suresh Kumar versus The State of Tamil Nadu & 7 others, Original Application No. 109 OF 2017 (SZ)* before Hon'ble National Green Tribunal, South Bench.
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3. We reiterate that we have not damaged the environment in any manner in the construction of our project. Without prejudice nor admission of any assertion made, we are making payment of Rs.16.10 Lakhs in compliance of the Board's letter.
4. The payment is being undertaken through DD No.332174 dated 18.03.2021 for Rs.16,10,000/- (Rupees Sixteen lakhs ten thousand only) in favour of TNPCB Environmental Compensation Fund drawn on RBL Bank Ltd, Chennai. We humbly request that this payment may be recorded and compliance may be noted. We also humbly request that our application for CTO be processed at the earliest.

Thanking you

Yours faithfully

For APPASWAMY REAL ESTATES LTD

Authorised Signatory

Encl: as above.





Payable at par at all branches of RBL Bank Limited

कभी किए जाने की शर्त से तीन महीने तक वैध है। VALID FOR THREE MONTHS FROM THE DATE OF ISSUE

दिनांक Date: 18/03/2021  
D D M M Y Y Y Y

Security Printer of Bombay (P) Ltd. 03/2019

ON DEMAND PAY

ZNED ENVIRONMENTAL COMPENSATION FUND

मांगे जाने पर

Or Order

RUPEES

Sixteen Lakh Ten Thousand only

या उनके आदेश पर

रुपये

अदा करें।

₹ 16,10,000.00

खाता सं. / A/c No. 2500109900110001

CHENNAI (0113)

पत्र OT पत्र TT पत्र OL पत्र TL

Issuing Branch  
आहर्ता कार्यालय

DD No: 332174

FOR VALUE RECEIVED

प्राप्त मूल्य के लिए

For RBL BANK LTD.

कृते आरबीएल बैंक लि.

Handwritten signatures and numbers: 20620, 12, 85, 03/10/21

क्र. सं. / Sr. No. क्रम सं. / Sr. No.

अधिकृत हस्ताक्षर करें / AUTH. SIGNATORY

Please sign above

PURCHASER NAME: ADASWAMY REAL ESTATES LIMITED

⑈332174⑈ 0001760001⑈ 999998⑈ 16



**BEFORE THE NATIONAL GREEN  
TRIBUNAL SITTING AT CHENNAI**

**Application No.109 of 2017**

**K.S.Suresh Kumar & 1 anr ... Applicants**

**-Versus-**

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**... Respondents**

**AFFIDAVIT OF COMPLIANCE  
FILED BY MR.T.V.SATHIA NARAYANA  
ON BEHALF OF RESPONDENT NO. 8**

**Rohan Cherian**

**Counsels for the 8<sup>th</sup> Respondent**