

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI
(filed under section 19 of the National Green Tribunal Act, 2010)**

INTERLOCUTORY APPLICATION NO. 11/2022

in

Original Application No. 21/2021(SZ)

IN THE MATTER OF

Dr. Anupkrishnan.V

Flat 7173, Tower 7, Prestige Bella Vista

Ayyappanthangal Village, Mount Poonamallee Road

Kanchipuram District, Chennai- 600056

mobile no: 9445727579, 9447527579

email: anupkrishnanviswanath@gmail.com

..... Applicant

Versus

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4.M/s Prestige Estates Projects Ltd

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5.M/s Prestige Estates Projects Ltd, Chennai

Represented by Head of Business Operations
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6.TAMIL NADU POLLUTION CONTROL BOARD

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7.Managing Committee of

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8. Managing Committee of

Prestige Bella Vista Flat Owners Welfare Association

Represented by Mr. Balakrishnan. SS as President

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**REJOINER TO COUNTER STATEMENT FILED BY 4&5th RESPONDENTS
IN INTERLOCUTORY APPLICATION NO. 11/2022 IN ORIGINAL
APPLICATION NO. 21/2021:**

THE APPLICANT NAMED ABOVE MOST RESPECTFULLY SHOWETH:-

1. That the instant Rejoinder is being filed by the applicant to the counter statement filed on behalf of 4&5th Respondents dated 04/04/2022. Applicant denies all the averments and allegations contained therein, except to the extent specifically admitted herein. Applicant puts the 4&5th Respondents to strict proof of all averments and allegations that are not expressly admitted herein.
2. That the Applicant requests the Hon'ble Tribunal to read this rejoinder along with (i) The written statement filed by applicant to Joint Committee dated 25-04-2021, (ii) Rejoinder to the Joint Committee Report filed by applicant on 28-08-2021, (iii) Rejoinder to the counter affidavit of R4 & R5 filed by applicant dated 19-10-2021 and (iv) Rejoinder to the counter affidavit of 1st Respondent filed by applicant dated 24-10-2021, (v) Report of TNPCB filed on 11/09/2021, (vi) Rejoinder to TNPCB Report filed by Applicant on 15/09/2021, (vii) Further report of TNPCB filed on 13/01/2022, (viii) Objections filed by applicant to the further report of TNPCB on 10-02-2022 and (ix) Objections filed by Applicant to the further report of Joint Committee on 21-03-2022.
3. That the Applicant has filed a complaint against respondents 1 – 8 before Hon'ble NGT(SZ) vide OA.No. 21/2021(SZ) for violation of conditions imposed in the Environmental Clearance and also regarding other permissions granted to the Respondents 4&5 for their project.
4. That the Applicant has alleged in the complaint that the 3rd Respondent issued two Partial Completion Certificate illegally, (1) C.C.No.EC/Central-I/04/2016 dated 08/01/2016 for 14 blocks out of 33 blocks and (2) C.C.No.EC/Central-I/68/2016



dated 16/03/2016 for next 11 blocks and club house, overlooking violations of environmental stipulations mentioned in the Environmental Clearance. **Please refer to Page 106-109 of OA No. 21/2021.**

5. That those two partial completion certificates were issued illegally by 3rd Respondent in 2016 when, there was no provision in the CMDA Developmental Regulations and Town & Country Planning Act, 1971 to issue those two partial completion certificates. 3rd Respondent haven't filed any counter to applicant's arguments in the Original Application that those partial completion certificates were illegal. Applicant had sent an RTI to CMDA on 12/01/2021 to know on what grounds those two illegal Partial Completion Certificates were issued to Prestige Bella Vista Project, but 3rd Respondent didn't answer so far. **Please refer to page 97 – 107 of the written statement submitted by the Applicant to the Joint Committee dated 25th April 2021.**
6. That the Hon'ble Tribunal has very clearly mentioned in the order dated 18/11/2021 which is as follows,**“Though 3rd Respondent entered appearance through their counsel, no statement has been filed by them. We feel that one more opportunity can be given to the parties who have not filed their statement. If they do not file their respective statement, then this Tribunal will be compelled to proceed with the matter, as they have no counter to the allegations made in the application.”** 6 months have been elapsed since Hon'ble Tribunal pronounced this order and the 3rd Respondent haven't yet filed their counter statement to applicant's allegation thus indirectly admitting that those partial completion certificates were illegal and invalid at the time of issuance.
7. That the Applicant filed an Interlocutory Application no.11/2022 on 08/01/2022 to grant interim direction to cancel those two illegal Partial Completion Certificate issued to the 4&5th Respondents. 3rd Respondent haven't objected to the Applicant's allegations in the original complaint and haven't filed any counter to the IA 11/2022 even at the time of filing this rejoinder, thus admitting that they are not having any

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counter and those two partial completion certificates were illegal and invalid at the time of issuance in 2016.

8. That the 3rd Respondent issued planning permission to 4&5th Respondents to construct 33 Blocks of residential buildings + a club house on 13/02/2013. 4&5th Respondents submitted the application for prior Environmental Clearance to the Director (IA-III), MOEF, New Delhi, on 25/01/2011. It was presented in the 110th EAC meeting held on 5th -7th March 2012 and was returned with fresh TORs. They further submitted the revised application on 18/06/2012 in which they proposed construction of 20 blocks and a club house with a total built up area of 458,341 sq.m. **(Please refer to section 1.3 of the EIA/EMP report in the revised application dated 18/06/2012).**

9. That the 4&5th Respondents obtained environmental clearance for 20 blocks of residential building and one club house on 16/10/2012 **(Please refer to page 21-28 of OA No.21/2021). But they constructed 33 blocks of residential buildings + a club house and an additional block of non-residential building without obtaining prior environmental clearance for expansion thus violating Environmental Clearance Conditions. (Please refer to Page 33 of OA No.21/2021 & Page 15 section 18 and page no.394 of Rejoinder of Applicant to Common Counter Affidavit of Respondents 4&5).** 3rd Respondent in his letter No.EC/C-1/4841/2015 dated 14/09/2020 had requested 4&5th Respondents to pay additional developmental charges and I&A charges for the additional construction noticed during the process of final CC application process. **(Please refer to page 170 of the Original Application No. 21/2021).**

10. That the 3rd Respondent overlooked violations of section 2(ii) and section 7(ii) of EIA notification 2006 and illegally issued partial completion certificates to 4&5th Respondents in 2016. **Case of environmental violation is very clearly defined in Section 13(ii) of the MOEF notification S. O. 804E.... "In case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority are brought for environmental clearance after starting the construction work, or have**

undertaken expansion, modernization, and change in product-mix without prior environmental clearance, these projects shall be treated as cases of violations.” Section 13(iii) of MOEF Notification S.O. 804 E states that.... “CTO or Occupancy Certificate will not be issued in cases of violations till the project is granted fresh Environmental Clearance for expansion, modernization or change of product mix in existing projects.” So, the construction of 33 residential blocks plus one block of club house and the additional non-residential block as well as the issuance of two partial completion certificates violated environmental clearance conditions and the Hon’ble NGT has indeed jurisdiction to decide on the matter of those two partial completion certificates.

11. That the 4&5th Respondents started the construction work in January 2012 without prior environmental clearance and expanded the project without prior environmental clearance by increasing the construction from 20 blocks of residential buildings and a club house to 33 blocks of residential buildings with a club house and one additional non-residential building Block which is now being used as Assistant Engineer (O&M) Office, TANGEDCO, Ayyappanthangal. **(Please refer to Page 15 section 18 and page no.394 of Rejoinder of Applicant to Common Counter Affidavit of Respondents 4&5). The main product being residential building blocks** (in the total land area of 100,199 sq.m. with total built up area of 478,003 sq.m) **comprising of 20 blocks of residential buildings and one block of club house. Applicant had brought this violation to the notice of Joint Committee during the inspection on 20th April 2021 itself but the Joint Committee failed to mention it in its report. (Please refer to Para 7 in Page 17 of the Rejoinder to Joint Committee Report by Applicant dated 28-08-2021).** TANGEDCO opened the office for entry of approximately 30,000 residents of Ayyappanthangal Village for bill payment in July 2021, but reversed their decision due to the protest from residents of Prestige Bella Vista.
12. That the 4&5th Respondents commenced the project in Jan 2012 before obtaining prior Environmental Clearance. This matter is documented in the Data Sheet attached to the Certified Copy of Compliance Report issued to them on 5th Feb 2019. The



Annual Report of Prestige Estates Projects Pvt Ltd for FY 2011-2012 clearly mentioned that Respondents started the Prestige Bella Vista Project before 31st March 2012 **(Please refer to Page 266-272 of Rejoinder to CA of 4&5th Respondents)**. The Project proposal was submitted in the 114th meeting of EAC of MOEF on 10th July 2012 only **(Please refer to Page 115-117 of Rejoinder to Joint Committee Report by Applicant)**. It is considered as major environmental violation as per section 13(ii) of MOEF notification S.O. 804E. **Supreme Court Judgement dated 3rd December 2019 in Civil Appeal no. 2435 of 2019 – Keystone Realtor Pvt Ltd vs Shri Anil V Tharthare, upheld the directions of NGT to carry out EIA studies for issuance of fresh Environmental Clearance in cases of EC violation (Please Refer to Annexure-1).**

13. That the 4&5th Respondents applied for those two partial completion certificates for 25 blocks on 26th May 2014 and 12th January 2016 respectively, but they obtained Environmental Clearance for only 20 blocks and a club house then. CMDA insisted submission of ‘Certified Copy of Compliance Report on the Environmental Clearance conditions’ at the time of issuance of Completion Certificate but they failed to insist so in the case of Prestige Bella Vista in 2016. **4&5th Respondents did not even apply for the ‘Certified Copy of Compliance Report on EC Conditions’ when they obtained those two partial completion certificates.** They applied for certified copy of compliance report on 13th October 2017 only and obtained it on 5th February 2019. **(Please refer to Page 174 Rejoinder to Joint Committee Report and Page 30-41 of OA No. 21/2021)**. Hence the issuance of those two partial completion certificates were illegal. Actually, the entire construction of PBV Project is illegal since additional 13 residential blocks and one non-residential block were constructed without obtaining prior environmental clearance for expansion thus violating the Environmental Clearance conditions.

14. That the Madras High Court canceled Completion Certificate issued to “Osian Chlorophyll Project” for Environmental Clearance Violation in its judgment dated 15/09/2020 in C.M.S.A No. 22 of 2019. The Project didn’t have Environmental Clearance when the application for Completion Certificate was submitted on 29th

May 2017. EC was obtained on 27th June 2018. But CMDA overlooked this violation and issued Completion Certificate on 6th September 2018. Hon'ble High Court ruled that the entire construction of the project is illegal.

15. At the outset, the instant counter affidavit submitted by the 4&5th respondents is liable to be rejected summarily as the 3rd respondent don't have any counter to applicant's allegations in the original application as well as in the instant Interlocutory Application. 3rd respondents didn't file any counter statement so far in the Original Application and in the instant Interlocutory Application, thus accepting that they are in agreement with applicant's statement that both those partial completion certificates were issued illegally. However, the applicant craves leave to traverse the averments in the instant counter affidavit under reply, paragraph wise, without prejudice to the abovementioned objections.

16. That the applicant denies all averments in the Para 3 of the counter statement of 4&5th respondents as false and misleading. The Hon'ble Tribunal has jurisdiction to decide upon matters of issuance of the two illegal partial completion certificates as it violated environmental clearance conditions. There is no provision in TN Town and Country Planning Act, 1971 and in CMDA Developmental Regulations to issue Partial Completion Certificate for incomplete projects. 3rd respondent issued planning permission to construct 33 blocks of buildings + a club house violating EC conditions. 4&5th respondents constructed 34 blocks of buildings + a club house instead of 20 blocks + a club house mentioned in the EC which is major violation requiring fresh EC. Applicant had sent an RTI request to 3rd respondents on 12/01/2021 to inform applicant on what grounds on those two illegal partial completion certificates were issued to Prestige Builders when it was under construction in 2016. But CMDA didn't respond to applicant's RTI application so far. **Please refer to page 97–107 of the written statement submitted by the Applicant to the Joint Committee dated 25th April 2021.**

17. That the averments in the Para 7 is denied as false and misleading. EC conditions stipulated construction of 20 blocks of buildings having 2613 apartments + club

house with a total built up area of 478,003 sq.m. The planning permit and CTE envisaged construction of 33 blocks of building having 2613 apartments + club house with a total built up area of 458,341 sq.m. So the Master Plan layout submitted along with Form 1, Form 1a and EIA/EMP report is completely different from the CMDA approved Master Plan Layout attached with the Planning Permit which means that the 4&5th Respondents submitted false documents along with the application for prior EC to Director, MoEF. **As per the Declaration submitted along with Form 1, the clearance given to the project will be revoked, if any part of the data and information submitted is found to be false or misleading at any stage.**

4&5th Respondents cited the clarification of Joint Committee in its further report dated 21/03/2022 that “there is no violation in the construction of 33 blocks within the total built up area.” Applicant raises objections to this clarification as false and misleading. Actually, these clarifications are ditto copy of the observations written in the Counter Statement of 4&5th Respondents dated 07/10/2021. **Please refer to para 4(d) in page 3 of the Counter statement of 4&5th Respondents to the Original Application.**

18. That the Applicant alleges that the Master Plan Layout of the Project submitted along with the revised Form-1, Form-1A & EIA/EMP report on 18/06/2012 by 4&5th Respondents is different from the CMDA approved Master plan Layout of the Project. Applicant calls upon the 4&5th Respondents and 1st Respondent to produce the Master Plan Layout that was submitted to MOEF on 18/06/2012.

19. That the Applicant lodged an RTI application with reg. no MOENF/R/E/22/00283 with Ministry of Environment, Forest and Climate Change, New Delhi on 23/03/2022 requesting for a copy of Form 1, Form 1A, EIA/EMP Report along with annexures and enclosures and Master Plan Layout of the Project. The PIO sent all the documents except Master Plan Layout of the Project submitted by 4&5th Respondents (Please refer to Annexure-2). Applicant has lodged first appeal with reg. no. MOENF/A/E/22/00070 with the Appellate Authority on 27/04/2022 to issue those documents (Please Refer Annexure-3).



20. That the averments in the Para 8 are denied as false and misleading. Applicant affirm with solid proof that Completion Certificate is not yet issued to the PBV Project. RTI reply from CMDA dated 19/08/2019 confirmed that the final Completion Certificate is still pending (**Refer para 5 of page 9, page 115-116 of OA 21/2021**). RTI reply from CMDA dated 22/11/2021 reaffirmed that 4&5th Respondents submitted the application for 3rd and final Completion Certificate on 30/05/2017 only (**Please refer to Annexure-4**). Reliance should be placed on the 6-monthly monitoring report submitted by 4&5th Respondents to MOEF&CC as it is an important public document. 4&5th Respondents have made declaration in the 6-monthly Monitoring report (April 2016-September 2016) about the present status of the project as **“The project is under construction stage and not yet completed”**(Please refer to page 61 of the OA 21/2021). Regarding the Operation Phase, it is mentioned as **“The Project is under construction stage. The status of the compliance pertaining to the Operation Phase of the project will be reported once the construction works are completed”** (Please refer to page 65 of OA 21/2021). There is no mention of balance 8 blocks anywhere in the six monthly monitoring report (April -September 2016) submitted by 4&5th Respondents.

21. Applicant denies the averment by the 4&5th Respondents in Para 8 that “the entire construction of the project was complete by 2015 itself” as false and misleading. The definition of **ongoing project** as per section 2(h) of TN Real Estate Regulation and Development Rules-2017 is **“a project where development is going on, and for which completion certificate has not been issued but excludes such projects in Chennai Metropolitan Area for which application for completion certificate has been filed with Chennai Metropolitan Development Authority on the date of coming into force of sub-section (1) of section 3 of the Act which is 1st May 2017.”** The TNRERA Adjudicating Officer delivered his judgment on 04/12/2020 in the complaint no. CCP No. 268/2019 in Munish vs Prestige Estate Projects Ltd that the Prestige Bella Vista project is an **ongoing project** as defined under Rule 2(h) of TNRERA Rules and is required to be registered with Authority under RERA Act. **Please refer page 14, Para 7(d) of written statement submitted to Joint Committee.** TNREAT in its

verdict dated 11/08/2021 in Appeal No. 29/2021 dismissed the appeal of the Prestige builders as withdrawn thus accepting that PBV Project as an ongoing one (**Refer to Annexure-5**).

22. That all averments in the Para 9 are denied as false and baseless. Parameter 22 of the revised norms is very well included in the EC stipulations Part A- Specific Conditions/II- Operation Phase (xi), which insists application of solar energy for the illumination of common areas, lighting of gardens and street lighting in addition to provision for solar water heating. A hybrid system or fully solar system for a portion of the apartments is also insisted. 4&5th Respondents didn't even apply for certified copy of compliance report on EC conditons when those two partial completion certificates were issued to them. So those two partial cc were illegal and should be cancelled.

23. That the Applicant raises strong objections to all averments made by 4&5th respondents in Para 10 as false and baseless. Applicant had enumerated and submitted all environmental violations committed by 4&5th Respondents with proof in (i) The written statement filed by applicant to Joint Committee dated 25-04-2021, (ii) Rejoinder to the Joint Committee Report filed by applicant on 28-08-2021, (iii) Rejoinder to the counter affidavit of R4 & R5 filed by applicant dated 19-10-2021 and (iv) Rejoinder to the counter affidavit of 1st Respondent filed by applicant dated 24-10-2021, (v) Rejoinder to TNPCB Report filed by Applicant on 15/09/2021, (vi) Objections filed by applicant to the further report of TNPCB on 10-02-2022 and (vii) Objections filed by Applicant to the further report of Joint Committee on 21-03-2022 and the same are not reproduced herein to avoid repetition. Applicant submits that the contents of the said statements and objections may be read as part and parcel of this affidavit.

24. That the applicant raises strong objections to the averments made in Para 11 by 4&5th respondents that "they are not aware of the said RTI application preferred by the applicant and whether there has been any response to them," as false and mischivous. "**Affidavit of The written statement submitted to the Joint Committee**" was

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already submitted to Hon'ble Tribunal through e-filing on 25/04/2021 and the 4&5th Respondents could have accessed them with the permission of Hon'ble Tribunal for further reference.

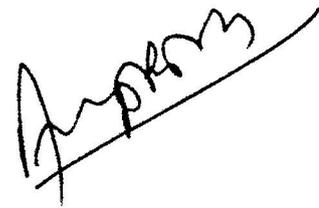
25. That the applicant objects to the averments made in the Para 12 as false and misleading. The instant interlocutory application is filed for the direction to cancel two partial completion certificates issued by 3rd respondents. Strangely, 3rd respondent has not filed any objections so far, as they are aware that they overlooked environmental violations while issuing those two partial completion certificates illegally. 4&5th Respondents can't argue that the cancellation of those partial completion certificates would cause grave prejudice, loss and irreparable injury to the routine lives of the residents of 2000 odd apartments within the project as they have been running this project without Completion Certificate from CMDA and Consent to Operate from TNPCB for long 7 years. The residents are forced to put up with a corrupt and inefficient Project Proponent who never bothered to complete the project and hand over the Common Area Management to the Association legally in spite of 7 long years. The Project Proponent had violated all building laws and environmental laws enacted in our country. More than 10,000 residents are condemned to live here without safe water, adequate emergency DG sets, adequate parking spaces, adequate security, proper disposal of sewage and solid waste and provision of solar energy. Majority of public spaces and pedestrian pathways are encroached by the builder to allot car park spaces, a milk booth, TNEB Assistant Engineer Office, space for Piped Gas Banks, DG set outlets and WTPs. The environmental violations committed by 4&5th Respondents are elaborately described in the Original Application and associated rejoinders and objections filed by the applicant. **Supreme Court and Hon'ble Tribunal reiterated several times that Environmental Safety is unnegotiable.** Those two illegal partial completion certificates are already defunct.

PRAYER

It is, most respectfully prayed that the Honorable Tribunal may be pleased to give direction to,



1. Cancel those two illegal Partial Completion Certificates issued to the 4&5th Respondents by the 3rd Respondent violating environmental stipulations mentioned in the Environmental Clearance F.No.SEIAA/F430/2011-IA.III issued to the 4&5th Respondents.
2. Include the above mentioned prayer for the cancellation of those two illegal Partial Completion Certificates in the **Original Application No. 21/2021(SZ)**, if the prayer forms part of the issues raised in the original application and is yet to be adjudicated upon finally, as alleged by the 4&5th Respondents in their counter statement.



Applicant
Party in Person

AFFIDAVIT

I, Dr. Anupkrishnan.V, aged 57 yrs, son of Late K. Viswanathamemnon, resident of Flat 7173, Prestige Bella Vista, Tower 7, Ayyappanthangal Village, Chennai-600056, do hereby solemnly affirm and declare under:-

1. **That I am the Applicant in the OA No. 21/2021(SZ) and in the Interlocutory Application No. 11/2022 and I am well conversant with the facts and circumstances of the case and is competent to swear the present affidavit.**



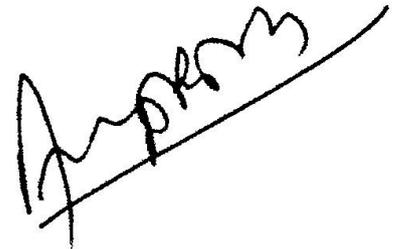
2. That I have read the contents of the Rejoinder to the Counter Statement filed by the 4&5th Respondent and the same are true and correct and is drafted by my own instruction.



Deponent

VERIFICATION:-

Verified at Ayyappanthangal, Chennai-56 on the 01st May 2022, that the contents of the affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.



Deponent

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No. 2435 OF 2019

Keystone Realtors Pvt. Ltd.

...Appellant

Versus

Shri Anil V Tharthare & Ors.

...Respondents

J U D G M E N T

Dr Dhananjaya Y Chandrachud, J

1. The present Civil Appeal arises from an order dated 11 February 2019 of the Principal Bench of the National Green Tribunal¹. In its order, the NGT held that the increase in the total construction area of the appellant's project was an "expansion" under a notification (bearing number S.O. 1533) dated 14 September 2006² of the Ministry of Environment and Forests. The NGT found that the appellant had undertaken an "expansion" as set out in Paragraph 2 of the EIA

¹ NGT

² EIA Notification



Notification without complying with the regulatory procedure prescribed. The appellant was directed to deposit an amount of Rupees one crore with the Central Pollution Control Board³. Noting that the construction at the project site had been completed, the NGT appointed a five-member expert committee to study the impact of the appellant's expanded project and to suggest remedial measures.

The facts

2. The appellant is the project proponent of a residential redevelopment, called 'Oriana Residential Project' situated at CTS no 646, 646 (Pt) Gandhinagar, Bandra (East), Mumbai 400050. On 8 June 2010 the appellant received a Commencement Certificate to carry out the development and erect a building situated at the project property. The appellant began construction. When the construction commenced, the total construction area was 8,720.32 square metres. The ambit of the project was expanded, and the constructed area was increased to 32,395.17 square metres. Under the EIA Notification, an Environmental Clearance⁴ was necessary if the total construction area exceeded 20,000 square metres. Hence, the appellant applied for an EC under the EIA Notification.

3. The fourth respondent, the State Level Expert Appraisal Committee for Maharashtra⁵ recommended the grant of an EC for the project. On 2 May 2013 the third respondent, the State Level Environment Impact Assessment Authority

³ CPCB

⁴ EC

⁵ SEAC



for Maharashtra⁶, based on the recommendations of the SEAC granted an EC. It is not in dispute that at the time when the EC dated 2 May 2013 was granted, the total construction area of the project was 32,395.17 square metres. The grant of the EC was conditional on the appellant obtaining a 'consent for establishment' from the Maharashtra Pollution Control Board under the Air (Prevention and Control of Pollution) Act 1981 and the Water (Prevention and Control of Pollution) Act 1974.

4. By a letter dated 24 September 2013, the appellant informed the Environment Department of the Government of Maharashtra, the second respondent, that the construction area was being further increased by 8,085.71 square metres, as a result of which the total construction area of the project would stand enhanced to 40,480.88 square metres. In its letter, the appellant sought an 'amendment' to the EC dated 2 May 2013 by the third respondent to reflect the increase in the total construction area. On 13 March 2014, the third respondent granted an 'amendment' to the EC dated 2 May 2013 on the ground that there was only a "marginal increase in built up and construction area". The third respondent noted the changes in the specification of the project as follows:

Description	As per EC dated 2 May 2013		Amendment	
FSI area	16,346.32 sq mts		21,365.54 sq mts	
Non FSI area	16,048.85 sq mts		19,115.34 sq mts	
Total Construction area	32,395.17 sq mts		40,480.88 sq mts	
Nos of tenements	Members 64	Sale 61	Members 64	Sale 77

⁶ SEIAA

Building Configuration	Member	2 Basement	Member	2 Basement
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5. The first respondent, claiming to be a resident of MIG Colony, Gandhinagar, Bandra East, Mumbai, challenged the grant of the amended EC dated 13 March 2014 before the Pune Bench of the NGT. In response, the appellant filed two applications, challenging the standing of the first respondent and contending that the challenge was barred by limitation. By an order dated 4 May 2016, the Pune Bench of the NGT rejected the applications questioning the maintainability of the proceedings and setting up the bar of limitation. The appellant filed a writ petition before the High Court of Judicature at Bombay to challenge the decision of the Pune Bench of the NGT. The Bombay High Court, allowing the writ petition held by an order dated 12 August 2016, that the appeal was not maintainable at the behest of the first respondent, and the challenge against the grant of the amended EC dated 13 March 2014 was barred by limitation. By an administrative order dated 31 July 2018, the dispute was transferred from the Pune Bench of the NGT to the Principal Bench which heard the parties and delivered the impugned order.

Relevant clauses of the EIA Notification

6. The present dispute raises important questions regarding the interpretation the EIA Notification. The EIA Notification seeks to ensure the protection and preservation of the environment during the execution of new projects and the expansion or modernisation of existing projects. It imposes restrictions on the execution of new projects and on the expansion of existing projects, until their



potential environmental impact has been assessed and approved by the grant of an EC. Paragraph 2 of the EIA Notification reads thus:

“2. Requirement for prior Environmental Clearance (EC): -

The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter be referred to as the Central Government in the Ministry of Environment and Forests for matters falling under Category ‘A’ in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category ‘B’ in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

(i) All new projects or activities listed in the Schedule to this notification;

(ii) Expansion and modernisation of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule after expansion or modernisation;

(iii) Any change in product – mix in an existing manufacturing unit included in Schedule beyond the specified range.”

(Emphasis supplied)

The Schedule to the EIA Notification classifies potential projects into Category ‘A’ and Category ‘B’ based on their size and potential environmental impact. Category ‘A’ projects require project proponents to secure an EC from the Ministry of Environment, Forests and Climate Change. Category ‘B’ projects require project proponents to secure an EC from the SEIAA, based on the recommendations of the SEAC. Where a project falls within the parameters stipulated in the Schedule, paragraph 2 of the EIA Notification provides that no construction work shall begin unless an EC is granted in regard to three types of activity: (i) new projects or activities provided in the Schedule, (ii) expansion or



modernisation of existing projects or activities provided in the Schedule, and (iii) changes in the product mix in existing manufacturing units provided in the Schedule beyond the specified range. The present dispute raises questions as to how the second type of activity, the “expansion” of existing projects, should be construed under the EIA Notification.

7. In order to secure an EC, the project proponent must submit an application in the manner set out in Form 1 and Supplementary Form 1A (if applicable) of the EIA Notification. Under paragraph 7(i) of the EIA Notification, the project proponent must also submit a pre-feasibility report. However, in the case of projects under item 8 of the Schedule, only a conceptual plan is required to be submitted. Paragraph 7(ii) of the EIA Notification states that:

“7(ii) Prior Environmental Clearance (EC) process for Expansion or Modernisation of Change of product mix in existing projects:

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernisation of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product mix shall be made in Form 1 and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultation and the application shall be appraised accordingly for grant of environmental clearance.”

(Emphasis supplied)

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Clause (ii) of paragraph 2 of the EIA Notification requires the project proponent to secure an EC from the relevant regulatory authority prior to undertaking any “expansion” of an existing project. Paragraph 7(ii) further stipulates that all applications for an EC in cases of “expansion” resulting in the increase of production capacity or lease area beyond the capacity/area stipulated in the previous EC shall be made in the manner set out in Form 1 or 1A (as applicable).

8. The appellant’s application in Form 1 acknowledges that the project fell under entry 8(a) of Schedule 1 of the EIA Notification. Entry 8 deals with ‘Building and Construction projects having a built-up area of or greater than 20,000 square metres but less than 1,50,000 square metres.’ Entry 8 of the Schedule to the EIA Notification is as follows:

8 – Building / Construction projects / Area Development projects and Townships			
8(a)	Building and Construction projects	≥20,000 sq mts and <1,50,000 sq mts of built-up area	Built-up area for covered construction: in the case of facilities open to the sky, it will be the activity area
8(b)	Townships and Area Development projects	Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq mts	All projects under item 8(b) shall be appraised as Category B1



Issue

9. In applying for the original EC, the appellant submitted an application in Form 1 as required under the provisions of the EIA Notification. The total construction area identified in the appellant's Form 1 was 32,395.17 square metres. However, in September 2013 the appellant informed the second respondent of an increase by 8,085.71 square metres as a result of which the total construction area of the project would be 40,480.88 square metres. In seeking an 'amendment' to the EC dated 2 May 2013 the appellant did not submit an updated Form 1. Further, the 'amendment' to the EC was granted by the SEIAA without the recommendations of the SEAC. The issue before this Court is whether the 'amended' EC dated 13 March 2014 granted by the SEIAA without following the procedure stipulated in paragraph 7(ii) of the EIA Notification is valid.

Submissions

10. Mr Mukul Rohatgi, learned Senior Counsel appearing on behalf of the appellant submitted that:

- (i) When construction began, the total construction area of the appellant's project was 8,720.32 square metres. As the EIA Notification requires projects with a total built up area of or more than 20,000 square metres to procure an EC prior to the start of construction, no EC was required before construction of the appellant's project commenced;



- (ii) Pursuant to the first increase, when the appellant's project crossed the 20,000 square metre threshold provided for in the EIA Notification, the appellant submitted a Form 1 and was granted a valid EC dated 2 May 2013 by the third respondent;
- (iii) Pursuant to the second increase, the built up area of the appellant's project only marginally increased by 8,085.71 square metres to a total construction area of 40,480.88 square metres, which is within the upper limit of 1,50,000 square metres prescribed by entry 8(a) of the Schedule to the EIA Notification. Therefore, the second increase was not an "expansion" within the meaning of clause (ii) of paragraph 2 of the EIA Notification and no fresh Form 1 or EC was required at the time of the second increase;
- (iv) Clause (ii) of paragraph 2 only applies to situations where the project crosses the lower or upper threshold limits stipulated in the Schedule. Any increase in production capacity or construction area within the limits set out in the Schedule would not constitute an "expansion" within the meaning of Clause (ii) of paragraph 2 and does not require compliance with the procedure under paragraph 7(ii) of the EIA Notification;
- (v) The increase in the appellant's project is only marginal and does not have an adverse impact on the environment;
- (vi) The SEIAA applied its mind to the appellant's request for an 'amendment'; noted that the increase in construction area was only

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marginal and issued an amendment to the original EC dated 2 May 2013; and

- (vii) The NGT had no basis to impose the fine of Rupees one crore on the appellant.

11. Joining issue with the above submissions, Mr Aditya Pratap, learned counsel appearing on behalf of the first respondent submitted that:

- (i) Under clause (ii) of paragraph 2 read with paragraph 7(ii) of the EIA Notification, any expansion beyond the “threshold limit” requires a fresh EC. The appellant’s project had crossed the threshold limit of 20,000 square metres and the second increase of 8,085.71 square metres constituted an ‘expansion beyond the threshold limit’ and hence required a fresh EC;
- (ii) Once a project breaches the lower threshold limit set out in the Schedule to the EIA Notification, any expansion or modernisation, even within the upper threshold set out in the Schedule, will require the submission of a fresh Form 1 and the matter to be placed before the Expert Appraisal Committee or the SEAC, as applicable in accordance with paragraph 7(ii) of the EIA Notification;
- (iii) Adopting the appellant’s interpretation of clause (ii) of paragraph 2 would defeat the object and purpose of the EIA Notification as a whole. It would allow project proponents to incrementally increase

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the construction area and over time significantly impinge on the environmental impact of the project without seeking a fresh EC;

- (iv) If the law prescribes an act to be done in a particular manner, it must be done only in that manner and no other. Under paragraph 7(ii) of the EIA Notification, it was incumbent on the SEIAA to place the matter before the SEAC for appraisal and recommendations; and
- (v) The EIA Notification is an operationalisation of the precautionary principle, which forms a part of the environmental law of India. The EIA Notification must be read in a manner which gives effect to the precautionary principle.

Interpreting paragraphs 2 and 7

12. The central controversy between the parties to the present dispute is the manner in which paragraphs 2 and 7 of the EIA Notification should be interpreted. Clause (ii) of paragraph 2 of the EIA Notification stipulates that a project proponent shall require an EC prior to the start of construction in the case of an “expansion”. Clause (ii) uses the phrase “expansion...beyond the limits specified for the concerned sector”. The first respondent sought to lay emphasis on this construction to argue that any expansion beyond the lower limit stipulated in the Schedule would attract the requirement of a prior EC under paragraph 2. However, the above language in clause (ii) is further qualified by the phrase “that is, projects or activities which cross the threshold limits given in the Schedule



after expansion or modernisation.” A plain reading of the second half of clause (ii) would indicate that it applies to cases where a project was initially below the threshold limits stipulated in the Schedule but after the proposed expansion, would breach the threshold limits. Clause (ii) of paragraph 2 of the EIA Notification therefore would not appear to cover a case where a project had already crossed the lower threshold limit set out in the Schedule and the expansion does not cross the upper limit stipulated by the Schedule.

13. However, clause (ii) of paragraph 2 must be read with paragraph 7(ii) of the EIA Notification. Paragraph 7(ii) lays down the exact procedure to be followed by a project proponent in the case of an expansion. Two crucial points must be noted with respect to paragraph 7(ii). First, it uses the phrase, “expansion with increase in production capacity beyond the capacity for which prior environment clearance has been granted”. Second, the qualifying language referring to breaching the threshold limits “after expansion” is absent. An “expansion” can occur even after the grant of an EC when the project first crossed the lower limit stipulated in the threshold and it is not necessary for the project to breach the upper limit after the expansion. Therefore, a close reading of paragraph 7(ii) would support the interpretation put forth by the first respondent – that even after obtaining an EC if the project is expanded beyond the limits for which the prior EC was obtained, a fresh application would need to be made even if the expansion is within upper the limit prescribed in the Schedule.

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14. The dangers effectively articulated by the learned counsel for the first respondent are real. If clause (ii) of paragraph 2 does not cover a case where the expansion is within the limits stipulated by the Schedule, a project proponent may incrementally keep increasing the size of the project area over time resulting in a significant increase in the project size without an assessment of the environmental impact resulting from the expansion. Such an outcome would defeat the entire scheme of the EIA Notification which is to ensure that any new or additional environmental impact is assessed and certified by the relevant regulatory authorities. In the present case, the lower limit of Entry 8(a) of the Schedule is a built up area of 20,000 square metres and the upper limit is 1,50,000 square metres. It cannot be doubted that the environmental impact of a construction of 1,50,000 square metres is drastically more than construction of 20,000 square metres. If the appellant's argument is accepted in totality, a project proponent could potentially secure an EC for constructing 20,000 square metres and by 'amendment' steadily increase the area of construction up to 1,50,000 square metres without submitting an updated Form 1 or any substantive review by the SEAC.

15. We note that subsequent to the EIA Notification being published in 2006, a draft notification was issued on 19 January 2009.⁷ The draft notification proposed the following amendment:

"in para 2 [of the EIA Notification], after sub-para (iii), the following shall be inserted; namely:-

⁷ Notification S.O. 195 (E) dated 19 January 2009.

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However modernisation or expansion proposals without any increase in pollution load, and, or without any additional water and or land requirement are exempted from the provisions of this Notification:

Provided that, a self certification, stating that the proposals shall not involve any additional pollution load, waste generation or water requirement, be submitted to the regulatory authority by the project proponent.”

Prior to adopting the draft notification, hearings were conducted and written comments were solicited from various stakeholders including: (i) Central Ministries and Departments, (ii) State Governments and their Agencies, (ii) Industries and their Associations and (iv) Civil Society including NGOs. A committee was constituted by the Ministry of Environment and Forests, Government of India which published a report in October 2009. The committee specifically recommended against the adoption of the above amendment, noting:

“The amendments propose to exempt modernisation and expansion of projects based on a self certification by project authorities that there is no increase in pollution load. **It is totally unacceptable that the modernisation and expansion of projects be removed from the environmental clearance regime, with or without the requirement of self certification.** There are several industries operating in critically polluted areas or are in violation of their environmental clearance conditions, which need to be considered before the expansion of a project is considered. What is to be considered is not just whether there is an increase in pollution load but also the current impact of the project and its compliance with environmental clearance conditions. We can provide clear examples wherein the non-compliance of the clearance conditions has not been considered while granting clearance for expansion which includes adding new components to the existing industrial operations etc. This has allowed several projects to continue their activities and expand despite blatant non compliance. Finally, it is only with industrial, thermal power and other such related operations that one can decide on parameters of pollution. **Development projects like highways, airports and other infrastructure projects which seek to expand might have a detrimental impact due to factors such as**

change in land use (i.e. construction over a wetland, grassland or agricultural land etc). Despite this, the project proponent can certify that there is no change in pollution load and hence expansion is to be allowed. **The current process seeks a detailed EIA report to determine whether impacts can be mitigated. If the amendment is brought into force, it will simply do away with this critical and necessary step in the environmental clearance process.** Therefore, this amendment should not be allowed.

...

The draft notification takes a myopic view of environmental and social impact of modernisation and expansion. **Any modernisation/expansion projects will necessarily entail increase in production, increase in transportation, increase in pressure on the local infrastructure and local natural resources and increase in the pollution load during the construction phase.** So, even if a modernisation/expansion does not lead to an increase in the pollution load or water or land requirement within the factory premises during the operation phase, it will lead to an increase in environmental and social impact outside the premise.”

(Emphasis supplied)

The draft amendment was not adopted in subsequent amendments to the EIA Notification. We find considerable merit in the observations of the committee that the requirement of an EC at the time of expansion forms a critical step in the environmental clearance regime. According to the committee, it assists officials not just in evaluating and mitigating any adverse impact caused by the expansion but also in assessing whether the project proponent is in compliance with their existing obligations. Crucially, any form of expansion necessarily puts a strain on the local environment and infrastructure and needs to be carefully evaluated in a holistic manner.

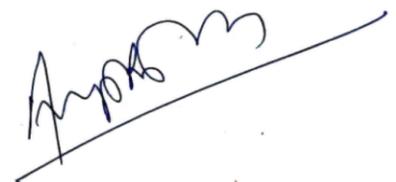
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16. In a case where the text of the provisions requires interpretation, this Court must adopt an interpretation which is in consonance with the object and purpose of the legislation or delegated legislation as a whole. The EIA Notification was adopted with the intention of restricting new projects and the expansion of new projects until their environmental impact could be evaluated and understood. It cannot be disputed that as the size of the project increases, so does the magnitude of the project's environmental impact. This Court cannot adopt an interpretation of the EIA Notification which would permit, incrementally or otherwise, project proponents to increase the construction area of a project without any oversight from the Expert Appraisal Committee or the SEAC, as applicable. It is true that there may exist certain situations where the expansion sought by a project proponent is truly marginal or the environmental impact of such expansion is non-existent. However, it is not for this Court to lay down a bright-line test as to what constitutes a 'marginal' increase and what constitutes a material increase warranting a fresh Form 1 and scrutiny by the Expert Appraisal Committee. If the government in its wisdom were to prescribe that a one-time 'marginal' increase (e.g. 5% or 10%) in project size, within the threshold limit stipulated in the Schedule, could be subject to a lower standard of scrutiny without diluting the urgent need for environmental protection, conceivably this Court may give effect to such a provision. This would be subject to any challenge on the ground of their being a violation of the precautionary principle. However, as the EIA Notification currently stands, an expansion within the limits prescribed by the Schedules would be subject to the procedure set out in paragraph 7(ii).

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17. At the time of the second increase, the total construction area of the appellant's project was enlarged from 32,395.17 square metres to 40,480.88 square metres. As a result of the expansion, the appellant constructed sixteen additional flats which were sold at the prevailing market rate. The appellant did not comply with the procedure set out under paragraph 7(ii) of the EIA Notification but rather sought an 'amendment' to the EC. The third respondent did not require the appellant to submit an updated Form 1 nor was the proposal processed and evaluated by the fourth respondent. The 'amendment' to the EC dated 13 March 2014 does not discuss the potential environmental impact of the increase in construction area, but merely records that the construction area now stands at 40,480.88 square metres. The procedure set out under paragraph 7(ii) of the EIA Notification exists to ensure that where a project is expanded in size, the environmental impact on the surrounding area is evaluated holistically considering all the relevant factors including air and water availability and pollution, management of solid and wet waste and the urban carrying capacity of the area. This was not done in the case of the appellant's project. It was not open to the third respondent to grant an 'amendment' to the EC without following the procedure set out in paragraph 7(ii) of the EIA Notification.

18. We further note that as on the date of the impugned order construction at the project site had already been completed. A core tenet underlying the entire scheme of the EIA Notification is that construction should not be executed until ample scientific evidence has been compiled so as to understand the true environmental impact of a project. By completing the construction of the project,

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the appellant denied the third and fourth respondents the ability to evaluate the environmental impact and suggest methods to mitigate any environmental damage. At this stage, only remedial measures may be taken. The NGT has already directed the appellant to deposit Rupees one crore and has set up an expert committee to evaluate the impact of the appellant's project and suggest remedial measures. In view of these circumstances, we uphold the directions of the NGT and direct that the committee continue its evaluation of the appellant's project so as to bring its environmental impact as close as possible to that contemplated in the EC dated 2 May 2013 and also suggest the compensatory exaction to be imposed on the appellant.

19. The appeal is dismissed. There shall be no order as to costs.

20. Pending application(s), if any, shall stands disposed of.

.....J
[Dr Dhananjaya Y Chandrachud]

.....J
[Ajay Rastogi]

**New Delhi;
December 3, 2019.**



ANNEXURE-2



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Name	ANUPKRISHNAN VISWANATHAMENON
Date of Filing	23-03-2022
RTI Fee Received	₹ 10
Payment Mode	Internet Banking, Credit or Debit Card / RuPay Card, UPI
SBI Reference number	CPABNAAJU0
Transaction Status	Completed Successfully
Request filed with	Ministry of Environment, Forest and Climate Change
Contact Details	
Telephone Number	011-24695302
Email Id	us.rti-mef@nic.in

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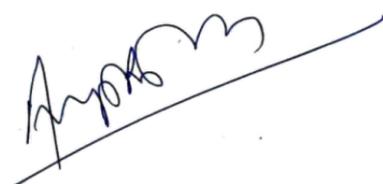
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Payment Mode	Internet Banking, Credit or Debit Card / RuPay Card, UP
Payment Reference Number	CPABNAAJU0
Transaction Status	Completed Successfully
Request filed with	Ministry of Environment, Forest and Climate Change

Telephone Number	011-24695302
Email Id	us.rti-mef@nic.in





Online RTI Request Form Details

RTI Request Details :-

RTI Request Registration number	MOENF/R/E/22/00283
Public Authority	Ministry of Environment, Forest and Climate Change

Personal Details of RTI Applicant:-

Name	ANUPKRISHNAN VISWANATHAMENON
Gender	Male
Address	Flat 7173, Tower 7, Prestige Bella Vista , Ayyappanthangal, , Mount Poonamallee Road
Country	India
State	Tamilnadu
Status	Rural
Educational Status	Literate
	Above Graduate
Phone Number	Details not provided
Mobile Number	+91-9447527579
Email-ID	anupkrishnanviswanath[at]gmail[dot]com

Request Details :-

Citizenship	Indian
Is the Requester Below Poverty Line ?	No

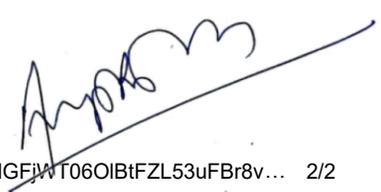
(Description of Information sought (upto 500 characters))

Description of Information Sought
<p>Respected Sir,</p> <p>M/s Prestige Estates Projects Pvt Ltd has submitted an application seeking prior environmental clearance for the residential project Prestige Bella Vista at Ayyappanthangal Village, Sriperumbudhur Taluk, Kanchipuram District, Tamil Nadu on 28-04-2012. It was taken up by the 114th Meeting of the Expert Appraisal Committee for Building Construction, Coastal Regulation Zone, Infrastructure Development and Miscellaneous projects held on 10th July, 2012 at Scope Complex, Lodhi Road, New Delhi. The Committee recommended the proposal for Environment Clearance with the above condition in the Clearance letter for strict compliance by the project proponent. (F.No.SEIAA/F430/2011-IA.III).</p> <ol style="list-style-type: none"> 1. Please issue me a copy of the application in Form 1 and Supplementary Form 1A submitted by M/s Prestige Estates Projects Pvt Ltd seeking prior environmental clearance for the residential Project Prestige Bella Vista. 2. Please issue me a copy of the Detailed layout plan of Prestige Bella Vista Project development, communication facilities, access/approach roads, landscape, sewage disposal facilities, and waste disposal submitted by M/s Prestige Estates Projects Pvt Ltd along with the Application. 3. Please issue me a copy of the Layout plan of Prestige Bella Vista Project of built up areas with covered construction such as buildings blocks, DG Set rooms, Utilities such as Main and Stand By Power, Water supply installations submitted by M/s Prestige Estates Projects Pvt Ltd along with the Application. <p>Thanking You, Yours faithfully, s/d Dr.Anupkrishnan.V</p> 

Concerned CPIO	Nodal Officer
Supporting document <i>(only pdf upto 1 MB)</i>	

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To

23-03-2022

PIO,

Ministry of Environment, Forest & Climate Change

Sub: RTI query to Ministry of Environment, Forest & Climate Change

Sir,

M/s Prestige Estates Projects Pvt Ltd has submitted an application seeking prior environmental clearance for the residential project “**Prestige Bella Vista**” at Ayyappanthangal Village, Sriperumbudhur Taluk, Kanchipuram District, Tamil Nadu on 28-04-2012. It was taken up by the 114th Meeting of the Expert Appraisal Committee for Building Construction, Coastal Regulation Zone, Infrastructure Development and Miscellaneous projects held on 10th July, 2012 at Scope Complex, Lodhi Road, New Delhi. The Committee recommended the proposal for Environment Clearance with the above condition in the Clearance letter for strict compliance by the project proponent. (F.No.SEIAA/F430/2011-IA.III).

1. Please issue me a copy of the application in Form 1 and Supplementary Form 1A submitted by M/s Prestige Estates Projects Pvt Ltd seeking prior environmental clearance for the residential Project Prestige Bella Vista.
2. Please issue me a copy of the Detailed layout plan of Prestige Bella Vista Project development, communication facilities, access/approach roads, landscape, sewage disposal facilities, and waste disposal submitted by M/s Prestige Estates Projects Pvt Ltd along with the Application.
3. Please issue me a copy of the Layout plan of Prestige Bella Vista Project – built up areas with covered construction such as total Building Blocks, DG Set rooms, Utilities such as Main and Stand By Power, Water supply installations submitted by M/s Prestige Estates Projects Pvt Ltd along with the Application.

Thanking You,

Yours faithfully,



Dr.Anupkrishnan.V

Flat 7173, Tower 7, Prestige Bella Vista,Ayyappanthangal, Kancheepuram District
Chennai-600056. Email: anupkrishnanviswanath@gmail.com





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Applicant Name	ANUPKRISHNAN VISWANATHAMENON
Date of receipt	23/03/2022
Request Filed With	Ministry of Environment, Forest and Climate Change
Text of Application	<p>Respected Sir,</p> <p>M/s Prestige Estates Projects Pvt Ltd has submitted an application seeking prior environmental clearance for the residential project Prestige Bella Vista at Ayyappanthangal Village, Sriperumbudhur Taluk, Kanchipuram District, Tamil Nadu on 28-04-2012. It was taken up by the 114th Meeting of the Expert Appraisal Committee for Building Construction, Coastal Regulation Zone, Infrastructure Development and Miscellaneous projects held on 10th July, 2012 at Scope Complex, Lodhi Road, New Delhi. The Committee recommended the proposal for Environment Clearance with the above condition in the Clearance letter for strict compliance by the project proponent. (F.No.SEIAA/F430/2011-IA.III).</p> <ol style="list-style-type: none"> Please issue me a copy of the application in Form 1 and Supplementary Form 1A submitted by M/s Prestige Estates Projects Pvt Ltd seeking prior environmental clearance for the residential Project Prestige Bella Vista. Please issue me a copy of the Detailed layout plan of Prestige Bella Vista Project development, communication facilities, access/approach roads, landscape, sewage disposal facilities, and waste disposal submitted by M/s Prestige Estates Projects Pvt Ltd along with the Application. Please issue me a copy of the Layout plan of Prestige Bella Vista Project of built up areas with covered construction such as buildings blocks, DG Set rooms, Utilities such as Main and Stand By Power, Water supply installations submitted by M/s Prestige Estates Projects Pvt Ltd along with the Application. <p>Thanking You, Yours faithfully, s/d Dr.Anupkrishnan.V</p>
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Request document (if any)	
Status	REQUEST FORWARDED TO CPIO as on 25/03/2022
Date of Action	25/03/2022
Remarks	Details of CPIO :- Name:-R.P. Rastogi (IA-Infra-I), Telephone Number:- 011-24695296, Email Id:- adraju@nic.in
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Date of receipt	23/03/2022
Request Filed With	Ministry of Environment, Forest and Climate Change
Text of Application	<p>Respected Sir,</p> <p>M/s Prestige Estates Projects Pvt Ltd has submitted an application seeking prior environmental clearance for the residential project Prestige Bella Vista at Ayyappanthangal Village, Sriperumbudhur Taluk, Kanchipuram District, Tamil Nadu on 28-04-2012. It was taken up by the 114th Meeting of the Expert Appraisal Committee for Building Construction, Coastal Regulation Zone, Infrastructure Development and Miscellaneous projects held on 10th July, 2012 at Scope Complex, Lodhi Road, New Delhi. The Committee recommended the proposal for Environment Clearance with the above condition in the Clearance letter for strict compliance by the project proponent. (F.No.SEIAA/F430/2011-IA.III).</p> <ol style="list-style-type: none"> 1. Please issue me a copy of the application in Form 1 and Supplementary Form 1A submitted by M/s Prestige Estates Projects Pvt Ltd seeking prior environmental clearance for the residential Project Prestige Bella Vista. 2. Please issue me a copy of the Detailed layout plan of Prestige Bella Vista Project development, communication facilities, access/approach roads, landscape, sewage disposal facilities, and waste disposal submitted by M/s Prestige Estates Projects Pvt Ltd along with the Application. 3. Please issue me a copy of the Layout plan of Prestige Bella Vista Project of built up areas with covered construction such as buildings blocks, DG Set rooms, Utilities such as Main and Stand By Power, Water supply installations submitted by M/s Prestige Estates Projects Pvt Ltd along with the Application. <p>Thanking You, Yours faithfully, s/d Dr.Anupkrishnan.V</p>
Request document (if any)	
Status	REQUEST TRANSFERRED TO OTHER CPIO as on 29/03/2022
Date of Action	29/03/2022
Remarks	Details of CPIO :- Name:-R.S. Bora (IA-Infra-II), Telephone Number:- 011-24695398, Email Id:- rs.bora@nic.in
<input type="button" value="Print"/>	

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ANUPKRISHNAN VISWANATH <anupkrishnanviswanath@gmail.com>

RTI request No. MOENF/R/E/22/00283

1 message

ANUPKRISHNAN VISWANATH <anupkrishnanviswanath@gmail.com>

Sat, Apr 9, 2022 at 4:36 AM

To: rs.bora@nic.in

MOENFRespected sir,

I have filed an RTI request with MOEF wii Registration No. MOENF/R/E/22/00283 on 23-03-2022. I have requested for details of 3 queries. **I would like to add the 4 query as stated below.**

4, Please issue me the draft copy of the detailed EIA report of Prestige Bella Vista Project submitted by M/s Prestige Estates Projects Pvt. Ltd to the Ministry of Environment, Forests and Climate Change.

I am here with attaching a copy of my original application for your reference. Please do the needful.

Thanking you,
Yours faithfully,

s/d

Dr. Anupkrishnan.V

 **original application MOENF-R-E-22-00283.pdf**
138K



ANUPKRISHNAN VISWANATH <anupkrishnanviswanath@gmail.com>

RTI Online - Additional Payment Required

1 message

RTI-Online <rticall-dopt@nic.in>

Wed, Apr 13, 2022 at 5:39 PM

Reply-To: RTI-Online <rticall-dopt@nic.in>

To: ANUPKRISHNAN VISWANATHAMENON <anupkrishnanviswanath@gmail.com>

Dear Sir/Madam,

This is with reference to your request registered vide Registration number MOENF/R/E/22/00283

Additional payment of Rs.1586 is required for your RTI application.

Please log on to <https://rtionline.gov.in> to check the status of your request.

Note:-This is a system generated mail. Please do not reply it.



ANUPKRISHNAN VISWANATH <anupkrishnanviswanath@gmail.com>

RTI-Online Additional fee received.

1 message

RTI-Online <rticall-dopt@nic.in>

Wed, Apr 13, 2022 at 6:06 PM

Reply-To: RTI-Online <rticall-dopt@nic.in>

To: ANUPKRISHNAN VISWANATHAMENON <anupkrishnanviswanath@gmail.com>

Dear Sir/Madam,

RTI-Online Additional fee has been received. The following are the details:-

Registration Number: MOENF/R/E/22/00283**Name:** ANUPKRISHNAN VISWANATHAMENON**Date of Filing:** 13/04/2022**Request filed with:** Ministry of Environment, Forest and Climate Change**Contact Details:-****Telephone Number:** 011-24695302**Email Id:** us.rti-mef@nic.in**Payment Details:-****RTI Additional Fee Received:** 1586**Payment Mode:** Internet Banking, Credit or Debit Card / RuPay Card, UPI**SBI Reference number :** CPABONBBB7**Transaction Status:** Completed Successfully

Note:-This is a system generated mail. Please do not reply it.



Select Language: English

Public Authorities Available

RTI Online

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Final Status of MOENF/R/E/22/00283

Applicant Name	ANUPKRISHNAN VISWANATHAMENON
Date of receipt	23/03/2022
Request Filed With	Ministry of Environment, Forest and Climate Change
Text of Application	<p>Respected Sir,</p> <p>M/s Prestige Estates Projects Pvt Ltd has submitted an application seeking prior environmental clearance for the residential project Prestige Bella Vista at Ayyappanthangal Village, Sriperumbudhur Taluk, Kanchipuram District, Tamil Nadu on 28-04-2012. It was taken up by the 114th Meeting of the Expert Appraisal Committee for Building Construction, Coastal Regulation Zone, Infrastructure Development and Miscellaneous projects held on 10th July, 2012 at Scope Complex, Lodhi Road, New Delhi. The Committee recommended the proposal for Environment Clearance with the above condition in the Clearance letter for strict compliance by the project proponent. (F.No.SEIAA/F430/2011-IA.III).</p> <ol style="list-style-type: none"> 1. Please issue me a copy of the application in Form 1 and Supplementary Form 1A submitted by M/s Prestige Estates Projects Pvt Ltd seeking prior environmental clearance for the residential Project Prestige Bella Vista. 2. Please issue me a copy of the Detailed layout plan of Prestige Bella Vista Project development, communication facilities, access/approach roads, landscape, sewage disposal facilities, and waste disposal submitted by M/s Prestige Estates Projects Pvt Ltd along with the Application. 3. Please issue me a copy of the Layout plan of Prestige Bella Vista Project of built up areas with covered construction such as buildings blocks, DG Set rooms, Utilities such as Main and Stand By Power, Water supply installations submitted by M/s Prestige Estates Projects Pvt Ltd along with the Application. <p>Thanking You, Yours faithfully, s/d Dr.Anupkrishnan.V</p>
Request document (if any)	
Status	ADDITIONAL PAYMENT RECEIVED FROM REQUESTER as on 13/04/2022
Date of Action	13/04/2022
<input type="button" value="Print"/>	

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Final Status of MOENF/R/E/22/00283

Applicant Name	ANUPKRISHNAN VISWANATHAMENON
Date of receipt	23/03/2022
Request Filed With	Ministry of Environment, Forest and Climate Change
Text of Application	<p>Respected Sir,</p> <p>M/s Prestige Estates Projects Pvt Ltd has submitted an application seeking prior environmental clearance for the residential project Prestige Bella Vista at Ayyappanthangal Village, Sriperumbudhur Taluk, Kanchipuram District, Tamil Nadu on 28-04-2012. It was taken up by the 114th Meeting of the Expert Appraisal Committee for Building Construction, Coastal Regulation Zone, Infrastructure Development and Miscellaneous projects held on 10th July, 2012 at Scope Complex, Lodhi Road, New Delhi. The Committee recommended the proposal for Environment Clearance with the above condition in the Clearance letter for strict compliance by the project proponent. (F.No.SEIAA/F430/2011-IA.III).</p> <ol style="list-style-type: none"> 1. Please issue me a copy of the application in Form 1 and Supplementary Form 1A submitted by M/s Prestige Estates Projects Pvt Ltd seeking prior environmental clearance for the residential Project Prestige Bella Vista. 2. Please issue me a copy of the Detailed layout plan of Prestige Bella Vista Project development, communication facilities, access/approach roads, landscape, sewage disposal facilities, and waste disposal submitted by M/s Prestige Estates Projects Pvt Ltd along with the Application. 3. Please issue me a copy of the Layout plan of Prestige Bella Vista Project of built up areas with covered construction such as buildings blocks, DG Set rooms, Utilities such as Main and Stand By Power, Water supply installations submitted by M/s Prestige Estates Projects Pvt Ltd along with the Application. <p>Thanking You, Yours faithfully, s/d Dr.Anupkrishnan.V</p>
Request document (if any)	
Status	REQUEST DISPOSED OF as on 18/04/2022
Date of Action	18/04/2022
Remarks	Reply :- The letter dated 18th April 2022 providing information is enclosed.
Reply Document	
<input type="button" value="Print"/>	

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F No J-11012/7/2021-IA-II(Ind-I)
Government of India
Ministry of Environment, Forest and Climate Change
IA Division

Indira Paryavaran Bhawan
Jor Bagh, New Delhi
Dated: 18th April 2022

To

Shri Anupkrishnan Viswanathamenon
Flat 7173, Tower 7,
Prestige Bella Vista
Ayyappanthangal,
Mount Poonamallee Road- 600056
Tamil Nadu

RTI Application Registration Number: MOENF/R/E/22/00283

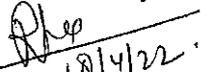
Dear Sir,

I am to refer to your request for Information under RTI Act 2005, received online on 23.3.2022 and to enclose copies of Form 1, Form IA, EIA/EMP reports alongwith Annexures/enclosures (pg 26—53 and pg 54 – 753) from the related file No SEIAA/F430/2011-IA-III for information under the RTI Act 2005.

2. In case, you want to go for an appeal in connection with the information provided, you may appeal to the Appellate Authority indicated below within thirty days from the date of receipt of this letter.

Shri Dharmendra Kumar Gupta
FAA (IA-Infra-II)
& Scientist-F
Address: Indira Parvaran Bhavan
Jor Bagh New Delhi
Phone No.: 011- 20819338

Yours faithfully


18/4/22
(R.S. Bora)

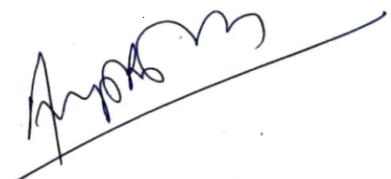
CPIO & Under Secretary to the Govt of India
Phone No.: 011-20819263
Email : rs.bora@nic.in



FORM - I**I. BASIC INFORMATION**

S. No.	Item	Details
1	Name of the project	Construction of Residential Complex
2	S. no. in the schedule	8 (b)
3	Proposed area	Area Details: Total land area: 100199 Sqm (24.76 Acres) Total built-up area: 4,78,003 Sqm
4	New/Expansion/Modernization	New Proposal
5	Existing capacity/Area etc	NA
6	Category of project i.e. 'A' or 'B'	B
7	Does it attract the general condition? If yes, please specify	No
8	Does it attract the specific condition? If yes, please specify	No
9	Plot/Survey/Khasra No	Survey nos: 1/1, 1/2, 2,3/1, 3/2, 3/3, 5/1, 8/2A, 50/1A, 50/2, 50/3, 50/4, 51/1A(PT), 51/1B1, 51/1B3, 51/1C1, 51/1C3, 51/1D, 51/1E, 52/1, 52/2, 53, 54/1(PT), 35, 42/1, 42/2, 42/3A, 42/3B, 42/4, 42/5, 43/1, 43/2, 44/1A, 44/1B, 44/2, 44/3, 45/1A, 45/1B, 45/2, 45/3, 45/4A, 45/4B, 46/1, 46/2, 46/3, 47/1E, 48/1A, 48/1B, 48/2, 48/3, 48/4, 49/1, 49/2, 49/3, 50/1B.
	Village	Ayyappanthalangal
	Tehsil	Sriperumbudur Taluk
	District	Kanchipuram District
	State	Tamilnadu
10	Nearest railway station/airport along with distance in kms	Railway station : Guindy (10 km) Airport : Chennai international airport (8 km)
11	Nearest town, city, district headquarters along with distance in kms	Town : Poonamalle (2.5 km) City : Chennai (8 km) District head quarters : Kanchipuram (51 km)
12	Village panchayats, Zilla parishad, municipal corporation, local body (Complete postal addresses with telephone nos. to be given)	Chennai Metropolitan Development Authority (CMDA)
13	Name of the applicant	Prestige Estates Projects Pvt. Ltd.
14	Registered address	Prestige Estates Projects Pvt. Ltd. Citi Towers, 7 th Floor,

	individual components.			configuration (W/m ² °C)
		1	Roof	0.261
		2	Wall	0.440
		3	Fenestration	3.300
9.10	What precaution & safety measures are proposed against fire hazards? Furnish details of emergency plans.	Fire alarm and fire fighting system will be installed on all floors inside the building. Fire hydrant systems will also be installed along the building exteriors. Fire protection and safety measures are expected to mitigate fire and explosion hazards. Fire detection and fighting provisions will be available as per specified norms.		
9.11	If you are using glass as wall material provides details and specifications including emissive and thermal characteristics.	Please refer item no 9.9.		
9.12	What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.	Proper ventilation will be provided to control the rate of air infiltration into the building.		
9.13	To what extent the non-conventional energy technologies are utilized in the overall energy consumption? Provide details of the renewable energy technologies used.	The layout of streets & buildings will maximize the potential for solar energy devices. Part of the floors in each tower will be using Solar water heater. Solar powered street lighting will be provided during night hours in alternate poles. Use of energy efficient pumps and Electronic regulators will further reduce the energy consumption.		



753



COPY OF THE RESOLUTION PASSED AT THE MEETING OF THE BOARD OF DIRECTORS OF M/S PRESTIGE ESTATES PROJECTS PVT. LTD. HELD ON 31ST DECEMBER, 2006 AT THE REGISTERED OFFICE OF THE COMPANY.

REGISTRATION WITH STATUTORY AUTHORITIES

The matter pertaining to registration of Branch Office of the company situated at Citi Towers, 7th Floor, 117, Thiagaraja Road, T Nagar, Chennai-600017 with Sales Tax, Service Tax and other Statutory Authorities was taken up for discussion and the following resolution was passed.

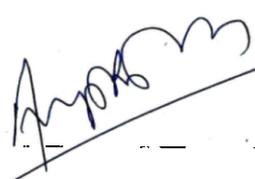
"RESOLVED THAT the company be and is hereby authorised to get its branch office situated at Citi Towers, 7th Floor, 117, Thiagaraja Road, T Nagar, Chennai-600017 registered with Sales Tax, Service Tax and other Statutory Authorities."

"FURTHER RESOLVED THAT Mr. Irfan Razack, Mr. Rezwan Razack, Mr. Noaman Razack, Directors of the company and Mr. K. Venkat Narayana, Mr. Stephen Daniel, Authorised Signatories be and are hereby authorized, severally, to deal with Sales Tax, Service Tax and other Statutory Authorities for the purpose of registration of branch and sign the application and all other necessary papers/documents and to take such other steps required to give effect to the above resolution."

//Certified True Copy//

For Prestige Estates Projects Pvt. Ltd.


K Venkat Narayana
Company Secretary





ANUPKRISHNAN VISWANATH <anupkrishnanviswanath@gmail.com>

Reply dated 18/04/2022 to RTI request No. MOENF/R/E/22/00283

rs dot bora <rs.bora@nic.in>
To: anupkrishnanviswanath@gmail.com

Tue, Apr 19, 2022 at 10:30 AM

Sir,
The hard copies have been sent by post.

with regards
R S Bora
Under Secretary and CPIO

From: anupkrishnanviswanath@gmail.com
To: "rs dot bora" <rs.bora@nic.in>
Sent: Monday, April 18, 2022 7:00:28 PM
Subject: Reply dated 18/04/2022 to RTI request No. MOENF/R/E/22/00283

[Quoted text hidden]

--

With regards

R S Bora
Under Secretary
IA Division
MoEFCC
Ph 20819263





ANUPKRISHNAN VISWANATH <anupkrishnanviswanath@gmail.com>

request No. MOENF/R/E/22/00283- Master plan Layout missing

ANUPKRISHNAN VISWANATH <anupkrishnanviswanath@gmail.com>
To: rs.bora@nic.in

Sat, Apr 23, 2022 at 4:47 PM

Respected Sir,

I got the hard copy of the documents along with your covering letter on 23/04/2022. But I have found out that the reply sent by you in response to my RTI request No.MOENF/R/E/22/00283 is incomplete. You have failed to enclose reply to my second query in your reply.

Second question of my application was as follows,

"Please issue me a copy of the Layout plan of Prestige Bella Vista Project – built up areas with covered construction such as total Building Blocks." Copy of the Layout plan of PBV Project is otherwise called Master Plan Layout of the Project.

You failed to attach the Master Plan Layout of the Project (Conceptual Plan) marked as Annexure-1 along with the compilation of documents. **So, page 132 containing Big Map of the Master Plan Layout of the Project , page 397 containing Big Map of the Master Plan Layout of the Project and page 631 containing the Big Map of the Master Plan Layout of the Project are missing from the documents.**

Please issue me those three missing pages containing three versions of Master Plan Layout of the Project at the earliest. You may send it as email attachments as well.

If you fail to send it within a week, I will have no other option but to escalate grievance request with Appellate Authority. I would like to remind you that this missing document is to be filed as evidence in National Tribunal in OA No. 21/2021(SZ) before 12/05/2021.

I am sending you soft copy of those pages without the Master Plan Layout for your reference.

Please oblige,

Regards,

s/d

Dr.Anupkrishnan.V

 **missing pages.pdf**
795K



ANUPKRISHNAN VISWANATH <anupkrishnanviswanath@gmail.com>

request No. MOENF/R/E/22/00283- Master plan Layout missing

ANUPKRISHNAN VISWANATH <anupkrishnanviswanath@gmail.com>
To: rs.bora@nic.in

Mon, Apr 25, 2022 at 4:53 AM

Respected sir,

The Director of MOEFCC, RO, Chennai has recently submitted a **"further report"** in NGT(SZ) in OA No. 21/2021, affirming that M/s Prestige Estates Projects Pvt Ltd hasn't violated EC stipulations by constructing 33 residential blocks instead of 20 blocks as was stipulated in the Environmental Clearance. As per the EC, the Project was to be constructed as a residential complex comprising 20 blocks/ towers ("Towers"). Director of MOEFCC said in the report that there are only 20 Towers that have been constructed within the Project as stipulated in the EC. He further declared that each of these Towers comprises one or more blocks (to a maximum of three blocks), aggregating to a total of 33 blocks.

But the Environmental Clearance issued to the Builder categorically mentioned construction of 20 residential blocks only. It didn't mention "Towers comprising of one or more blocks" anywhere. The Builders constructed 33 blocks and TNPCB raised this discrepancy in its further report submitted to NGT.

Planning Permission and the approved master plan layout of the project clearly shows construction of 33 residential blocks of residential buildings instead of 20 blocks. Strangely, the total built up area and the number of the apartments are the same even after raising the blocks from 20 in the EC to 33 in the Planning Permit and master plan.layout The only explanation for this anomaly is that the master plan layout submitted along with Form 1, Form 1A and EIA/EMP report and that submitted to CMDA were different. That is why I requested you to furnish the master plan layout through my RTI request with register no.MOENF/R/E/ 22/00283. Next hearing of the case is on 12/05/2022.

Please issue me the Master Plan Layout of the Project which is attached as annexure -1 in the Form 1 and Form 1A. I want all three Master Plan Layouts of the Project attached with the original and two revised applications respectively.

I am herewith attaching the NGT order with the further report of the Joint Committee.

Regards,

s/d

Dr. Anupkrishnan. V

[Quoted text hidden]

**73.NGT order 22-03-2022.pdf**
3959K

ANNEXURE-3



Online RTI Appeal Form Details

RTI Appeal Details :-

RTI Appeal Registration number	MOENF/A/E/22/00070
Public Authority	Ministry of Environment, Forest and Climate Change

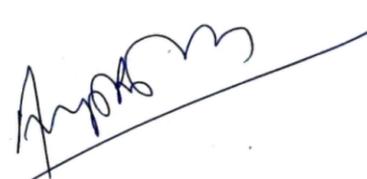
Personal Details of Appellant:-

Request Registration Number	MOENF/R/E/22/00283
Request Registration Date	23/03/2022
Name	ANUPKRISHNAN VISWANATHAMENON
Gender	Male
Address	Flat 7173, Tower 7, Prestige Bella Vista , Ayyappanthangal,, Mount Poonamallee Road
Country	India
State	Tamilnadu
Status	Rural
Educational Status	Literate
	Above Graduate
Phone Number	Details not provided
Mobile Number	+91-9447527579
Email-ID	anupkrishnanviswanath[at]gmail[dot]com

Appeal Details :-

Citizenship	Indian
Is the Requester Below Poverty Line ?	No
Ground For Appeal	Provided Incomplete,Misleading or False Information
CPIO of Public Authority approached	R.S. Bora (IA-Infra-II)
CPIO's Order/Decision Number	Details not provided
CPIO's Order/Decision Date	

(Description of Information sought (upto 500 characters))

<p>Prayer or Relief Sought</p> <p>I got the hard copy of the Form 1, Form 1A and EIA/EMP along with the Annexures/enclosures from the related file No.SEIAA/F/430/2011-IA-III from PIO on 23/04/2021. But the documents are incomplete. PIO failed to enclose the Detailed Layout Plan of Prestige Bella Vista Project which was specifically mentioned in the query 2 and 3 of my RTI application no. MOENF/R/E/22/00283.</p> <p>PIO failed to attach the Master Plan Layout of the Project (Conceptual Plan) marked as Annexure-1 along with the compilation of documents. So, page 132 containing Big Map of the Master Plan Layout of the Project, page 397 containing Big Map of the Master Plan Layout of the Project and page 631 containing the Big Map of the Master Plan Layout of the Project are missing from the documents.</p> <p>Please issue me those three missing pages containing three versions of Master Plan Layout of the Project attached to original application dated 25/01/2011, revised application dated 28/04/2012 and final revised application dated 18/06/2012 respectively at the earliest. You may send it as email attachments as well.</p> <p>Thanking You, Yours faithfully, s/d Dr. Anupkrishnan. V</p> 

Supporting document *(only pdf upto 1 MB)*



Print

Close

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end, positioned in the bottom right corner of the page.

To
27-04-2022

**Appellate Authority,
Indira Paravaran Bhavan, Jor Bagh,
Ministry of Environment, Forest & Climate Change
New Delhi**

Sub: First Appeal in RTI Application Reg.No. MOENF/R/E/22/00283

Respected Sir,

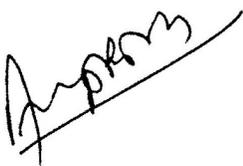
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Thanking You,

Yours faithfully,



Dr.Anupkrishnan.V, Flat 7173, Tower 7, Prestige Bella Vista,
Ayyappanthangal, Kancheepuram District, Chennai-600056.





ANUPKRISHNAN VISWANATH <anupkrishnanviswanath@gmail.com>

request No. MOENF/R/E/22/00283- Master plan Layout missing

ANUPKRISHNAN VISWANATH <anupkrishnanviswanath@gmail.com>
To: rs.bora@nic.in

Sat, Apr 23, 2022 at 4:47 PM

Respected Sir,

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I am sending you soft copy of those pages without the Master Plan Layout for your reference.

Please oblige,

Regards,

s/d

Dr.Anupkrishnan.V

 **missing pages.pdf**
795K



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Your RTI Appeal filed successfully.

Please note down the details of registration.

Registration Number	MOENF/A/E/22/00070
Name	ANUPKRISHNAN VISWANATHAMENON
Date of Filing	27-04-2022
Appeal filed with	Ministry of Environment, Forest and Climate Change
Contact Details	
Telephone Number	011-24695302
Email Id	us.rti-mef@nic.in

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Your RTI Appeal filed successfully.

Registration Number	MOENF/A/E/22/00070
Name	ANUPKRISHNAN VISWANATHAMENON
Date of Filing	27-04-2022
Request filed with	Ministry of Environment, Forest and Climate Change

Telephone Number	011-24695302
Email Id	us.rti-mef@nic.in

A handwritten signature in blue ink, appearing to be 'Anupkrishnan', is written over a horizontal line.



Select Language: English

Public Authorities Available

RTI Online

Version 2.0
An Initiative of Department of Personnel & Training, Government of India
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Final Status of [MOENF/A/E/22/00070](#)

Applicant Name	ANUPKRISHNAN VISWANATHAMENON
Date of receipt	27/04/2022
Request Filed With	Ministry of Environment, Forest and Climate Change
Text of Application	<p>I got the hard copy of the Form 1, Form 1A and EIA/EMP along with the Annexures/enclosures from the related file No.SEIAA/F/430/2011-IA-III from PIO on 23/04/2021. But the documents are incomplete. PIO failed to enclose the Detailed Layout Plan of Prestige Bella Vista Project which was specifically mentioned in the query 2 and 3 of my RTI application no. MOENF/R/E/22/00283.</p> <p>PIO failed to attach the Master Plan Layout of the Project (Conceptual Plan) marked as Annexure-1 along with the compilation of documents. So, page 132 containing Big Map of the Master Plan Layout of the Project, page 397 containing Big Map of the Master Plan Layout of the Project and page 631 containing the Big Map of the Master Plan Layout of the Project are missing from the documents.</p> <p>Please issue me those three missing pages containing three versions of Master Plan Layout of the Project attached to original application dated 25/01/2011, revised application dated 28/04/2012 and final revised application dated 18/06/2012 respectively at the earliest. You may send it as email attachments as well.</p> <p>Thanking You, Yours faithfully, s/d Dr. Anupkrishnan. V</p>
Request document (if any)	
Status	APPEAL FORWARDED TO CONCERNED FIRST APPELLATE AUTHORITY as on 28/04/2022
Date of Action	28/04/2022
Remarks	Appellate Authority Details :- Telephone Number:- 011-24695393, Email Id:- gupta.dharmendra@gov.in
Print	

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ANNEXURE-4



AKV <anupkrishnanv@gmail.com>

CMDA – G/PIO– Information requested under RTI Act, 2005- Information furnished under RTI act 2005 – Information furnished as per order of Tamil Nadu Information Commission – Reg.

1 message

mscmda@tn.gov.in <mscmda@tn.gov.in>
To: anupkrishnanv@gmail.com

Mon, Nov 22, 2021 at 5:48 PM

Sir/Madam,

Please find the attached file.

Thank you.

Regards,
Appellate Authority,
Senior Planner (EC),
Enforcement Cell,
CMDA.

 **img20211122_17393530.pdf**
89K

By RPAD:


CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY

 Thalamuthu Natarajan Building, No.1, Gandhi Irwin Road,
Egmore.

Chennai - 600 008

Phone : 28414855 Fax: 91-044-28548416

E-mail: mcmda@vsnl.comWeb site: www.cmdachennai.gov.in
 From
The Appellate Authority/
The Senior Planner.(EC)
Chennai Metropolitan Development
Authority
No.1, Gandhi- Irwin Road, Egmore,
Chennai – 600 008

 To
Dr. AnupKrishnan
Flat No.7173, Tower-7
Prestige Bella Vista, Ayyappanthangal
Mount Poonamallee Road,
Chennai -56.
Letter . No: **G/PIO/639/2020**Dated: **.11.2021**

Sub		CMDA – G/PIO– Information requested under RTI Act, 2005- Information furnished under RTI act 2005 – Information furnished as per order of Tamil Nadu Information Commission – Reg.
Ref:	1	Your petition dated 17.01.2020 received on 20.01.2020
	2	This Office Lr.No.even no. Dated.22.01.2020,17.02.2020
	3	Your Appeal Petition dated.22.02.2020 received on 24.02.2020
	4	This Office Lr.No.G/PIO/639/2020 Dated.18.03.2021
	5	Tamil Nadu Information Commission in Order No.SA.982/SCIC/2021 dated 27.10.2021.

 With reference to above order of Tamil Nadu Information Commission in the
reference 5th cited the following information are furnished

Informations sought for	Information
The date of application of the 3 rd and Final Completion Certificate of the Prestige Bella Vista residential project at Ayyappanthangal .	The 3 rd and Final Completion Certificate Application submitted by the applicant M/s.Prestige Group vide their Letter dated 7.3.2017 received on 30.5.2017 in CMDA and the copy of the same is enclosed.

Yours Faithfully

N. AnupKrishnan 20/11/21

 The Appellate Authority/
Senior Planner
(Enforcement Cell)

 2/2
20/11/2021
20/11/2021

Encl:

- Copy of the 3rd and Final Completion
Certificate Application from Prestige Group.

 Copy to:
The Commissioner,
Tamil Nadu Information Commission,
Chennai-18.



To,
The Member Secretary,
 Chennai Metropolitan Development Authority.
 No.1. Gandhi-Irwin Road,
 Chennai-600 008.

07-03-2017

CC8568

Sir,

3rd & Final

Sub: Partial Completion Certificate application for the Multistoried Residential Building of Block A1, A2, A4, A10, B6, B7, C1 & C4; Double BF + GF+16 floors at Mount-Poonamallee Road, Chennai – 600 116. Comprised in S.Nos. 1/1, 1/2, 2,3/1, 3/2, 3/3, 5/1, 8/2A, 35, 42/1, 42/2, 42/3A, 42/3B, 42/4, 42/5, 43/1, 43/2, 44/1A, 44/1B, 44/2, 44/3, 45/1A, 45/1B, 45/2, 45/3, 45/4A, 45/4B, 46/1, 46/2, 46/3, 47/1E, 48/1A, 48/1B, 48/2, 48/3, 48/4, 49/1, 49/2, 49/3, 50/1A, 50/1B, 50/2, 50/3, 50/4, 51/1A, 51/1B1, 51/1B3, 51/1C1, 51/1C3, 51/1D, 51/1E, 52/1, 52/2, 53, 54/1B of Ayyappanthangal Village, Sriperumpudur Taluk, Kanchepuram District.

Ref:

1. Planning Permit No:- B / MSB – IT / 38A – AC / 2012. File No:- C3/16272/13.
Dt:- 13.02.2013
2. Building Permit No:- 16 / 2013 / 14 Ir.Dt:- 23-04-2013.
3. 1st Partial CC No:- EC/Cental-1/04/2016., Dated:- 08.01.2016
4. 2nd Partial CC No:- EC/Central – 1/68/2016., Dated:- 16.03.2016

We had obtained for planning permission for 33 Residential Blocks & Club House under reference 1 cited above. Now we have completed the construction of residential Multistoried Blocks:- A1, A2, A4, A10, B6, B7, C1 & C4 in all respects and hereby apply for partial completion certificate along with the following particulars. 3rd & Final

- 1) Completion certificate application in the prescribed format (Part I, Part II and Part III)
- 2) Attested copy of the following
 - a) CMDA approved plan attested
 - b) Planning permit issued by CMDA
 - c) Building permit issued by local body
 - d) Receipt of remittance towards infra structure and Amenities charges
 - e) Receipt of remittance towards security deposit
 - f) OSR gift deed
- 3) As on site plan
- 4) Photographs of the building

Prestige Estates Projects Ltd., Top Floor, Prestige Polygon, No: 471, Anna Salai, Nandanam, Chennai – 600035
 Tel : +91 44 42924000 Fax : +91 44 42924099

Corporate & Registered Office :
Prestige Estates Projects Ltd., 'The Falcon House', No. 1, Main Guard Cross Road, Bangalore - 560 001.
 Phone : +91 80 25591080 Fax : +91 80 25591945 www.prestigeconstructions.com

DPC 1
 31/3/17

1
 SUEC



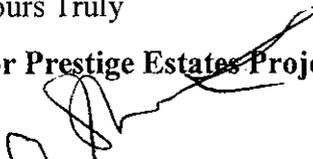
- 5) Form of Supervision – CC1
- 6) Form of Completion Certificate – CC2
- 7) Form for Undertaking by Architect – CC3
- 8) NOC- Fire and Rescue Services
- 9) NOC – Airport Authority of India
- 10) NOC – Air force
- 11) NOC – CMWSSB
- 12) Structural stability certificate.

3rd & Final

We request you kindly process our application and issue completion certificate at the earliest.

Thanking You
Yours Truly

For Prestige Estates Projects Limited,


Authorised Signatory



Prestige Estates Projects Ltd., Top Floor, Prestige Polygon, No: 471, Anna Salai, Nandanam, Chennai – 600035
Tel : +91 44 42924000 Fax : +91 44 42924099

Corporate & Registered Office :

Prestige Estates Projects Ltd., 'The Falcon House', No. 1, Main Guard Cross Road, Bangalore - 560 001
Phone : +91 80 25591080 Fax : +91 80 25591945 www.prestigeconstructions.com



ANNEXURE-5

**BEFORE THE TAMIL NADU REAL ESTATE
APPELLATE TRIBUNAL (TNREAT)**

(Tamil Nadu, Puducherry, Andaman &
Nicobar Islands)

(Under the Real Estate Regulation
And Development Act 2016)

DATED 11.08.2021

**Coram : Mr.N.Balasubramanian, Judicial Member
Ms.Leena Nair, Administrative Member**

Appeal No. 29 of 2021

M/s. Prestige Estate Projects Limited
Rep. by its Vice President Mr.Vijay Sundar Raj

... Appellant

-Vs-

Munish Malhotra

... Respondent

This Appeal was preferred against the order of Adjudicating Officer in C.C.P.No.258/2019 dated 04.12.2020. This Appeal was taken on file on 22.02.2021 and after the compliance of Section 43(5) of the Real Estate (Regulation and Development) Act, 2016, appeal was admitted and notice was ordered to respondent. After the appearance of the respondent through counsel both sides represented that matter has been settled and joint memo filed & recorded. The appellant appeared through M/s.P.V. Sajiv Kumar, S.Arjun Suresh,

B.Kishore, Apoorva Vinjamur, Noyal James, Gautham Balaji of M/s.Dua Associates and the respondent appeared through his counsel Mr. T.N.Buveneswaran. Both side counsels and parties appeared through video conferencing. The appellants sought for withdrawal of the appeal. Considering the settlement between the parties this Tribunal delivered the following:

ORDER

The complainant/respondent has preferred a complaint in C.C.P.No.258 of 2019 before the Adjudicating Officer for the relief of refund, interest, compensation and for litigation costs. After contest the Adjudicating Officer allowed the complaint in part on 04.12.2020. Aggrieved upon the same the promoter preferred this appeal. After the appearance of the respondent both parties entered into a settlement and a joint memo was filed and recorded. In view of the joint memo the appellant sought to withdraw the appeal. Considering the settlement between the parties the appellant is permitted to withdraw the appeal and this Tribunal passed the following order:

"The appellant and its counsel present in the video conferencing. The respondent and his counsel present in the video conferencing. Both the counsels filed joint memo to record settlement and also permit the appellant to withdraw the appeal and the deposited amount. The appellant company's Head - Business Operations for Tamil Nadu Mr.C.Nagaraj has signed in the joint memo, who has not signed in the appeal memorandum. This fact brought to the knowledge of the respondent's counsel and the respondent. Both the respondent and his counsel agreed for compromise and to permit the appellant to withdraw the appeal. The respondent's counsel has sent an email by



stating that he has no objection to withdraw the appeal and to withdraw the amount deposited by the appellant. Email recorded. Joint Memo recorded.

The appellant is permitted to withdraw the appeal. The appeal is dismissed as withdrawn. "

Connected Miscellaneous Application is closed.

This Order is directly dictated to the Stenographer and typed in the computer by her, corrected and pronounced by us in the open court on 11th Day of August 2021.

**Sd/- xxxx
ADMN. MEMBER**

**Sd/- xxxx
JUDL. MEMBER**

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end, positioned in the bottom right corner of the page.

**BEFORE THE NATIONAL GREEN
TRIBUNAL (SZ) CHENNAI**

IA 11/2022

in

Original Application No. 21/2021

BETWEEN

Dr. Anupkrishnan.V Applicant

VS

**Director, Ministry of Environment
Forest and Climate Change,
MOEF&CC RO(SEZ), HEPC Building,
No.34, Cathedral Garden Road,
Nungambakkam, CHENNAI
and 7 Others Respondents**

**Rejoinder Filed u/s 19 of the
National Green Tribunal Act, 2010**

**Dr. Anupkrishnan. V
Party in Person**