

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

Application No. 143 of 2022 (SZ)

Sri. V.Paramesh.
S/o. Venkatesh,
S/o. C.Subramani,
Near Om Shakthi Temple,
Belthuru Colony, Kadugodi Post,
Bengaluru - 560067

... Applicant

Vs

1. The Deputy Commissioner,
Bengaluru Urban District,
Bengaluru - 560009
2. The Commissioner,
Bruhat Bengaluru Mahanagara Palike
Bengaluru - 560002
3. The Joint Commissioner,
Bruhat Bengaluru Mahanagara Palike,
Mahadevapura Zone,
Bengaluru - 560048.
4. The Assistant Executive Engineer,
Bruhat Bengaluru Mahanagara Palike,
Mahadevapura,
Bengaluru - 560048
5. The Chairman,
Karnataka State Pollution Control Board,
Bengaluru - 560001
6. The Senior Environmental Engineer,
East Zone - Mahadevapura,
Bengaluru - 560010.
7. The Environmental Engineer,
Ro Mahadevapura,
Bengaluru - 560010

For NVR DEVELOPERS


Managing Partner

For NVR DEVELOPERS


Partner

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8. The Thasildar,
KR Puram – East Taluk,
K R Puram,
Bengaluru - 560036.

9. The Assistant Executive Engineer (lakes)
BBMP Annex Building,
Bengaluru – 560036.

10. Executive Engineer (Strom water drain department)
Mahadevapura Zone,
BBMP,
Bengaluru – 560048.

11. Assistant Engineer (Town Planning)
Mahadevapura Zone,
BBMP,
Bengaluru – 560048.

12. Assistant Revenue Officer,
Hoodi Division,
BBMP,
Bengaluru – 560048.

13. Narakkagari Venugopal Reddy,
Managing Partner,
NVR Developers,

14. Lakka Jyotheshwar,
Partner – NVR Developers,

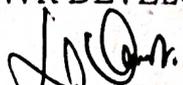
R13 & R14 are at
3rd Floor, 55 Sapthagiri Layout,
Belathur Kadugodi,
Bengaluru Urban,
Bengaluru – 560067.

... Respondents

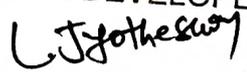
REPLY STATEMENT OF THE 13th & 14th RESPONDENT

The 13th & 14th Respondents state as follows:

For NVR DEVELOPERS


Managing Partner

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The address for service on the 13th & 14th Respondent is that their counsel M/s M.SIVAVARTHANAN, T.SENTHIL KUMAR & S.JOTHILAKSHMI Advocates at 'B-2 Rajparis' Kokilam, 14/17, Appakannu Street, Royapettah, Chennai- 600 014, Ph-9884298545, Email – sivamilton@gmail.com

1. The 13th & 14th Respondent state that the contents of Application No.143 of 2022 was read over by them and they deny all the allegations contained therein save those that are specifically admitted hereunder and the Applicant is put into strict proof of the same. It is humbly submitted that no part of the above application shall be considered to be admitted by Respondents 13 & 14 for want of specific denial.

2. The 13th & 14th Respondent state that the originally, one Sri.R.Anjinappa was the absolute owner of the lands in Survey No.31/1 measuring 18 Guntas (16 Guntas, cultivable land + 2 Guntas, Karab land) and the lands in Survey No.34/1 measuring 1-11 Guntas (1-06 Guntas, cultivable lands + 5 Guntas, Karab lands) in KUNBENA AGRAHARA Village, Bidarahalli Hobli, Bangalore East Taluk, presently under the administrative jurisdiction of Bruhat Bengaluru Mahanagara palike (BBMP). The said Anjinappa had acquired the said property through Registered Partition Deed dated 20.11.2006 registered as document No.28779/2006-07. The said R. Anjinappa had applied for conversion of the land bearing S.No.31/1, measuring 0-16 Guntas & land bearing S.No.34/1 measuring 1-11 Guntas, from Agricultural to Non- agricultural residential purposes. The said request was duly granted and the land classification was converted vide order Nos. ALN (EBK) SR 34/2018-19 & ALN (EBK) SR 35/2018-19,

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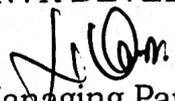
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dated 29.04.2019, by the Deputy Commissioner, Bangalore urban District. Thereafter the said Anjinappa had obtained the BBMP 'A' Katha from the Bruhath Bangalore Mahanagara Palike (BBMP) Bangalore by paying the Betterment Charges and also by paying the Taxes to the said BBMP Authority. The land conversion orders dated 29.04.2019 along with translated version is filed herewith as **Annexure-B1**.

3. The 13th & 14th Respondent state that there is no stream/rajakaluva/waterbody running through the lands in S.No.31/1 and S.No.34/1 but in the old village map a feeder canal about less than 5 meter width was marked in-between the lands in S.No.31/1 and 34/1. Therefore R.Anjinappa has filed an application to the Tahasildar, K.R. Puram, Bangalore East Taluk during August, 2019 for Shifting the Feeder Canal in the above said Survey Number of land. The taluk surveyor gave is report. Thereafter the Tahasildar considered the said application and issued notice to Land owner and also intimation letter was issued to Assistant Director of Land Records on 17.08.2019, No. LND (Authorities) CR 25/2019-20 for spot inspection and surveyed the land and submitted the report. Thereafter the feeder canal marked in-between the S.No.31/1 and 34/1 was permitted to be shifted/ re-routed along the boundary of S.No.34/1 by the Tahasildar and by the Assistant Director of Land Records and by the Land Surveyor and they all issued the Sketch for shifting of Feeder canal and it was updated in the sketch of the village. The Application by Anjinappa for shifting along with translation is filed herewith as **Annexure-B2**. The Taluk Surveyor report with translation is filed as **Annexure-B3**. The notice issued by the Tashildar along with translated version is filed herewith as **Annexure-B4**. The updated sketch signed by the all the authorities along with translated version is filed

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herewith as **Annexure-B5**. The updated sketch was later confirmed by the orders of the 1st Respondent.

4. The 13th & 14th Respondent state that the Said Anjinappa intended to develop the above mentioned property as a Multi-Storeyed Residential Apartment Building and he entered into a registered Joint Development agreement dated 06.08.2019 with 13th Respondent, registered as document No.KRI-1-04146/2019-20, stored in CD No.794 and also executed a General Power of Attorney dated 06.08.2019 registered as document No.KRI-4-00155/2019-20, stored in CD No. KRID794 both the documents are registered in the office of the Sub-registrar, K.R. Puram, Bangalore.

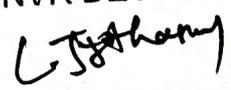
5. The 13th & 14th Respondent state that they applied for planning permission for development of the lands and obtained License and Sanction Plan duly approved by the Commissioner, BBMP, vide LP No. BMP/Ad.Com./MDP/4/0896/2019-20, dated 19.06.2020, by paying the required fees and deposits to the BBMP, Bangalore. The 13th & 14th Respondent has also obtained the Environmental clearance from the State Level Environment Impact Assessment Authority – Karnataka on 04.09.2020 and obtained the Consent for Establishment of the project from the Pollution Control Board on 23.01.2020. The Bangalore Water Supply and Sewerage Board also given their No-Objection Certificated dated 05.08.2021. The project is also registered with the Real Estate Regulatory Authority (RERA) Karnataka. The Environmental Clearance, Consent to Establish, the NoC and the RERA registration certificate are filed herewith as **Annexure-B6, B7, B8 and B9** respectively.

6. The 13th & 14th Respondent state that the revenue records are changed as per the revised classification and as per the revised sketch re-routing the feeder canal.

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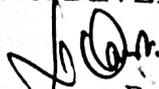

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The Development charges for the land are paid before development of the project. The extent of the karab lands (7 guntas) remains the same after reclassification of the land and after re-routing the feeder canal. There is no hindrance or obstruction to any water body/Rajakaluve/stream because of the project under taken by the 13th & 14th Respondent. The competent authority namely the Deputy Commissioner, the 1st Respondent herein has also accepted and confirmed the change of route and passed suitable order dated 03.02.2023 under the Karnataka Land Revenue Act, 1964. The A-Katha extracts and certificates for S.No.31/1 & 34/1 issued by BBMP authorities along with translation is filed as **Annexure B-10 series**. The revised settlement Akarbandh along with translation for lands in S.No.31/1 & 34/1 are filed as **Annexure B-11 & B-12**. The order of the 1st respondent dated 03.02.2023 confirming the shifting/re-routing of feeder canal along with translated version is filed as **Annexure B-13**.

7. The 13th & 14th Respondent state that they have followed all the statutory requirement for development of their housing project and they have not violated any law, rules and regulations. The Respondents have constructed the building as per the plan approved by BBMP and followed the bylaws of the concerned Town Planning Authority and also constructed the building without encroaching the Feeder Canal in the said property. As stated above the said Feeder Canal portion is reserved as it is without any encroachment and it has been shifted as per the applicable norms and with the permission and due approval by the concerned authorities. All the documents issued by the concerned Revenue Authorities for shifting the feeder canal with detailed sketch issued by concerned authority is produced before this Hon'ble Tribunal.

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8. The 13th & 14th Respondent state that 90% of their housing project is completed and in these circumstances, the Applicant has approached this Tribunal with false allegations and that too after lapse of three years from the permission granted by the authorities. The Applicant also without enquiring the concerned authority and also without obtaining proper documents from the concerned authority has filed the present application based on the Old Village Maps, The Annexure A & A1 filed by the applicant are more than 20 years old and the has not filed the updated sketch. It is submitted that all the allegations of the Applicant is baseless and liable to be rejected *inlimini*

9. The 13th & 14th Respondent state that the facts submitted in para 3.1 and in 3.2 that these Respondents are constructing permanent concrete structures by encroaching and blocking stream/rajakaluve/waterbody and its buffer zone and that they have dumped highly contaminating construction waste in the water bodies and that they have violated the environmental laws, orders of NGT & High Court are all denied as false and imaginary and the Applicant is put into strict proof of the same. The allegation that the construction of 13th & 14th Respondent is illegal and that it is a threat to environment and that the authorities are silent and colluded and failed to act are all absolute false the Applicant is put into strict proof of the same.

10. The 13th & 14th Respondent state that the allegation based on Annexure A & A1 filed by the applicant are all false and liable to be summarily rejected since they are all old maps and the Applicant is attempting to mislead this Hon'ble Tribunal by suppressing the updated sketches for the lands in S.No.31/1 & 34/1. The Applicant is well aware that the project of the 13th & 14th Respondent is duly approved by the

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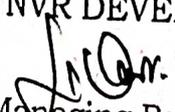

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authorities however he has made false allegation relating to encroachment of water body with an oblique motive and with a malafide intension.

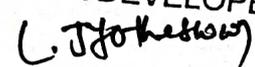
11. The 13th & 14th Respondent state that the allegation in para 3.3 of the application that a Rajakaluve flowing in S.No.31 horizontally and it is encroached by these Respondents and it is hidden without leaving space for buffer zone and that contaminating materials are dumped are denied as false, misleading and liable to rejected. As stated supra, there was no Rajakaluvae running in S.No.31 or 34 at any point of time. The entire allegation relating to Rajakalue are baseless and without any iota of truth. There is no reference about Rajakaluve in Annexure B to B3 filed by the Applicant. The Applicant has made false statement before this Hon'ble Tribunal and he is misleading this Hon'ble Tribunal.

12. The 13th & 14th Respondent state that all the annexures filed by the Applicant from C to F are all his representations and the acknowledgement letter issued by the authorities. It is submitted that the Applicant has the habit of making false complaints against various land developers to the authorities, in order to extract money from the land developers. The averments in paragraph 3.4 to 3.6 to the effect that the construction activates of 13th & 14th Respondent are illegal and that the authorities have failed to take action are denied as false and in correct and the Applicant is put into strict proof of the same. From the representations of the Applicant, it is clear that the applicant is aware of the environmental clearance, licence, plan approvals, NoC, Land Conversion, Consent for construction obtained by the 13th & 14th Respondent, but the Applicant has not challenged the same in the manner known to law and instead he is making representations to the authorities for

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cancelling the same. Thus, the Applicant in sending representations against the 13th & 14th Respondent for vested interest. It is reliably learnt that the Applicant is facing many criminal cases and he is not a person interested in protection of environment and he is misusing the legal system for unjust gain.

13. The 13th & 14th Respondent state that the allegation para 3.7 to 3.9 that the Applicant conducted spot review of the construction over the water bodies and that the 13th & 14th Respondent have illegally sold properties in S.No.28 are all denied as false, incorrect and baseless. The allegation that the 13th & 14th Respondent have obtained plan approval by concealing the water bodies and that the BBMP authorities failed to verify the documents and that the authorities violated the guidelines by collusion are all denied as false, misleading and the Applicant is put into strict proof of the same.

14. The 13th & 14th Respondent state that the averments in paragraph 3.10 of the application that these Respondents have made constructions in Survey no.28 by violating the guidelines laid down for setback, pathway and public parking space and that they have made construction of 30 feet pathway encroaching public parking only to sell the property are all baseless and incorrect and the Applicant is put into strict proof of the same. The lands in S.No.28 is a private land developed by the 13th & 14th Respondent and there is no encroachment of public land or water body. The Applicant's allegations in respect of S.No.28 proves that he wants to cause hindrance to the business activities of 13th & 14th Respondent by making baseless allegations and to confuse the buyers.

For NVR DEVELOPERS

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Managing Partner

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15. The 13th & 14th Respondent state that the allegation in paragraph 3.11 that these respondents' construction has swallowed the water body in-between S.No.31, 30 & 34 along with its buffer zone is denied as false, incorrect and the Applicant is put into strict proof of the same. Even today the water body/feeder canal of less than 5 meter width exist on ground and it is not encroached and its photographs are produced in **Annexure B-14**. The feeder canals does not require buffer zone and the 13th & 14th Respondent have constructed their buildings with proper setback therefore all the allegations of the Applicant are liable to be rejected.

16. The 13th & 14th Respondent state that that the averments in paragraph 3.12. 3.13 and in the grounds that these respondents have dumped highly contaminating construction waste in water body and that they have hampered the environmental and that they have committee crime are false and baseless. The further allegation that the 13th & 14th Respondent obtained NoC by submitting fabricated documents and that they indulged in unfair trade practices are all baseless and liable to be rejected. The Applicant has not raised any legally sustainable grounds and it is not merit consideration.

17. The 13th & 14th Respondent state that their Project is nearing completion. As stated earlier, all the requirements related to environmental issues are followed and necessary permissions are obtained from the authorities. Therefore the balance of convenience is in favour of the 13th & 14th Respondent and hence it is prayed that no interim order be granted in the facts and circumstance of the case. Any stay of the project will prejudice the interest of the 13th & 14th Respondent. It is further submitted that the applicant is not entitled to any relief claimed in the main Application since the

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construction of the housing project is carried out after proper clearance obtained from the competent authority.

For the reasons state above it is prayed that this Hon'ble Tribunal may be pleased to dismiss the above Application with cost and thus render Justice.

Dated at Chennai this the 19th day of February, 2023

For NVR DEVELOPERS


Managing Partner

For NVR DEVELOPERS


Partner


COUNSEL FOR 13th & 14th RESPONDENT

13th & 14th RESPONDENT

VERIFICATION

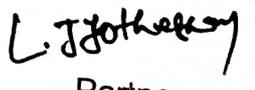
We, Narakkagari Venugopal Reddy, Managing Partner, NVR Developers & Lakka Jyotheshwar Partner, NVR Developers, the 13th & 14th Respondent herein do hereby verify that the contents of the above paragraphs are true to the best of our knowledge and based on legal advice and we have not suppressed any material facts.

Verified at Chennai this the 19th day of February, 2023

For NVR DEVELOPERS


Managing Partner

For NVR DEVELOPERS


Partner

13th & 14th RESPONDENT

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

Application No. 143 of 2022(SZ)

Sri Paramesh
Bengaluru - 560067

... Applicant

Vs

The Deputy Commissioner
Bengaluru urban District
And 13 others

... Respondents

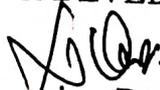
VERIFIED AFFIDAVIT OF NARAKKAGARI VENUGOPAL REDDY

I, Narakkagari Venugopal Reddy, S/o Venkatarama Reddy Hindu, aged about 49 years, having office at NVR Developers, 3rd floor, 55, Saphthagiri Layout, Belathur Kadugodi, Bengaluru Urban, Bengaluru – 560067, now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:

1. I am the Managing Partner of the 13th Respondent herein and I am authorised to file this affidavit on behalf of the 13th Respondent and I am acquainted with the facts of the case from the files and records available with the 13th Respondent.

2. I state that the contents in paragraph 1 to 17 of the reply statement of the 13th & 14th Respondent filed in the above Application is hereby verified as true and correct and I have not suppressed any facts.

For NVR DEVELOPERS


Managing Partner

Solemnly affirmed at Chennai
this the 19th day of February, 2023 and
signed his name in my presence

)(
)(BEFORE ME
)(


3157107

Advocate, Chennai
No. 475, New Adell. Cross, Chennai High Court
Chennai

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

Application No. 143 of 2022 (SZ)

Sri Paramesh
Bengaluru - 560067

... Applicant

Vs

The Deputy Commissioner
Bengaluru urban District
And 13 others

... Respondents

VERIFIED AFFIDAVIT OF LAKKA JYOTHESWAR

I, Lakka Jyotheshwar, S/o. Lakka Nagaraja Hindu, aged about 39 years, having office at NVR Developers, 3rd floor, 55, Sapthagiri Layout, Belathur Kadugodi, Bengaluru Urban, Bengaluru – 560067, now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:

1. I am the 14th Respondent herein and I am acquainted with the facts of the case from the files and records available with the 13th Respondent.

2. I state that the contents in paragraph 1 to 17 of the reply statement of the 13th & 14th Respondent filed in the above Application is hereby verified as true and correct and I have not suppressed any facts.

For NVR DEVELOPERS

L. Jyotheshwar

Partner

Solemnly affirmed at Chennai
this the 19th day of February, 2023 and
signed his name in my presence

)(
)(
)(
)

BEFORE ME

M. S. Srinivasan
3157/08

Advocate, Chennai

No. 475, New Addl. Court Building
1st floor, New Addl. Court Building, Chennai

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

Application No. 143 of 2021 (SZ)

Sri Paramesh
Bengaluru - 560067

... Applicant

Vs

The Deputy Commissioner
Bengaluru urban District
And 13 others

... Respondents

**REPLY STATEMENT OF THE 13th & 14th
RESPONDENT**

Ms.M.Sivavarthanan(Ms.1255/2007)
T.Senthilkumar(Ms.605/2014)
COUNSEL for R 13 & R14
9500078679