

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**SOUTHERN ZONAL BENCH AT CHENNAI**  
**ORIGINAL APPLICATION No.149 OF 2016**

**IN THE MATTER OF:**

V. Ramasubbu (Advocate)  
Door No. 48/17, Theppakulam Street, Srivaikundam

... Applicant

**-VERSUS-**

Union of India  
MOEF&CC, Government of India,  
New Delhi & Others

... Respondents

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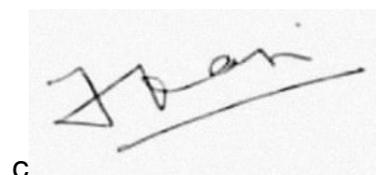
<b>S No.</b>	<b>Particulars</b>	<b>Page. No.</b>
1.	Rejoinder on behalf of Respondent No. 9, M/s Bahri Estates Private limited. to the Reply filed by Respondent No. 4, SEIAA, Tamil Nadu dated 02.01.2017 alongwith affidavit	

**DATE: 21 .02.2022**  
**PLACE: New Delhi**

**DRAWN AND FILED BY:**



**Sanjay Upadhyay, Kamlesh Kannan,**  
**Saumitra Jaiswal, Mansi Bachani**  
**& Nitya Tadakamalla**  
Advocates for the Respondent No. 9  
29, Presidential Estate  
Nizamuddin East  
Delhi -110013



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V. Ramasubbu (Advocate)

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**-VERSUS-**

Union of India

Represented by its Secretary

MOEF&CC, Government of India,

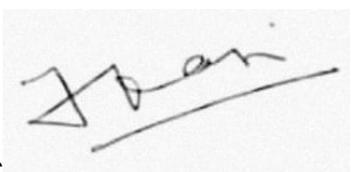
New Delhi & Others

... Respondents

**REJOINDER ON BEHALF OF RESPONDENT NO.9, M/S BAHRI  
ESTATES PRIVATE LIMITED. TO THE REPLY FILED BY RESPONDENT  
NO. 4, SEIAA, TAMIL NADU DATED 02.01.2017**

MOST RESPECTFULLY SHOWETH:

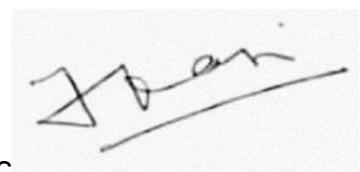
1. That the present Respondent has filed the present Rejoinder to respond to the Reply dated 02.01.2017 filed by the Respondent No.4 – SEIAA, Tamil Nadu.
2. That at the outset the present Respondent denies all contentions raised by the Respondent No.4 – SEIAA, Tamil Nadu under its reply dated 02.01.2017 unless specifically admitted herein below.

  
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3. That is also submitted that even though the Respondent No. 4 under the corresponding reply dated 02.01.2017 had alleged the case of the present Respondent to be a violation case under the EIA Notification 2006, however the said stand has now been corrected by them under their written submission dated 11.09.2021 wherein it has been categorically submitted that no EC was required by the present Respondent for the project in question as the said project has always been 49.31 ha, which is less than 50 ha.
4. That however, the present Respondent has filed the present rejoinder against the earlier submission of Respondent No. 4 made in reply dated 02.01.2017 and the submission made herein are exclusively limited to the said reply. That the present Respondent thereby submits that the subsequent stand of the Respondent No. 4 made under its written submission dated 11.09.2021 are correct as the same represents the actual implication of the law and the present Respondent thereby agrees with the observations made therein.
5. That in view of the above, the content of the previous affidavit under Reply dated 02.01.2017 is denied in toto and para-wise rebuttal is not being given for the sake of brevity. However, some preliminary submissions may be taken on record by this Hon'ble Tribunal for the better appreciation of the matter in hand.

**Preliminary Objections:**

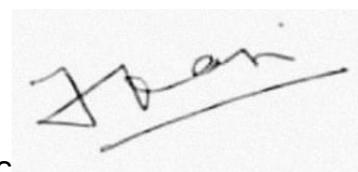
6. That the present Respondent submits that the project in question has been developed by present Respondent as a plotted layout development, over an area of 49.31 ha, which has been executed for providing retirement homes



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for old age people, away from bustling cities so as to avail a clean, green, environmentally friendly and peaceful place for living.

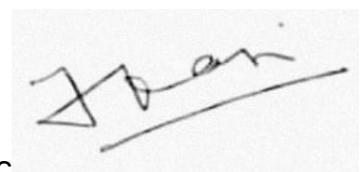
7. That it is pointed out that, the present Respondent has not undertaken any township development project which involves end to end construction of all buildings, shopping centers, hospitals, villas proposed in the project but has undertaken a plotted development project wherein an area of 49.31 ha has been developed into plots and for which only road infrastructure, water pipelines and such other amenities has been laid by present Respondent. That the said fact is evident from approval granted by the Directorate of Town and Country Planning vide their letter dated 09.03.2009 approving an area of 49.31 ha for the said plotted development project.
8. It is pertinent to mention that the construction of any infrastructure/building on these carved out plots are not the responsibility of the present Respondent but of the purchased plot owners to whom these plots are sold. That, therefore, each construction which is undertaken by the said owners on their newly bought plots would constitute a new project in itself in the eyes of law and the same cannot be included in the plotted development project of the present Respondent. Therefore any construction which is undertaken on such sold plots cannot be added to the built -up area of the infrastructure built by the present Respondent on the said plotted development project.
9. That it is submitted that even though various plots under the said plotted development project has been demarcated for various purposes, which includes hospital, Education institution, Resort among others, however, no activity on these plots has been started till date and the plots are still lying

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vacant. That the only plots wherein constructions has been undertaken and many of which have been completed are the houses which are erected by the purchased plot owners by themselves through construction agencies and the same are not within the ownership of the present Respondent. However, the only construction which falls under the ownership of the present Respondent is the Club house and a few villas having a total built-up area of 6000 Sq mts. of which the former is still not completed.

10. That considering the above-mentioned facts it is evident that the project of the present Respondent neither falls under Item 8(a) (Building & Construction) nor Item 8(b) (Township & Area Development Project) to the Schedule to the EIA Notification 2006. That Item 8(a) cover only those projects which have built up area of more than 20,000 sq meters and less than 1,50,000 sq meters, therefore, given the fact that the total built up area which has been constructed by the present Respondent under his ownership till date is far lesser than 20,000 sq meters, the projects does not get covered under the said item. Further Item 8(b) covers only those projects which are of more then 50 ha or which are having built up area of more than 1,50,000 sq meters, therefore, the project of the present Respondent does not gets covered under this item too as the total area of the project is 49.31 ha and the built -up area constructed by the present Respondent is far less than the margin of 1,50,000 sq meters.

11. That, therefore, the said project constructed till date does not get covered under the EIA Notification 2006 and hence no violation of the same has taken place.

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submitted that no EC is/was required for the said project, thus correcting their submissions in their Reply dated 02.01.2017.

**DATE: 21.02.2022**

**PLACE: Chennai**

**DRAWN AND FILED BY:**



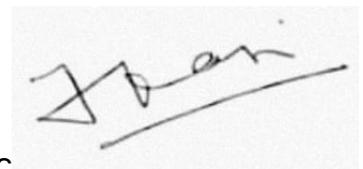
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.... Applicant

Versus

1. Union of India

Rep. by its Secretary

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... Respondents

**AFFIDAVIT**

Hemant Bahri, S/o Late J.N. Bahri, aged about 58 years old, am the Managing Director of M/s Bahri Estates Private Limited, having office at Jamals Nainar Enclave, 2nd Floor, 44, Eldams Rd. Alwarpet, Chennai, Tamil Nadu 600018, do hereby solemnly affirm and declare as under:

1. That I am well conversant with the facts and circumstances of the case and duly authorized to sign the present affidavit on behalf of Respondent No. 9 and hence competent to swear this affidavit.
2. That the contents of the accompanying rejoinder are true and correct to my knowledge based on the records available and the same has been drafted under my instructions.
3. That the Annexures in the accompanying Rejoinder on behalf of Respondent No. 9 are true and correct to the best of my knowledge.



DEPONENT

**VERIFICATION**

I, the above- named deponent, do hereby solemnly affirm and verify that the contents of the above paras of the Affidavit are true and correct to the best of my knowledge and belief, and that nothing has been concealed therefrom.

Verified at Chennai on 21<sup>st</sup> day of February, 2022.



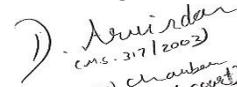
DEPONENT

Solemnly affirmed

on this the 21<sup>st</sup> day of February, 2022,

at Chennai

BEFORE ME



(104, Law Chamber  
Madurai High Court)

ADVOCATE