

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE**O.A No.158 OF 2020****BETWEEN**

Sri Srinivas Prabhu Kumble

...Applicant

-VS-

The Senior Environmental Engineer,
Karnataka State, Pollution Control Board
And Three others

... Respondents

REPLY FILED BY THE SECOND RESPONDENT**The Second Respondent submits as follows:-**

- 1) The Second Respondent within whose jurisdiction the subject property is situated is Medical officer of Health, Govindaraja Nagar, Sub-Division, Brihit Bangalore Mahanagara Palike.
- 2) The Second Respondent states he has read the Memorandum of Application filed by the Applicant and he is well acquainted in the facts of the case.
- 3) The Second Respondent at the outset denies all the allegations and averments contained in the application as against the Second Respondent except those that are admitted hereunder and puts the applicant to very strict proof of the rest.
- 4) With reference to Paragraph 4 the second Respondent states that the averments made therein that, an office complex building is constructed on the property bearing No.2, First Main Road, Industrial Town, Rajajinagar, West of Chord Road, Bangalore and the building has been constructed by the owner of the property namely Bindu Ventures and the same building has multiple floors, may be true and the Applicant is put strict proof of the same.



- 5) With reference to Paragraphs 5 & 6 the second respondent states that the averments made therein that the first applicant has purchased the office unit at No.301, 3rd floor, of the above said complex vide Sale Deed dated 26/2/2017 and he is carrying on the business of providing training in software, corporate training and financial consultant activities, etc. and the Second Applicant has purchased office unit No.304 vide sale deed dated 22/6/2017 and he let out to M/s Deccan Group, and in the said office 15 employees are working may be true and the Applicants are put to strict proof of the same.
- 6) With reference to Paragraph 7 the Second Respondent states that the averments made therein that third and fourth Respondents are occupying the office unit No.303, third floor, in the very same building and they are running a Chartered Accountant Office in the said unit has placed two generator in the corridor of the third floor, may be true and the applicants are put to strict proof of the same.
- 7) With reference to Paragraph 8 the Second Respondent states that he is not aware of the various litigations pending between the Third and Fourth Respondents with the owners of the building and the applicants are put to strict proof of the same. The Applicants are also put to strict proof the other averments and allegations contained therein.
- 8) With reference to Paragraph 9 the Second respondent states that averments made in this para are false. It is submitted that, the entire building constructed by the owner of the building is in



violation of the sanctioned plan and therefore, the BBMP has initiated proceedings under Sec.321 of Karnataka Municipal Corporation Act, 1976, directing the owner of the building to remove the deviated portions of the building. Feeling aggrieved by the demolition order, the owner has preferred an appeal before the Karnataka Appellate Tribunal, at Bangalore, wherein the Hon'ble Tribunal was pleased to pass an order of stay of the said section 321 of the Karnataka Municipal Corporation Act 1975 proceedings, vide order dated 22/6/2018, in Appeal No.320/2018 and the Hon'ble Tribunal further directed the parties to maintain status quo in respect of the property in question. The second Respondent states that Occupation Certificate has not been issued to the said building. Since no occupation certificate is issued, no permanent electricity connection is provided. The occupiers including the Applicants and the third and fourth Respondents are illegally running the business without obtaining the valid license.

- 9) With reference to Paragraph 10 the Second Respondent states since the status quo order is operating in respect of the entire property in question, the officials of the BBMP are not able to take action against the occupiers, who have violated the constructions by erecting some metal sheets in the parts of the building. BBMP has several times warned the occupiers including the respondent No.3 and 4 not use generators and to leave open spaces for free light and air.
- 10) With reference to Paragraph 11 the Second Respondent states that BBMP has not received any complaint from the Applicants to take action against the third and fourth Respondents.

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- 11) With reference to Paragraph 12 the Second Respondent states that the averments and allegations made in this para are false and this pertains to respondent No.1. BBMP has not received any complaint against the third and fourth Respondents averred in this para.
- 12) With reference to paragraph 13 the Second Respondent states that the averments contained therein are concerned with the third and fourth Respondents and hence no specific reply is given.
- 13) The Second Respondent states that it is pertinent to point out that in the Memorandum of Application the Second Applicant is not shown as an Applicant. However it is submitted that, the applicants themselves have been running the business in the said building without having necessary permission from the BBMP and the third and fourth Respondents are also running the office without taking necessary permission from the BBMP. Therefore, the Health Officer, Govindrajanagar Sub- Division, BBMP inspected the building and has issued notices to all the occupiers of the building including in the respondents No.3 and 4 on 11/12/2019 to submit the necessary documents to the office within seven days from the date of the notice and issued reminders also. In spite of the notices, the third and fourth Respondents failed to comply the same. It is the duty of the first respondent Pollution Control Board to take action about the noise and sound pollution causing by the third and fourth Respondents.
- 14) It is therefore prayed that in the above circumstances this



Hon'ble Tribunal may be pleased to dismiss the above application with exemplary costs and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Dated at Chennai on this the ____ day of January 2021

JWS

Counsel for Second Respondent

VERIFICATION

I, Dr. Rajendra Medical officer of Health, Govindarajanagar, Sub Division, Bruhath Bangalore Mahanagara Palike the Respondents above named do hereby declare and verify that what are stated in above Paragraphs 1 to 14 are true to the best of our knowledge, belief and information.

Verified at Chennai on this the 21st day of January 2021

JWS

Counsel for Second Respondent

Second Respondent
Medical Officer of Health
Govindaraja Nagara Range
Bruhath Bangalore Mahanagara Palike
22/01/21