

BEFORE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI.

O.A.No.37 OF 2023 (SZ)

Sri.Paramesh.V

...Applicant

-Vs-

The Deputy Commissioner
& others

...Respondents

INDEX

S.NO.	DESCRIPTION	PAGE NO.
1.	ACTION TAKEN REPORT FILED BY THE 5 TH TO 7 TH RESPONDENT – KARNATAKA STATE POLLUTION CONTROL BOARD	1
2.	NOTICE SENT TO THE PROJECT AUTHORITY FROM KSPCB ON 07.01.2023	3
3.	REPLY FROM THE PROJECT AUTHORITY FOR THE NOTICE SENT BY THE KARNATAKA POLLUTION CONTROL BOARD ON 03.03.2023	4
4.	REPLY TO THE LEGAL NOTICE BY THE KARNATAKA POLLUTION CONTROL BOARD	5

Dated at Chennai on this the 3rd day of July, 2023



COUNSEL FOR 5th TO 7th RESPONDENT

Regional Office: Bangalore - Mahadevapura
Karnataka State Pollution Control Board
"NISARGA BHAVAN", 3rd Floor, Thimmaiah Road,
7th 'D' Cross, Shivanagar, Bangalore - 560 079.
Phone : 080-23224002
E-mail : bngmdpura@kspcb.gov.in

ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ :
ಬೆಂಗಳೂರು -ಮಹದೇವಪುರ
"ನಿಸರ್ಗ ಭವನ",
3ನೇ ಮಹಡಿ, ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ,
7ನೇ "ಡಿ" ಮುಖ್ಯರಸ್ತೆ, ಶಿವನಗರ,
ಬೆಂಗಳೂರು- 560 079.

ಕರ್ನಾಟಕ ರಾಜ್ಯ
ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ



towards a cleaner Karnataka

Date: 20 MAY 2023

No. KSPCB/RO-Mahadevapura/2023-24/209

To
The Senior Environmental Officer
Infra-Cell
KSPCB, Parisara Bhavan
Bengaluru-01

Respected Sir,

Sub: Forwarding the latest inspection report of proposed Mixed Use Development Project by M/s. Sai Sravanthi Infra Pvt. Ltd at Sy. No.23, 22, 21/1, 21/2, 21/3, 124 & 125 of Seegehalli village, Bidarahalli Hobli, Bangalore East Taluk pertaining to RO-Mahadevapura jurisdiction-reg

Ref: 1. Hon'ble NGT order dated 21.04.2023 w.r.t OA no.37/2023 (SZ)
2. Inspection of the above said project by the undersigned along with DEO of this office on 19.05.2023

With reference to the above, it is brought to your kind notice that, the proposed Mixed Use Development Project by M/s. Sai Sravanthi Infra Pvt. Ltd at Sy No.23, 22, 21/1, 21/2, 21/3, 124 & 125 of Seegehalli village, Bidarahalli Hobli, Bangalore East Taluk in the name of "Pavani Mirabilia" was inspected on 19.05.2023 in view of Hon'ble NGT order vide above reference (1) & (2). The inspection report of the same is herewith forwarded for your kind reference and further needful.

Yours faithfully

Sd/-
Environmental Officer
KSPCB, Mahadevapura

Copy to:

1. Law Officer, Legal Cell, Parisara Bhavan, KSPCB, Bengaluru for kind information.
2. Office copy.

Environmental Officer
KSPCB, Mahadevapura



**Inspection Report of Sri. D.P.Mahendra, Environmental Officer, Regional Office –
Mahadevapura, KSPCB, Bengaluru**

Date of inspection	19.05.2023
Staff accompanied	Smt.Rathi.A.R-DEO
Name and address of the project inspected	Mixed Use Development Project by M/s. Sai Sravanthi Infra Pvt. ltd at Sy No.23, 22, 21/1, 21/2, 21/3, 124 & 125 of Seegehalli village, Bidarahalli Hobli, Bangalore East Taluk.
Representative of the project present	Sri.Ravindra-General Manager

Preamble:

- Ref: 1. CFE issued by the BO vide no.414 dated 19.04.2022
2. This office letter vide no.1387 dated 07.01.2023
3. P/A reply letter received at this office on 03.03.2023
4. This office letter to the Advocate vide no.14 dated 10.04.2023
5. Hon'ble NGT order dated 21.04.2023 w.r.t OA no.37/2023 (SZ)

M/s. Sai Sravanthi Infra Pvt. Ltd has obtained CFE (Consent for Establishment) from the Board for construction of Mixed use development Project at Sy Nos. 23, 22,21/1,21/2,21/3,124 & 125 of Seegehalli village, Bidarahalli Hobli, Bangalore East Taluk, Bangalore Urban District, Karnataka State vide ref (1) with a condition that the applicant shall earmark buffer distance as per the bylaws of the local planning authority (at page 4 of additional conditions).

Later, based on the legal notice received at this office from A.S Brinda, Advocate against the above said project, this office had addressed a letter to the P/A vide ref (2) wherein the P/A was directed to submit the compliance w.r.t legal notice. Copy enclosed. In response to this, the P/As have submitted reply to this office on 03.03.2023 vide ref (3) stating that, they have obtained draft modified development plan approval from BDA dated 21.05.2020 & 22.05.2020 and also maintaining buffer zone of 15m from the central line of nala in sy.no.124 & 125. Also have stated that, as per revenue documents walking path (kaludari) and saravu which passes in sy.no.23 has been changed to either side of the project site. Along with the letter, they have submitted copy of DC order dated 20.08.2018 w.r.t path change of kaludari and saravu kharab area and development plan copy approved from BDA dated 29.01.2021. Copy enclosed.

Later, based on the P/As reply, this office had addressed a letter to A.S Brinda, Advocate as a reply to the legal notice vide ref (4) stating the facts provided by the P/A. Copy enclosed.

Subsequently, based on P/As reply and in view of Hon'ble NGT order dated 21.04.2023 w.r.t OA no.37/2023 (SZ), the project was inspected by the undersigned along with DEO of this office on 19.05.2023 and following observations were made:

1. Construction work was under progress viz., taken up Phase-I project.
2. P/A has installed Ready Mix Concrete (RMC) plant within the premises. On verification with the modified BDA approved development plan, the location of RMC plant is placed in nala buffer zone towards north side. The same has to be shifted immediately.
3. The nala buffer portion towards south side has been dug up and not maintained natural terrain

for nala buffer. On enquiry, Sri. Ravindra-General Manager who was present during inspection informed that, after the construction work the earlier nala terrain will be resumed back as present before.

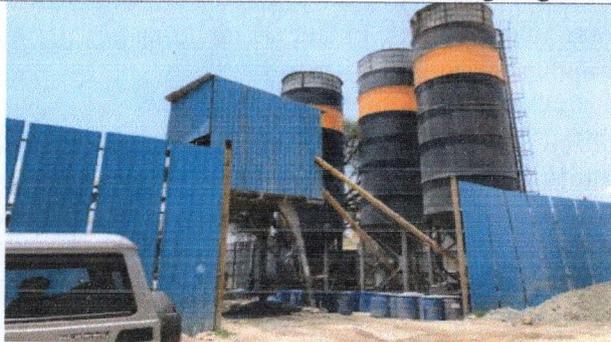
4. Water sprinkling was not being carried out for dust suppression as per CFE condition.

Hence, in view of the above said non-compliances, this office has issued show-cause to the P/A vide no.206 dated 20.05.2023 informing them to immediately start the water sprinkling system for effective dust suppression and clear the nala area. Copy enclosed.

Photographs taken during inspection on 19.05.2023



Ongoing construction activity



RMC plant

Remarks of RO:

The latest inspection report along with copy of show-cause notice issued by this office is herewith forwarded to BO for further necessary action as the Hon'ble NGT OA no.37/2023 pertaining to this project is coming up for hearing on 24.05.2023.


Environmental Officer
RO-Mahadevapura
KSPCB, Bangalore



// BY RPAD //

towards a cleaner Karnataka

No. PCB /RO- MDP/Sai Shrvanthi Infra Projects Pvt Ltd/Notice/2022-23/

1387

Date:

07 JAN 2023

DESPATCHE

To,
Sri. P.V.Raghava Rao- Authorised Signatory.
M/s. Mista Infra Pvt ltd,
S. V. Square, 5th Floor, No.8-2-293/82/A/796-B,
Road No. 36, Jublee Hills,
Hyderabad- 500 033.

Sir,

Sub: Non-Compliance under the provisions of Water (Prevention and Control of Pollution) Act, 1974 w.r.t. your Residential apartment under construction in the name of M/s. Sai Srvanthi Infra Pvt ltd at Sy No.23, 22, 21/1, 21/2, 21/3, 124 & 125 of Seegehalli village, Bidarahalli Hobli, Bangalore East Taluk-reg.

Ref: 1. CFE issued from the Board vide consent order No. CTE-331068 with PCB ID: 107230 dtd. 29.04.2022.
2. Complaint received by this office from Advocate Mrs Brinda A.S. on 28.11.2022.

With reference to the above subject, it is to be informed that, the Board has issued a consent for establishment of your residential apartment in the name M/s. Sai Srvanthi Infra Pvt ltd at Sy No.23, 22, 21/1, 21/2, 21/3, 124 & 125 of Seegehalli village, Bidarahalli Hobli, Bangalore East Taluk vide ref(1) with a condition that the applicant shall earmark buffer distance as per the bylaws of the local planning authority. However, this office has received a complaint from Advocate Mrs Brinda A.S. through registered post and the same has been received by this office on 28.11.2022 and they have alleged that "Sai Srvanthi Infra Proejects Pvt Ltd apartment building in the name of " Pavani Mirabilia" have encroached the WATER BODY along with its BUFFER ZONE and attempt to construct the building on the water body, the copy of the complaint letter is herewith enclosed for reference.

In view of the above said facts, you are hereby directed submit the compliance within 7 days time, failing which action will be initiated as per the provisions of Water(Prevention and Control of Pollution)Act,1974 by revoking the CFE issued to you for construction of your residential apartment at the said premises.

Encl: As above.

Yours faithfully,


Environmental Officer
RO-Mahadevapura.



Sai Sravanthi Infra Projects Pvt. Ltd.

• Bangalore • Chennai • Hyderabad • Nellore • Vijayawada

To,

The Environment Officer,

K S P C B , RO – Mahadevapura,

Bangalore – 560079.

Respected Sir,

Subject : Submitting replay for your notice No. 1387 dated 07-01-2023 with respect to construction of residential apartment by Sai Sravanthi Infta Projects Pvt Ltd.

Reference : Your letter No. 1387 dated 07-01-2023 with reference to the above subject I am here with submitting replay in respect of your notice issued on 07-01-2023 to Sai Sravanthi Infra Projects at Sy No. 23, 22, 21/1, 21/2, 21/3, 124 and 125 seegehalli village, Bidharahalli Village Hobli , Bangalore east taluku.

We have obtained development plan from BDA dated 21-05-2020 and 22-05-2020. Accordingly as mentioned buffer zone as per law of local planning Authority (B.D.A) copies of approved development plan attached for your reference. Further we are also maintaining the buffer zone of 15 mtr from central line of the Nala in Sy No. 124, 125.

As per the revenue documents walking path (Kaldhari) and saravu which passes in Sy No. 23 of seegehalli which has been changed to either side of project site respectively copy of revenue document dated 20-08-2018 is attached.

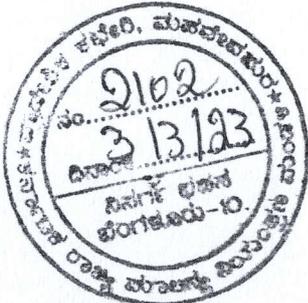
As per advocate complaint as you have mentioned in your notice, we have not encroached any water body along with its buffer zone.

In view of above please stop further proceedings to take against our project.

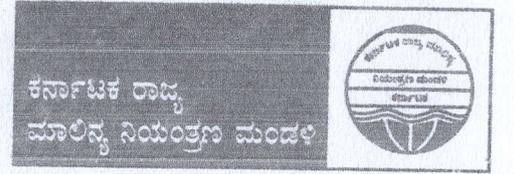
Enclosed of as above,

- Approved B D A Development Plan
- Revenue document 2008 – 2018
- B D A approved Site Plan

07-01/23
M
4/3/23



Your's Faithfully



towards a cleaner Karnataka

// BY RPAD //

No. PCB /RO- MDP/2023-24/14

Date: 70 APR 2023

To
A.S.Brinda
Amritha Law Associates
Advocate & Legal Consultant
No.21, 7th A Main Road,
3rd Block, Thyagarajanagara,
Bengaluru-560070

DESPATCHED

Sir,

Sub: Reply to the legal notice-reg.

Ref: 1. Legal notice dated 16.11.2022 served to this office
2. This office letter vide no.1387 dated 07.01.2023
3. Reply letter of the P/A received at this office on 04.03.2023

With reference to the above subject, it is to be informed that, this office had received a legal notice from Advocate Mrs. Brinda A.S wherein it is reported that "Sai Sravanthi Infra Projects Pvt. Ltd apartment building in the name of "Pavani Mirabilia" at Sy No. 21/1, 21/2, 21/3, 22, 23, 124 & 125 of Seegehalli village, Bidarahalli Hobli, Bangalore East Taluk have encroached the WATER BODY/STORM WATER DRAIN along with its BUFFER ZONE and attempt to construct the building on the water body.

In this regard, it is to be informed here that, the Board has issued Consent for Establishment to M/s. Sai Sravanthi Infra Pvt. Ltd for mixed use development project at Sy. No.23, 22, 21/1, 21/2, 21/3, 124 & 125 of Seegehalli village, Bidarahalli Hobli, Bangalore East Taluk vide no.CTE-331068 dated 29.04.2022 with a condition that the applicant shall earmark buffer distance as per the bylaws of the local planning authority (at page 4 of additional conditions). Copy enclosed.

The main issue in the legal notice is related to the encroachment of water bodies/storm water drain for which revenue authority has to answer.

However, based on the legal notice received, this office had addressed a letter to M/s. Sai Sravanthi Infra Pvt. Ltd vide ref (2) directing them to submit the compliance w.r.t legal notice. In response to this, the P/A has submitted their reply to this office on 04.03.2023 vide ref (3) stating that, they have obtained ~~copy~~ modified development plan approval from BDA dated 21.05.2020 & 22.05.2020 and also maintaining buffer zone of 15m from the central line of nala in sy.no.124 & 125. Also they have stated that, as per revenue documents walking path (kaludari) and saravu which passes in sy.no.23 has been changed to either side of the project site. Along with their letter, the P/A has submitted copy of DC order dated 20.08.2018 w.r.t path change of kaludari and saravu kharab area development plan copy approved from BDA dated 29.01.2021. Copy enclosed for your kind reference.

The above said information is herewith furnished as a reply to your legal notice.

Encl: As above.

Yours faithfully
Sd/-

**Environmental Officer
RO-Mahadevapura**

Copy to:

1. SEO-BNG-EAST, 3rd floor, Nisarga Bhavan, KSPCB Bengaluru for kind information and this is in respect to your office memo no.146 dated 23.11.2022.
2. Office copy

**Environmental Officer
RO-Mahadevapura**