



## State Level Environment Impact Assessment Authority-Karnataka

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

No. SEIAA 5 EAA 2017

Date: 24.11.2020

To,

The Registrar,  
National Green Tribunal  
Faridkot House, Copernicus Marg  
New Delhi-110001

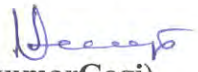
Respected Sir,

**Sub:** Submission of Report as per order dated 05.03.2020 of Hon'ble National Green Tribunal (SZ) in the OA No 180 of 2017 (SZ) & Appeal No 20 of 2019 filed by Sri. S. K Vijaya Kumar and Others V/S Union of India and Others- Reg

\* \* \* \* \*

This has reference to the order dated 05.03.2020 of Hon'ble National Green Tribunal (SZ) in the OA No 180 of 2017 & Appeal No 20 of 2019 (SZ) filed by Sri. S. K Vijaya Kumar and Others V/S Union of India. Where in Hon'ble NGT have Constituted a Joint Committee with SEIAA, Karnataka as Nodal Agency to inspect the area in question i.e Doddaballapura KIADB Industrial Area 3<sup>rd</sup> Phase and submitting the Report. Accordingly, the said site was inspected by the Joint Committee on 22.10.2020. The report of the joint Committee is enclosed for kind perusal of the Hon'ble National Green Tribunal (SZ) Chennai.

Yours faithfully,

  
(Vijayakumar Gogi)  
Member Secretary  
SEIAA.

**REPORT OF THE JOINT COMMITTEE IN THE MATTER OF O.A No 180 OF 2017 (SZ) WITH APPEAL NO 20 OF 2019 (SZ) SUBMITTED BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI, AS PER ORDERS DATED 05.03.2020.**

**1.0 PREAMBLE**

In the Original Application No. 180 of 2017 (SZ), filed by Sri S.K Vijay Kumar and Ors. Vs UOI & Ors, the Hon'ble National Green Tribunal (NGT), Chennai issued Orders on 05.03.2020 with the following directions:

*“28. There is no material before this tribunal as to whether the allegations in the application have been substantiated or Not. In order to ascertain as to whether the allegations in the applications are correct and whether there was any violation of conditions imposed either in the environment clearance or in the consent to establish issued in favour of the fifth respondent unit, we feel it appropriate to appoint a Joint Committee comprising of a 1) Senior officer from Regional Office, Ministry of Environment, Forest and Climate Change (MoEF&CC), Bangalore, 2) Senior officer from State Environment Impact Assessment Authority (SEIAA), of State of Karnataka and the Karnataka State Pollution Control Board to inspect the area in question and submit a factual and action taken report regarding the allegations made in the application including the siting criteria and also existence of any eco-sensitive areas within the prohibited distance of the unit as alleged by the petitioner as per Notification dated 18.11.2003 of Government of Karnataka and if there is any violation, what is the action taken by them and submit a factual and action taken report to this tribunal within a period of two months.*

*29. State Environment Impact Assessment Authority Bangalore shall be the nodal agency for coordination and also for co-ordination and for providing all necessary logistics for purpose”.*

The Hon'ble Tribunal while considering the request made for extension of time for submission of report due to the pandemic situation prevailing in the State of Karnataka, granted further time up to 01.12.2020 vide order dated 02.11.2020 for submission of the report.

Pursuant to the request made by the State Environment Impact Assessment Authority, Karnataka, the concerned Department/Authority have nominated the officers to the joint committee. Accordingly, the Joint committee was constituted.

|   |                                                                                                                |                                                                                                                                                                                                                                         |
|---|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | A Senior officer from Regional Office, Ministry of Environment, Forest and Climate Change (MoEF&CC), Bangalore | Sri.E.Thirunanavukkarasu, Scientist E, Ministry of Environment, Forest and Climate Change (MoEF&CC), 4 <sup>th</sup> Floor, 17 <sup>th</sup> Main Road, Block II, KendriyaSadan, Koramangala, Bangalore-560034.<br>Mobile No:7290835157 |
| 2 | A Senior officer from Karnataka State Pollution Control Board                                                  | Sri.Siddaramaiah C Senior Environmental Officer, Zonal Office, Bangalore North<br>Mobile No:9845311539                                                                                                                                  |
| 3 | A Senior officer from State Environment Impact Assessment Authority (SEIAA), Karnataka                         | Sri. Kiran Kumar. B.S Scientific Officer Grade-1, Department of Forest, Environment and Ecology, 7 <sup>th</sup> Floor, Room No-706, 4 <sup>th</sup> Gate, M.S. Building, Bangalore-560001<br>Mobile No: 9844464546                     |

## **2.0 Terms of Reference for the Joint Committee:**

1. To inspect the area in question and submit a factual and action taken report regarding the allegations made in the application including the

siting criteria and also existence of any eco-sensitive areas within the prohibited distance of the unit as alleged by the petitioner as per Notification dated, 18.11.2003 of Government of Karnataka and

2. If there is any violation, what is the action taken by them and submit a factual and action taken report

### **3.0 INSPECTION BY THE JOINT COMMITTEE**

The Joint Committee inspected the project site on 22.10.2020. The project proponents, KIADB and the applicant were also invited to accompany the Joint committee during inspection.

The following committee members were present.

1. Sri.Siddaramaiah C, Senior Environmental Officer, Karnataka State Pollution Control Board, Zonal Office- Bangalore North.
2. Sri. E.Thirunavukkarasu, Scientist 'E', Integrated Regional Office, Ministry of Environment, Forest and Climate Change, Bangalore.
3. Sri. Kiran Kumar B S, Scientific Officer Grade-I, State Environment Impact Assessment Authority, Department of Forest, Ecology and Environment, Government of Karnataka.

The officials of M/s KIADB present during the day of inspection are:

1. Sri. Sridharan, ACDO
2. Sri.Sadanada Acharya, JDTP
3. Sri. K.S Kumarappa, AEE
4. Sri. C.N. Murthy, Executive Engineer
5. Sri.M.Y.Srikanth, Assistant Engineer

The officials of KSPCB present during the day of inspection are:

1. Smt.Sunitha P, Environmental Officer, KSPCB, RO, Doddaballapur
2. Smt.Ghazala Ameen, DEO, KSPCB, RO, Doddaballapur.

Applicant Sri S.K Vijay Kumar, Doddaballapur was also present.

The Committee after inspection and discussion with the officials of KIADB, has sought certain additional information to finalize the report.

#### **4.0 ABOUT THE PROJECT**

According to the KIADB, Doddaballapura Industrial Area 3rd Phase is developed in the lands coming under villages namely Raghunathpura, Obadenahalli, Kolipura, Varadanahalli&Arehalli-Guddadahalli of Doddaballapura taluk and Sunnagatta Village of Devanahalli taluk Bangalore Rural District, which is about 30 km away from Bengaluru city. Nearest railway station is about 2 km from Doddaballapura Town and to the North West of the Industrial Area. The Layout was approved in the Board Meeting No.321 Dated: 27-7-2012. The Industrial Area has been mentioned as Obadenahalli Industrial Area (Doddaballapura 3rd Phase). The Environmental Clearance was accorded by SEIAA, Karnataka on 28-03-2016. The Layout plan was approved on 26-12-2012, for an extent on 696.45 Acres, in which the allottable extent of plots is 357.89 acres, and the allotted extent is 354.15 acres, in that 383 plots are developed and 264 are allotted. At present, 50 number of Industries are in operation and 37 number of Industries are under construction. Employment Generated is nearly 1500 Nos.

The Major Industries are M/s Mushashi Autoparts, M/s. Keihn-Fie, M/s. Stelis-Biopharma, M/s YG Cutting Tools Corporation Pvt Ltd., M/s. KAPCI Coatings India Pvt Ltd., and M/s Sakata Industries., etc.,”.

#### **4.1 Grant of Environmental Clearance under EIA Notification, 2006.**

The representative of the SEIAA shared the following information with regard to grant of Environmental clearance under EIA Notification 2006 to the project in question.

- i. The Respondent No.5,(KIADB) had initially submitted application to SEIAA, Karnataka on 19<sup>th</sup> December 2012 seeking Environmental Clearance under EIA Notification, 2006 for the establishment of

industrial area at Doddaballapura industrial area 3<sup>rd</sup> Phase at Arehalliguddadahalli, Varadanahalli, Kolipura, Obadenahalli, Raghunathapura of Doddaballapura Taluk and Sunnaghatta village of Devanahalli Taluk, Bengaluru Rural District for establishment of Orange and Green category industries on a Total plot area of 696.45 Acres (281.84 Ha).

- ii.** The SEAC considered the said application during the meeting held on 14<sup>th</sup>& 15<sup>th</sup> February 2013 and have decided to issue the Terms of References (hereafter, the ToR) for conducting Environment Impact Assessment Study and submission of Environment Impact Assessment Report. Accordingly, the ToR was issued vide letter of SEIAA bearing No. SEIAA 35 IND 2012, dated 14<sup>th</sup> March 2013 for conducting EIA studies.
- iii.** The respondent No.5 got the EIA study conducted and submitted the final EIA report to the SEIAA, Karnataka on 17<sup>th</sup> August 2015, after holding public consultation on 11<sup>th</sup> November 2014 in accordance with EIA Notification, 2006.
- iv.** The SEAC appraised the proposal during the meetings held on 4<sup>th</sup> September 2015, 18<sup>th</sup> November 2015, 11<sup>th</sup> January 2016 and 27<sup>th</sup>& 28<sup>th</sup> January 2016. After detailed deliberation, the SEAC recommended to the SEIAA for issue of Environmental Clearance to the project in question. The SEIAA in its meeting held on 8<sup>th</sup> February, 2016 considered the recommendation made by SEAC and decided to grant Environmental Clearance. Accordingly, Environmental Clearance was granted by the SEIAA vide letter No. SEIAA 35 IND 2012, dated 28.03.2016 subject to strict compliance of the conditions thereon.
- v.** Further, the KIADB has submitted an online application dated 26.03.2018 seeking amendment to Environmental Clearance issued vide letter No. SEIAA 35 IND 2012, dated 28.03.2016 to facilitate using the lands at Sy. No.14/2, 14/3, 14/4, 15/1, 15/2, 15/3, 15/4, 15/5, 16, 17/1, 17/2, 17/3, 17/4 and 17/5 of plot 2D1 measuring 10 Acres of the

said industrial area for Red category industries out of the total industrial area of 696.45 Acres (281.84 Ha).

- vi.** The application submitted by the KIADB seeking aforementioned amendment to the Environmental Clearance was considered by the SEAC during the meeting held on 27<sup>th</sup>& 28<sup>th</sup> March 2018 and recommended to SEIAA for issue of ToRs for conducting Environment Impact Assessment Study and submission of Environment Impact Assessment report. The SEIAA considered the recommendation made by SEAC during the meeting held on 2<sup>nd</sup> May 2018 and decided to issue the ToRs. Accordingly, the ToRs was issued vide the letter of SEIAA bearing No. SEIAA 11 IND 2018, dated 08.05.2018, for conducting EIA studies.
- vii.** The KIADB got the EIA study conducted and submitted the final EIA Report to the SEIAA, Karnataka on 12.12.2018, after holding public consultation on 19.09.2018.
- viii.** The SEAC appraised the proposal during the meeting held on 29<sup>th</sup> December 2018. SEAC duly considering all the facts and circumstances, recommended to the SEIAA for issue of Environmental Clearance to the project in question. The SEIAA considered the recommendation made by SEAC during the meeting held on 10<sup>th</sup> January 2019 and decided to grant Environmental Clearance. Accordingly, Environmental Clearance was granted vide letter No. SEIAA 11 IND 2018, dated 24.01.2019 by the SEIAA subject to strict compliance of the conditions thereon.

#### **4.2 Grant of Consent to Establish**

Consent to establish was granted by the Karnataka State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 on 16.08.2016.

## **5.0 DELIBERATIONS OF THE COMMITTEE**

As per the Order of Hon'ble National Green Tribunal, the Joint Committee deliberated in detail on each issues raised. The details are as follows:

### ***5.1 To inspect the area in question and submit a factual and action taken report regarding the allegations made in the application including the siting criteria and also existence of any eco-sensitive areas within the prohibited distance of the unit as alleged by the petitioner as per Notification dated, 18.11.2003 of Government of Karnataka***

*Following are the major allegations made in the Original Application as well as in the Appeal:*

*5.1.1 Environmental Clearance (EC) was granted to the fifth respondent for establishment of industrial area at Doddaballapura Industrial area, III - Phase in violation of Notification dated, 18.11.2003 known as Tippagondanahalli Reservoir Catchment Area Notification ("TGR Notification") issued by the State of Karnataka as well as the siting criteria guidelines issued by the Karnataka State Pollution Control Board as well as the EIA Notification, 2006.*

The committee observed that the Central Government in exercise of the powers conferred under section 23 of the Environment (Protection) Act, 1986 have delegated the power to give direction vested with them under section 5 of the said Act to the State Government of Karnataka vide Notification No. S.O. 152 (E), dated 10.02.1988. The State Government of Karnataka in exercise of the aforementioned power to give direction under section 5 of the Environment (Protection) Act, 1986, issued Notification No. FEE 215 ENV 2000, dated 18.11.2003, with a view to protect the catchment area of Tippagondanahalli Reservoir to prevent any activity that would lead to contamination of the reservoir.

The aforementioned Notification dated 18.11.2003 categorized the Tippagondanahalli Reservoir catchment area in to Four Zones based on

vicinity and sensitivity comprising of areas specified in column (2) of the Schedule falling under the corresponding zone specified in column (1) thereof and also specify the nature of restricted or regulated activities in these areas in column (3) and the Authorities responsible for regulating the activities in column (4). The complete Doddaballapura Industrial area 3<sup>rd</sup> Phase falls within Zone-I. The Schedule to the aforementioned notification in respect of Zone -1 is given below.

| Zone          | Area covered                                                                                        | Nature of restricted / regulated activities                                                                                                                                                                                                                                                              | Authorities responsible for regulation                                                                                                                                  |
|---------------|-----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)           | (2)                                                                                                 | (3)                                                                                                                                                                                                                                                                                                      | (4)                                                                                                                                                                     |
| <b>Zone-1</b> | Entire Tippagondanahalli Reservoir (TGR) catchment area specified in annexure to this Notification. | a. Regulation and checking of over exploitation of ground water<br>b. No fresh leases or license for mining, quarrying and stone crushers shall be granted<br>c. No person shall dispose solid as well as liquid waste in this area without scientific processing.<br>d. To ensure adoption of rainwater | Director, Mines and Geology Department<br><br>1. Department of Urban Development<br>2. Bangalore Water Supply and Sewerage Board.<br>3. Nelamangala Planning Authority. |

|  |  |                                                                                                                                                                                               |                                                        |
|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
|  |  | harvesting systems in all the new and existing buildings, within six months from the date of issue of this order<br>e. To promote organic farming including bio-Fertilizer and bio-pesticide. | Secretary,<br>Department of Agriculture / Horticulture |
|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|

It is noted that as per above, no mining, quarrying and stone crushing activities are being carrying out in the said industrial area, the individual units are treating the liquid wastes in their respective STPs and ETPs with Zero Liquid Discharge (ZLD) concept and there is no provision of discharging liquid wastes without scientific treatment. Rainwater Harvesting systems are adopted by Industries.

**The above notification has not prohibited the establishment of industries other than mining, quarrying and stone crushing activities and hence EC granted for KIADB is not in violation of above said notification.**

*5.1.2 The project is coming up in complete violation of siting criteria guidelines as laid down by the Karnataka State Pollution Control Board Vide Notification No. FEE 195 ENV 2002 dated 21.06.2003 & No. FEE 87 ENV 2005 dated 05.07.2005.*

As per the guidelines issued vide No. FEE 87 ENV 2005 dated 05.07.2005 the establishment of Orange Category projects are prohibited within 12 km from the Archaeological monument, 500m from the river banks/Reservoirs/major tanks, 75m from National / State Highway, 50m

from major district roads, 17.5m from other district roads, 15m from village roads, within declared biosphere reserve and eco-sensitive zones, 10 kms from the boundaries of National Parks, Sanctuaries and wild life corridors.

It is observed that the above conditions have been complied with. As regards the 15 m set back from village road, it is noted that the original village road as per cadastral map is 6 m (cart track), which is not a formal road. KIADB has widened this cart track to 18 m (road number 2) and 25 m (road number 7). KIADB is approving building plan of industries with a condition to leave minimum 10 m set back to the plots on the 18 m road. Hence, the buffer from the edge of cart tract to the developmental line is maintained minimum of 16 m, **hence it complies with the guidelines.**

As regards siting criteria guidelines issued by the Karnataka State Pollution Control Board, the Committee noted that there were no notified guidelines under the Act/Rules and in the absence, the KSPCB was following the said siting guidelines. After the notification of EIA, 1994, the KSPCB is following only the EIA notification since it is notified under the Environment (Protection) Act, 1986 for the establishment of new as well as expansion of existing projects listed under the Schedule of the notification. **During the grant of EC, only the EIA Notification was in force and not the siting criteria.**

*5.1.3 TGR catchment Area is a declared ESA, under the Environment (Protection) Act, 1986 by the Government of Karnataka. According to the Schedule 7(c), both General Condition as well as Special Condition shall apply, and according to the General Condition in the EIA, Notification 2006, the project/activity should be treated as Category "A" since it is falling in the declared Eco-sensitive area. Further, the SEIAA has no jurisdiction to appraise project falling under Category "A". The only authority with jurisdiction to appraise the project is the Ministry of Environment and Forestry (MoEF) on the recommendations of an Expert Appraisal Committee (EAC).*

The Committee noted that as per the EIA notification, 2006 and its amendments, the General Condition will apply if the project site is located within 10 km from (i) Protected areas notified under the Wild life (protection) act, 1972, (ii) Critically Polluted areas as notified by CPCB, (iii) Eco sensitive areas as notified under EP Act, 1986 and (iv) Interstate boundaries. It is noted that there are no notified areas as above, and the Tippagondanahalli Reservoir (TGR) catchment area has been neither notified as an “Eco-Sensitive Area” nor a “Biosphere Reserve”. **Hence the General Condition will not apply and SEIAA, Karnataka has jurisdiction over the grant of EC for the project.**

*5.1.4 There was violation of the conditions of environmental clearance dated 28.03.2016 committed by the fifth respondent.*

KIADB has not installed CETP as required under the EC. KIADB informed that the quantity of industrial effluent generated at present is not adequate and also it is not viable for establishment and operation of CETP. It is noted that the domestic sewage and the industrial effluent are treated by the individual industries.

Regarding the Solid Waste Management, the solid wastes are generated from the individual industries are managed by the respective industries. KIADB has earmarked an area of 5.9 acre for establishment of Solid Waste Management facility in future.

EC stipulates development of green belt in an area of 33 % of total area. The KIADB has imposed conditions like 1) *A 4.5-meter-wide green strip shall be provided all along the periphery of the plot,* 2) *To utilise minimum 33% of the site area for greenery development,* while approving the construction plan of the individual industries. It is noted that major industries viz M/s Stelis Biopharma (P) Ltd, M/s Reliance Instrumentation (P) Ltd, M/s DNS Poly fab (P) Ltd, M/s KAPCI Coating India (P) Ltd, M/s Kehin Fie (P) Ltd & M/s Ashoka Farm Aids have developed Green belt. In addition, KIADB has earmarked 109.11 acres for development green belt and out which developed

green belt in an area of 24.06 acres within the Industrial area and carried out avenue plantation in the adjoining roads. As on date, the green belt developed by KIADB is 24.06 acres and KIADB has assured that 33 % will be achieved in phased manner.

Rain water harvesting for roof run-off and surface run-off are implemented by the individual industries.

KIADB has carried out monitoring of the ground water level and its quality through accredited laboratory only in 2020. It is informed that there is no discharge from individual industries and all have adopted zero discharge concept.

As regards, Energy conservation measures, CFLs/TFLs for the lighting the areas outside the building and on main roads has been provided. Few Individual industries have provided solar panels.

As required under the EC conditions, the KIADB need to submit six monthly compliance report to Monitoring Agencies. **However, KIADB has submitted two reports only [ one in 2018 and another in 2020].**

The laboratory and First Aid Room have been set up in the Phase I of the project which is about 3-4 km.

**The grant of EC was not advertised in newspaper within stipulated period of seven days as per the EC. This is non- compliance to the EC condition.**

*5.1.4.1.        Regards to the compliance by the project to the consent for establishment issued by the Karnataka State Pollution Control Board, dated: 16.08.2016, most of the conditions are compiled except for the following.*

*i. The applicant to maintain 5 rows of plantation along the boundaries of the industrial area and to see that only green category industries are allotted towards the adjoining village limits.*

The KIADB **has not maintained 5 rows of plantation along the boundaries** of the industrial area towards villages. They have not categorically allotted plots adjacent to the villages for establishing only green category industries.

*ii. Sewage Treatment Plant (STP) and Solid waste processing facility (for organic) shall be provided and operated satisfactorily by the project proponent himself before it is handed over to Association/Company.*

KIADB **have not provided Sewage Treatment Plant (STP) and Solid waste processing facility but they have earmarked an area of 5.9 acres** for establishing the said facilities stating that there is no load for establishing the facilities as the individual industries are managing the sewage as well as solid waste themselves.

*iii. The project authority shall allow only the Orange and Green category industries and strictly as proposed in the layout plan.*

The KIADB has allotted plots for establishing only green and orange category industries in the industrial area 3<sup>rd</sup> phase except plot 2D-1, i.e Stellis Biopharma and Sy No. 33/3, 35/2 etc of Ragunathapura ie., Kehin Fie (P) Ltd, where they have obtained amendment to EC to establish red category industries.

*iv. The project proponent shall ensure development of a minimum of 33% of the project area which shall include the buffer zone and green belt developed by individual industries. The project authority may undertake compensatory green belt development through avenue plantation in the adjoining roads and in the civic amenity area if there is any shortfall within the project site in the unavoidable circumstances.*

Covered under EC compliance above (5.1.4)

*v. The project authorities shall not use Kharab land if any for any purpose and keep available to the general public duly displaying a board as public property. No structure of any kind be put up in the Kharab land and shall*

*be afforested and maintained as green belt only.*

The KIADB has not utilized the Kharab land for any other purpose **but not displayed any board stating Kharab land as public property and also not developed any green belt on kharab lands.**

*vi. The project authorities should include the condition while issuing plot to the prospective individual industries that they should develop greenbelt of 33% of the plot area allotted for them.*

The KIADB has imposed conditions like 1) A 4.5-meter-wide green strip shall be provided all along the periphery of the plot, 2) To utilize minimum 33% of the site area for greenery development, while approving the construction plan of M/s Stelis Biopharma (P) Ltd, Reliance Instrumentation (P) Ltd, DNS Poly fab (P) Ltd, KAPCI Coating India (P) Ltd, Kehin Fie (P) Ltd & Ashoka Farm Aids, but it is not known in case of remaining plots as they have not furnished the copies of allotment letters/ construction plan approval letters before the committee.

*vii. The project authorities shall adopt green building concept.*

The KIADB has **not specifically imposed any condition to adopt green building concept** by the industries while allotting the plots/approving the construction plan of the individual industries.

*viii. The provision of Energy Conservation Building code 2006 shall be fully complied with.*

The KIADB **has not specifically imposed any condition** that “the provision of Energy Conservation Building code 2006 shall be fully complied with” while allotting the plots/approving the construction plan of the individual industries.

*ix. The applicant shall earmark sufficient place for segregation and processing and convert the bio-degradable solid waste generated from units into compost within their premises with scientific method*

The KIADB have earmarked an area of 5.9 acres for establishing the said facilities. They have not established any facility stating that there is no load for establishing the facilities as the individual industries are managing the waste themselves.

*x. The applicant shall earmark minimum 5 acres and maximum of 25 acres of land for the purpose of establishing CETP Hazardous waste and Municipal solid waste collection centres in the industrial area.*

The KIADB has earmarked a plot of area of 5.9 acres for establishing CETP, Hazardous Waste & Municipal Solid Waste collection centres, but not developed any facility. KIADB informed that the quantity of industrial effluent generated at present is not adequate and also it is not viable for establishment and operation of CETP.

*xi. The existing water bodies canals and rajakaluve and other drainage and water bound structures if any shall be retained unaltered with due buffer zone as applicable and maintained under tree cover.*

The KIADB has retained all the above features unaltered but not provided tree cover. As per the village map, there are six water tanks within the industrial area and buffer of 30m from the boundary of tanks have been provided for all the tanks but yet to develop green belt.

*xii. The project proponent shall ensure that the greenery of the area is maintained. Further 33% of the project area shall be dedicated for green belt development. The Local Forest Department shall be associated for this purpose and requisite budget be earmarked.*

Covered under EC compliance (5.1.4).

*xiii. The project authorities shall bifurcate the industrial plots and residential plots with a thick and tall vegetative barrier green belt.*

KIADB Housing layout is well isolated from the Industrial plots also bifurcated by NH-207 (about 75m width), however green belt is yet to be developed between them.

*xiv. Suitable local tree species shall be selected for greenery and minimum three rows of plant saplings shall be planted all along the periphery of the site.*

**The KIADB has not planted three rows of local species of saplings along the periphery of the industrial area.** KIADB has planned to develop greenery in phased manner.

*5.1.5 It is mentioned as one of the conditions that the unit would set up the environment management cell and appropriate lab facility shall be created as the project starts. It shall monitor all necessary parameters and activities during construction and operational phases from day one.*

The Committee noted that KIADB has established Environment Management Cell with Development Officer as the Chairman of the Cell and the cell consists of Deputy Development Officer (DDO), Local Pollution Control Board Officer, President of Industrial Area association and Monitoring Agency. Currently an Environmental Engineer (M.Tech in Industrial Pollution Control from NITK Surathkal) is working on outsource basis handling Environmental related issues in the Board. The laboratory and First Aid Room have been set up in the Phase I of the project which is about 3-4 km. Also KIADB has entrusted the upgrading of laboratory to M/s Environ India.

*5.1.6 As per condition No. 36 they will have to develop green belt, and STP and buffer zone will have to be maintained. But they have not complied with the same. Specific condition No. 41 and 43 were also violated. They have also violated the general and specific conditions imposed.*

Green Belt and STP are covered under EC compliance (5.1.4). Buffer to the tanks has been covered under 5.1.4.1.xi.

*5.1.7 The Appellants in the Original Application apart from the non-compliance of EC conditions, also raised violations of the TG Halli Reservoir Notification dated 18.11.2003 issued by the State of Karnataka as well as the siting criteria guidelines for industries issued by Karnataka*

*State Pollution Control Board for industries read with regulations and General Condition of EIA Notification, 2006.*

*It is pertinent to note that the General Conditions No. 11 of the earlier granted EC dated 28.03.2016, clearly stated that the concealment of factual data or submission of false data will attract the provisions of the Environmental (Protection) Act, 1986. However, the SEIAA Karnataka has not taken into consideration about any of the illegalities raised in the Original Application No. 180 of 2017 while amending the EC for establishment of Industrial area in Doddaballapura Industrial Area, 3<sup>rd</sup> phase nor did they initiate any proceedings.*

*Similarly, the General Conditions No. 12 of the impugned Environmental Clearance dated 24.01.2019 has also clearly stated that concealment of factual data will attract the provisions of the Environmental (Protection) Act, 1986.*

The applicability of the TGR Notification and siting criteria of KSPCB have been dealt above (5.1.1) Accordingly, the General Conditions will not apply to this project

*5.1.8 It is submitted by the Appellants that TGR catchment Area is a declared ESA, under the Environment (Protection) Act, 1986 by the GOK. The project/activity should be treated as Category "A" since it is falling in the declared Eco-sensitive area.*

This issue has been dealt already at 5.1.1 above.

*5.1.9 Further, EIA and EMP reports are also to be submitted to the KSPCB and obtain approval. In this regard, it is submitted that the KIADB had obtained the EC much after construction work had begun with respect to the Doddaballapur Industrial Area 3<sup>rd</sup> Phase, and thereby has violated the said provision.*

The KIADB has submitted Form-I to SEIAA in December 2012, ToRs have been granted by SEIAA on 14.03.2013. Work order for development of road

works has been issued in February 2013, EC has been granted on 28.03.2016. **It is a fact that KIADB has started road development works prior to the grant of EC. This is violation of EIA Notification 2006.**

*5.1.10 That the KSPCB vide notification dt 21.6.2003 and 5.7.2005 the siting guidelines for Orange and Green category units. As per Paragraph 6, "No orange category industry shall be established within declared biosphere and eco sensitive zone". However, it is submitted that the KIADB has proposed to develop Red category industries in the said industrial area. Moreover, it is pertinent to note that the "Industrial Area", is a Red category type industry by itself, as per the CPCB/KSPCB categorization of industries. Thus the EC is in clear violation of the CPCB/KSPCB guidelines by allowing Red category industries in an area where even Orange category industries are not permitted*

This issue has been dealt already at 5.1.2 above.

*5.1.11 It is submitted by the Appellants that according to the advertisement in the Prajavani & The Hindu Newspaper dt 19.08.2018 stated that the PH will be held at Plot 2D-1.*

*It is submitted that PH for the project was held on 19.9.2018. The venue of PH was not at Plot 2D-1 as advertised in the Prajavani & The Hindu Newspaper dt 19.8.2018, but was held at a different location almost 1km away from the venue published in the newspapers.*

KIADB informed that since the Plot 2D-1 was working industry, the Public Hearing was conducted in another Plot within the same KIADB Industrial estate, about 320m (Aerial Distance) from the Plot 2D-1.

*5.1.12 The Appellants had written a detailed representation raising objections to the Public hearing and the concealment of vital information in Form-I to the Regional Office of the Karnataka Pollution Control Board dt 24.9.2018. However, the same was not considered by the SEAC Karnataka, while appraising the project.*

*SEAC has considered the Proceedings of the Public Hearing while recommending grant of EC to the Project.*

*5.1.13 The EC condition No. 22 states as follows: No Ground Water is to be drawn without permission from the Central/ State Ground Water Authority.*

Ground Water permission has been obtained from the State Ground Water Authority for drilling Ten borewells within the industrial area for drinking purpose. The individual industries are managing their water requirement either through tankers or bore wells. It is noted that ten number of industries located within the Industrial area have obtained permission for drawl of ground water.

*5.1.14 The EIA report submitted by the user agency has numerous flaws in the form of wrong information, incomplete information, missing data, flawed methodology and contradictions. Some of these discrepancies are outlined below:*

*(i) EIA report fails to mention the TGR catchment Area as Declared Eco Sensitive Zone (ESZ)*

The TGR Catchment area has not been declared as ESZ by the Competent Authority, the MoEF&CC. The EIA report in Chapter 3 Section 3.4 clearly denotes the Environmentally/Ecologically Sensitive Area in Table 3.1.

*(ii) The EIA report fails to mention that the Obadenahalli Tank which also is the largest Tank in the Project Area is situated very much next to the proposed project site.*

As per the classification of water bodies, the tanks with water spread area less than 40ha are classified as minor tanks and above 40ha tanks are classified as major tanks. Since the obdenahalli tank (Water Spread Area of 9.17 Acres) is a minor tank, it complies condition No 3 of Siting Guidelines for Orange and Green Category Units (No Orange Category industry having

effluent discharge shall be established within 500m from the river banks/ Reservoirs/Major tanks).

*(iii) The EIA report fails to mention information regarding the Siting Guidelines for setting up of RED category industries as stipulated by MoEF& CC/CPCB inside Eco-sensitive area (ESA).*

As the site is not falling in Environmental Sensitive Area, therefore deploying specific ESA siting guidelines have not been done.

*(iv) The EIA report fails to mention information regarding the applicability of General Condition as stipulated in the EIA Notification 2006 for setting up of Industrial area against schedule 7(c), thereby, suppressing vital material facts.*

General Conditions not applicable as explained at 5.1.3 above.

*(v) The EIA report fails to mention information regarding the site justification of project site/alternate site from the Environmental angle and the studies conducted in that aspect.*

Site selection details are explained in EIA report Chapter 2 Section 2.3.1. An alternate site is not considered because this is an amendment to the EC within the existing industrial Area.

*(vi) The EIA report mentions 'Green Belt Area "of 36.75 % of the Total plot area of 10 Acres, whereas, in the same report it was mentioned that the total built up area is 10 Acres, is contradicting the finding in the EIA report.*

The EIA report clearly mentions Plot 2D-1 already developed (3.66 acres) 36.59% greenbelt of the total area (10 acres). Details are clearly explained in EIA report Chapter 2, section 2.4.3.

*(vii) The EIA report fails to provide the water requirement arrangement required for the project which is a water intensive project in spite of the fact that the said project falls in the region of over- exploited ground water Category*

The EIA report clearly explains the water requirement of Industrial estate and Amendment Plot 2D-1. Details are provided in EIA report Chapter 2, section 2.8 and Table 2-5. Water balance chart provided in Fig. 2.6- Water Balance Chart of Existing Industrial area.

Detailed water balance chart provided in EIA report Annexure 9a, 9b. Water supply agreement from BWSSB provided in EIA report Annexure 5.

*(viii) The EIA report mentions that the ‘Atmospheric Inversion’ data for November 2017, whereas the study period is of 26.03.2018 onwards till May 2018, which is concealment of factual data and misleading information.*

Atmospheric Inversion prediction has been taken at the worst period in the winter 2017 November as this is the criteria for maximum Air Pollution

## **5.2 if there is any violation, what is the action taken by them and submit a factual and action taken report**

KIADB has submitted Form-I to SEIAA in December 2012, ToRs have been granted by SEIAA on 14.03.2013. Work order for development of road works has been issued in February 2013, EC has been granted on 28.03.2016. **It is a fact that KIADB has started road development works prior to the grant of first EC. This is violation of EIA Notification 2006. In addition, there are certain non-compliances of EC conditions.**

The committee has calculated an environmental compensation based on the ‘Polluter Pay Principle’

$$EC = PI \times N \times R \times S \times LF$$

Where PI is Pollution Index (Red-80, Orange-50, and Green – 30), N is No of days, R is Factor of Rupees (between 100-500), S is Size (Big-1.5) and LF is Location Factor (less than 5 Million -1.25, 5 to 10 Million 1.5 and 10 Million- 2)

PI is considered as 50 as Orange and green category projects were sanctioned in first EC in 2016, when the violation occurred. Also road development falls in Orange Category.

Number of Days - 3 years (Road Development was started in 2013 and EC was granted in 2016)

Size is considered as 1.5 as it is large development.

Location Factor considered as 1.25 as Population is less than 5 Million.

Environmental Compensation =  $50 \times 3 \times 365 \times 50 \times 1.5 \times 1.25 = \text{Rs.}15,398,438$ .

## **6.0 Conclusion and Recommendation**

### **6.1 Conclusion:**

Following are the conclusion and recommendations of the Committee:

The Tippagondanahalli Reservoir Catchment Area Notification ("TGR Notification") has not prohibited the establishment of industries other than mining, quarrying and stone crushing activities and hence EC granted for KIADB is not in violation of above said notification.

KIADB has not violated the siting criteria

Tippagondanahalli Reservoir (TGR) catchment area has been neither notified as an "Eco-Sensitive Area" nor a "Biosphere Reserve". Hence the General Condition under EIA Notification, 20026 will not apply and SEIAA, Karnataka has jurisdiction over the grant of EC for the project.

KIADB has not installed CETP as required under the EC. KIADB informed that the quantity of industrial effluent generated at present is not adequate and also it is not viable for establishment and operation of CETP. It is noted that the domestic sewage and the industrial effluent are treated by the individual industry.

EC stipulates development of green belt in an area of 33 % of total area. The KIADB has imposed conditions like 1) *A 4.5-meter-wide green strip shall be*

*provided all along the periphery of the plot, 2) To utilise minimum 33% of the site area for greenery development*, while approving the construction plan of the individual industries. It is noted that major industries viz M/s Stelis Biopharma (P) Ltd, M/s Reliance Instrumentation (P) Ltd, M/s DNS Poly fab (P) Ltd, M/s KAPCI Coating India (P) Ltd, M/s Kehin Fie (P) Ltd & M/s Ashoka Farm Aids have developed Green belt. In addition, KIADB has earmarked 109.11 acres for development green belt and out of which developed green belt in an area of 24.06 acres within the Industrial area and carried out avenue plantation in the adjoining roads. As on date, the green belt developed by KIADB is in 24.06 acres and KIADB has assured that 33 % will be achieved in phased manner.

KIADB has carried out monitoring of the ground water level and its quality through accredited laboratory only in 2020. It is informed that there is no discharge from individual industries and all have adopted zero discharge concept.

As required under the EC conditions, the KIADB need to submit six monthly compliance report to Monitoring Agencies. However, KIADB has submitted two reports only [one in 2018 and another in 2020].

The grant of EC was not advertised in newspaper within stipulated period of seven days as per the EC. This is non-compliance to the EC condition.

The KIADB has not specifically imposed any condition that “the provision of Energy Conservation Building code 2006 shall be fully complied with” while allotting the plots/approving the construction plan of the individual industries.

The KIADB has not maintained 5 rows of plantation along the boundaries of the industrial area towards villages. They have not categorically allotted plots adjacent to the villages for establishing only green category industries.

The KIADB has not specifically imposed any condition to adopt green building concept by the industries while allotting the plots/approving the

construction plan of the individual industries.

The KIADB has submitted Form-I to SEIAA in December 2012, ToRs have been granted by SEIAA on 14.03.2013, Road works have started in February 2013, EC has been granted on 28.03.2016. It is a fact that KIADB has started road development works prior to the grant of EC. This is violation of EIA Notification 2006. In addition, there are certain non-compliances of EC conditions. Therefore, the KIADB has to pay the Environmental Compensation.

## **6.2 Recommendation of the Committee:**

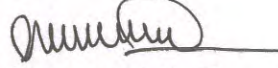
1. The KIADB has earmarked a plot of area of 5.9 acres for establishing CETP, Hazardous Waste & Municipal Solid Waste collection centres, but not developed any facility. The KIADB has to take necessary action in this regard.
2. KIADB shall carryout plantation in 33 % area including in the buffer area provided for the water tanks, in kharab lands, in the area between housing layout and industrial layout, within three years. Plantation of 5 rows of local species of saplings all along the periphery of the industrial area shall be carried out within a year. The Local Forest Department shall be associated for this purpose and requisite budget be earmarked. The KIADB should include the condition while issuing plot to the prospective individual industries that they should develop greenbelt of 33% of the plot area allotted for them, and ensure that the condition is complied even by the plots for which construction plans have already been approved.
3. KIADB shall carry out environmental monitoring at regular intervals and submit along with half year compliance report to the Karnataka SPCB/ Integrated Regional Office, MoEF & CC, Bangalore.

KIADB shall establish a separate First Aid Room in Phase-III, so that first aid is given for the needy without delay.

KIADB shall consider allotment of plots adjacent to the villages for establishing only green category industries only.

4. KIADB shall pay Environmental Compensation of Rs.15,398,438 for the violations and ensure that such violations are not repeated in future.
5. The KIADB has to impose condition to adopt green building concept by the industries while allotting the plots/approving the construction plan of the individual industries.
6. The KIADB has to impose condition that "the provision of Energy Conservation Building code 2006 shall be fully complied with" while allotting the plots/approving the construction plan of the individual industries.
7. The KIADB shall ensure that the Kharab land is kept available to the general public duly displaying a board as public property. No structure of any kind be put up in the Kharab land and shall be afforested and maintained as green belt only.
8. KIADB shall make advertisement about the grant of EC as per the EC dated 24.01.2019 and submit copy to Karnataka SPCB/ Integrated Regional Office, MoEFCC, Bangalore.
9. The KIADB shall ensure that the existing water bodies canals and rajakaluve and other drainage and water bound structures are retained unaltered with due buffer zone as applicable and maintained under tree cover.

  
**( Kiran Kumar B.S.)**  
Scientific Officer Gr-I  
SEIAA, Karnataka  
Bangalore

  
**(Siddaramaiah C)**  
Senior Environmental  
Officer, Zonal Office,  
Bangalore North

  
**(E. Thirunanavukkarasu)**  
Scientist 'E', Ministry of  
Environment, Forest  
and Climate Change  
(MoEF&CC), Bangalore