

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI  
(filed under section 19 of the National Green Tribunal Act, 2010)**

**INTERLOCUTORY APPLICATION NO: 181/2021**

**in  
Original Application No 21/2021(SZ)**

**IN THE MATTER OF**

**Dr. Anupkrishnan.V**

**Flat 7173, Tower 7, Prestige Bella Vista**

**Ayyappanthangal Village, Mount Poonamallee Road**

**Kanchipuram District, Chennai- 600056**

**mobile no: 9445727579, 9447527579**

**email: [anupkrishnanviswanath@gmail.com](mailto:anupkrishnanviswanath@gmail.com)**

**..... Applicant**

**Versus**

**1. Ministry of Environment, Forest and Climate Change**

**Represented by its Director, MOEF&CC RO(SEZ)**

**HEPC Building, No.34, Cathedral Garden Road**

**Nungambakkam, Chennai-600034**

**Phone: 044 28222325, Email: [ro.moefccc@gov.in](mailto:ro.moefccc@gov.in)**

**2. State Level Environment Impact Assessment Authority**

**Represented Member Secretary**

**3<sup>rd</sup> Floor, Panagal Maligai, No.1, Jeenis Road, Saidapet**

**Chennai- 600015**

**Phone: 044 24359974, Email: [mstnseiaa@yahoo.com](mailto:mstnseiaa@yahoo.com)**

**3. CMDA**

**Represented by its Member Secretary**

**Thalamuthu Natarajan Building**



**NO.1, Gandhi Irwin Road, Chennai-600008**

**Phone no: 044 28414355**

**Email: [mscmda@tn.gov.in](mailto:mscmda@tn.gov.in)**

**4. M/s Prestige Estates Projects Ltd**

**Represented by Chairman & Managing Director**

**Falcon House, No.1 Main Guard Road**

**Bangalore-1 Karnataka, PIN: 560001**

**Phone: 080 25591080, 080 25591945**

**Email: [irfan@prestigeconstructions.com](mailto:irfan@prestigeconstructions.com)**

**5. M/s Prestige Estates Projects Ltd, Chennai**

**Represented by Head of Business Operations**

**Prestige Polygon- top floor, #471, Anna Salai**

**Nandanam, Chennai-600035**

**Phone: 044 42924000**

**Email: [nagaraj.c@prestigeconstructions.com](mailto:nagaraj.c@prestigeconstructions.com)**

**6.TAMIL NADU POLLUTION CONTROL BOARD**

**Represented by its Member Secretary**

**Corporate Office, 76, Mount Salai, Guindy**

**Chennai- 600032, Phone: 044 22353145**

**Email: [tnpcb-chn@gov.in](mailto:tnpcb-chn@gov.in)**

**7. Managing Committee of**

**Prestige Bella Vista Flat Owners Welfare Association**

**Represented by Mr.Balachander. B as Secretary**

**Flat No. 181210, Tower 18C, Prestige Bella Vista**

**Ayyappanthangal Village, Mount Poonamallee Road**

**Kanchipuram District, Chennai – 600056**

**Cell No: 94443 98557**

**Email: [secretary@prestige-bella-vista.com](mailto:secretary@prestige-bella-vista.com), [bbala1962@gmail.com](mailto:bbala1962@gmail.com)**



## 8. Managing Committee of

**Prestige Bella Vista Flat Owners Welfare Association**

**Represented by Mr. Balakrishnan. SS as President**

**Flat No. 181012, Tower 18C, Prestige Bella Vista**

**Ayyappanthangal Village, Mount Poonamallee Road**

**Kanchipuram District, Chennai – 600056, Cell No: 9987377654**

**Email: president@prestige-bella-vista.com**

**..... Respondents**

**ssbalki13@gmail.com**

### INDEX

S.NO	PARTICULARS	PAGE NO
1	INDEX	1
2	REJOINDER TO CA FILED BY 4&5 <sup>th</sup> RESPONDENTS	1 – 9
3	ANNEXURE-1 RTI APPLICATION OF THE APPLICANT AND THE REPLY BY CMWSSB	10 – 15
4	ANNEXURE-2 NOC TO RIGHT OF WAY	16-17
5	ANNEXURE-3 REPLY FROM TNPCB TO QUERY NO. 5	18 – 21
6	ANNEXURE-4 EMAIL COMPLAINT TO MD, CMWSSB DATED 14-04-2022	22
7	ANNEXURE-5 EMAIL REPLY FROM SE(WT&T), CMWSSB DATED 27/04/2022	23

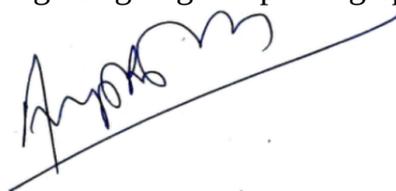
**REJOINDER TO THE COUNTER STATEMENT FILED BY 4&5<sup>th</sup> RESPONDENTS IN INTERLOCUTORY APPLICATION NO. 181/2021 IN ORIGINAL APPLICATION NO. 21/2021:**

**THE APPLICANT NAMED ABOVE MOST RESPECTFULLY SHOWETH:-**

1. That the instant Rejoinder is being filed by the applicant to the counter statement filed by 4&5<sup>th</sup> Respondents dated 04/04/2022. Applicant denies all averments and allegations contained therein, except to the extent specifically admitted herein. Applicant puts the 4&5<sup>th</sup> Respondents to strict proof of all averments and allegations that are not expressly admitted herein.

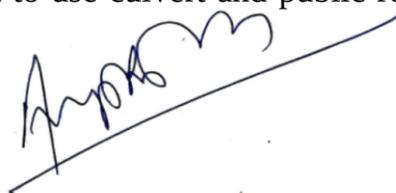


2. That the Applicant has filed a complaint against respondents 1 – 8 before Hon'ble NGT(SZ) vide OA.No. 21/2021(SZ) for violation of conditions imposed in the Environmental Clearance and also regarding other permissions granted to the Respondents 4&5 for their project.
3. That the Applicant filed an Interlocutory Application with no. 181/2021 on 14/11/2021 to
  1. Cancel all illegal car park spaces allotted by 4&5<sup>th</sup> Respondents to residents in Prestige Bella Vista violating stipulations in EC and CTE
  2. Direct them to submit detailed list of car park space allotment with drawing before Hon'ble Tribunal
  3. Direct them to “coordinate with local traffic police to work out schemes for regulating increased traffic flow in the premises due to the project” as was stipulated in the CTE issued by respondent 6.
4. That the 4&5<sup>th</sup> Respondents allotted car park spaces over public spaces including CMWSSB owned culvert and road width margin in Prestige Bella Vista Project violating Environmental Clearance Stipulation Part A- Specific Condition-II Operation Phase (xii) – which states that Parking should be fully internalized and no public space should be utilized for parking. It violated CTE(A) – Specific condition 13 and CTE(W) – Specific condition 30 which **insisted that vehicles should not be parked in public places and roads inside the project.**
5. That the 4&5<sup>th</sup> Respondents admitted in the Para 3(i) of the Counter Affidavit that “the Answering Respondents have obtained a No Objection Certificate (NOC) from CMWSSB to construct a culvert over the said land to facilitate the residents/owners as well as the Answering Respondents to easy access/ pass over within the Project.”
6. That the 4&5<sup>th</sup> Respondents argue in Para 3(i),(ii) that they acquired the right to construct and use the culvert land for the project purpose by way of the NOC granted by CMWSSB and such right of usage is not fettered and they can use the culvert in any manner whatsoever, including assigning car parking spaces. They further argue

A handwritten signature in blue ink, appearing to be 'Anurag', is written over a horizontal line at the bottom of the page.

that the culvert constructed is not a public road and they have allotted 16 cars parking spaces over the culvert which is not in violation of any environmental laws, or conditions set out in the EC/CTE. Applicant strongly objects to these blanket statement made by the 4&5<sup>th</sup> Respondents as false and misleading.

7. That the land owned by CMWSSB in S.No.51/1B2 and 51/1C2 include the culvert constructed over the said land. This land is indisputably a Government Land. The said land divides the PBV Project into a northern and southern portions. Respondents 4&5 obtained an NOC from CMWSSB for **Right of Way to use the said land and to construct a culvert as access to reach the other side of the property only. (Please refer to the NOC issued to the 4&5<sup>th</sup> Respondents dated 30/03/2012 attached as Annexure-2)**. So, they can't use the culvert for any other purpose other than to use as access to reach the other side of the property.
8. That the 4&5<sup>th</sup> Respondents have already admitted in the Counter Statement vide Paragraph 3(iv) that the CMWSSB's land does not fall within the Project and the said land neither forms part of the common area nor does the owners of the apartments within the Project, including the Applicant herein, has any undivided share (UDS) over it. 4&5<sup>th</sup> Respondents violated EC/CTE conditions and committed encroachment by allotting car park spaces along the culvert. So, 4&5<sup>th</sup> Respondents committed perjury by giving false affidavit that they have not encroached public spaces and roads and pedestrian pathways.
9. That the Conveyance Deed of UDS that was executed between 4&5<sup>th</sup> Respondents and the residents transferred the **Right of Way easement** to all the residents of the Apartment Complex including applicant as per section 13 of Indian Easement Act – **'Easement of necessity and quasi easements' wherein one person transfers or bequeaths immovable property to another, the transferee or legatee shall be entitled to such easements**. Hence applicant has a locus standi to raise the encroachment of 4&5<sup>th</sup> Respondents over the said culvert and public roads violating Environmental Clearance stipulations and CTE stipulation. The complaint was filed by the Applicant whose right to use culvert and public road width was prejudicially



affected due to the environmental violations committed by 4&5<sup>th</sup> Respondents. So, the suite cannot be dismissed on the ground that the usage of culvert for car park can be raised by 4&5<sup>th</sup> Respondents, CMWSSB or 16 allottees only.

10. That the averment by the 4&5<sup>th</sup> Respondents that the culvert land is not a public road or pedestrian pathway is completely erroneous and distortion of facts. By definition, culvert is a tunnel carrying a stream or open drain under a road or railway which actually forms an integral part of the road/railway. The said culvert was constructed over the CMWSSB owned land as per the terms and conditions of NOC which connected the 7.2M drive way in the north with the drive way in the south and hence formed an integral part of the 7.2M wide main drive way (public road) situated in the middle of the project with cluster 2 on the eastern side and clusters 1&3 on the western side, which is evident in the layout plan. The 4&5<sup>th</sup> Respondents admitted in the counter statement that they constructed 18M wide culvert instead of 7.2M wide one which is actually a violation of planning permit conditions.
11. That the **‘NOC for Right of Way’** does not give them permission to use the culvert for any other easement other than to use as access to reach other side of property as per section 4, 6 and 28(a) of Indian Easement Act, 1882. Section 4 and 6 of Indian Easement Act deals with the definition of easement for a particular purpose and section 28(a) deals with the extent of the Right of Way easement, that the Right of Way of any one kind doesn't include Right of Way of any other kind. So, allotment of car park spaces over the culvert land by 4&5<sup>th</sup> Respondents is illegal. More over, the competent authority of CMWSSB (Engineering Director) has no authority to give permission to 4&5<sup>th</sup> Respondents to allot government land to residents for car park spaces. Applicant sent an RTI query to CMWSSB to know what action was taken by them against encroachment on their land by Prestige Builders but they transferred the query to TNPCB (**Refer to Annexure-1**). Both CMWSSB and TNPCB evaded this query by shifting the responsibility to the other party and did not respond to the query so far (**Refer to Annexure-3**). Finally, Applicant sent an email complaint against 4&5<sup>th</sup> Respondents for violations of NOC conditions and allotment of car park spaces along culvert to MD, CMWSSB on 14-04-2022 (**Refer to Annexure-4**). Applicant



got email from the SE (WT&T), CMWSSB informing that show cause notice for cancellation of NOC has been issued to 4&5<sup>th</sup> Respondents on 25/04/2022 (**Please refer to Annexure 5**).

12. That Hon'ble Tribunal has a jurisdiction to decide on the matter of encroachments on to public spaces and public roads inside this project as it violated environmental clearance stipulations Part A Specific condition – II Operational Phase (xii) and CTE stipulations, CTE(A) – Specific condition 13 and CTE(W) – Specific condition 30. **All of these stipulations insist that vehicles should not be parked in public places and roads inside the project.**
13. That 4&5<sup>th</sup> Respondents allotted more than 300 car park spaces over public spaces and pedestrian pathways along public roads in this project violating Environmental Clearance and CTE stipulations. They have not yet disclosed the parking space allotments in public, in spite of several requests by the Resident Association and the Applicant himself. 4&5<sup>th</sup> Respondents denied in their Counter Statement to the Original Application dated 07-10-2021 that they had encroached the public spaces. But they admitted in their Counter statement to IA 181/2021 that they had allotted 16 car park spaces along the CMWSSB culvert land to residents which is indeed an act of encroachment on to public road.
14. That the 4&5<sup>th</sup> Respondents submitted in the Form-1A for prior EC that “Sufficient parking space is provided within the project area to accommodate the vehicular population in full. Internal roads, pedestrian pathways are separately earmarked and provision was provided for 3769 car parks. Internal roads will run all along the site and **the pedestrian pathways will be provided on the either sides of the road.**” But they miserably failed to keep up these declarations (**Please refer to V. Air Environment- section 5.4 of Form-1A, submitted to Director of MOEF on 18/06/2012**).
15. Any act of encroachment is a very grave public wrong and it should be removed to ensure public order and unhindered access and movements in the road. Supreme

Court in its Judgement dated 27<sup>th</sup> January 2011 in Civil Appeal 1042/2011 reiterated that “Any act of encroachment is a wrong committed by the doer. Such an encroachment when made to a public property like encroachment to public road would be a graver wrong, as such wrong prejudicially affects a number of people and therefore is a public wrong. So long any obstruction or obstacle is created to free and unhindered access and movement in the road, the wrongful act continues thereby preventing the persons to use the public road freely and unhindered.” Supreme Court dismissed the appeal and upheld the decree passed by High Court to vacate and remove the unauthorized encroachment within a period of 60 days.

**POINT BY POINT OBJECTION TO THE COUNTER AFFIDAVIT BY R4 & R5:-**

16. That the Applicant objects to the averment in Para 6 as false and mischievous. 4&5<sup>th</sup> Respondents can't handover the management and maintenance of the Project to the duly formed Association without obtaining CTO after CTE as per BP No.65 of TNPCB dated 27/11/2019.
17. That the Applicant objects to averments in the Para 7 as false and misleading. The culvert over the CMWSSB land is government land and form an integral part of the public road inside the Project. The allotment of car parking on the culvert land indeed violates EC/CTE stipulations.
18. That the Applicant objects to the averments in the para 8 as false and misleading. The 2<sup>nd</sup> Basement was always flooded with rainwater during all rainy seasons without continuous pumping of water outside the basements, starting from 2015. The water reaches knee level, in case, the pumping of water is stopped for 12 hours. The photographs attached in the IA 181/2021 as annexure-1 clearly show the water level above ankle level in the second basements.
19. That the Applicant makes strong objections to the averments in Paragraph 9 as false and mischievous. Applicant was fully justified in parking his vehicle over the culvert (government land) rather than risking his safety by parking his car in the 2<sup>nd</sup>

basement and the 4&5<sup>th</sup> Respondents have no right to harass the applicant by locking his car and imposing fine. Applicant would like to highlight the fact that Chennai Traffic Police allowed temporary parking of vehicles along Road Flyover near Velachery MRTS station and GN Chetty Road Flyover by scores of residents during the same period of heavy rain from 7<sup>th</sup> to 9<sup>th</sup> November 2021.

20. That the Applicant strongly objects to the averment by the Respondents in Paragraph 9 that “the Applicant, having himself violated the parking norms within the project, has approached this Hon’ble Tribunal with unclean hands,” as false and outrageous. **The wisest decision in the case of incessant rainfall is to move the vehicles to higher ground and the applicant diligently followed the time tested principle during the period of incessant rain in November 2021.** Actually, 4&5<sup>th</sup> Respondents have been operating the project for 7 long years without Completion Certificate, CTO and CTE violating all building laws and environmental laws enacted in this country. Applicant approached Hon’ble Tribunal as the last and desperate measure to seek justice **(Please refer to Para 4-g in Page 5&6 of the Rejoinder to CA of 4&5<sup>th</sup> Respondents dated 19/10/2021).**
21. That the Applicant objects to the averments made in the Paragraph 10 by 4&5<sup>th</sup> Respondents as false and insensitive. There were reports about car drivers found drowned after rainwater inundated basement parking area of apartment complex due to the flooding of rainwater during 2015, 2018 and 2020 and Applicant is fully justified in exercising safety and caution during the period of incessant rain.
22. That the Applicant denies all averments in the Paragraph 11 of the counter statement as false and baseless. Applicant has clearly described proof of parking violations committed by 4&5<sup>th</sup> Respondents elaborately in the (i)Original Application, (ii) the written statement filed by applicant dated 25-04-2021, (iii) rejoinder to the Joint Committee filed by applicant on 28-08-2021, (iv) Rejoinder to the counter affidavit of R4 & R5 filed by applicant dated 19-10-2021 and (v) Rejoinder to the counter affidavit of 1<sup>st</sup> Respondent filed by applicant dated 24-10-2021, (vi) Rejoinder to TNPCB Report filed by Applicant on 15/09/2021, (vii) Objections filed by applicant



to the further report of TNPCB on 10-02-2022 and (viii) Objections filed by Applicant to the further report of Joint Committee on 21-03-2022.

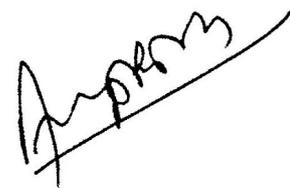
23. That the Applicant denies all averments in the Paragraph 12 as false and misleading. 4&5<sup>th</sup> Respondents failed to adhere to the special conditions 29 and 30 of the CTE(W) issued to PBV by not intimating the traffic police about traffic violations and not seeking help from traffic police to control increased traffic flow in the project. So they are indirectly responsible for the frequent traffic violations and accidents happening in the residential complex. Applicant is not raising this issue for the first time as an after thought as alleged by the Respondents. In fact, Applicant raised the issue of Traffic violations and accidents happened in the residential complex in the Original Application 21/2021 itself. **(Please refer to page 125 to 129 of OA 21/2021).**

24. That the Applicant denies averments in the paragraph 14 of the counter statement that “the 4&5<sup>th</sup> Respondents haven’t encroached the culvert”, as false and misleading.

25. That the Applicant denies all averments and allegations made by the Respondents in the Paragraph 15 as false and baseless. They could not produce even a single proof to substantiate their claim. 4&5<sup>th</sup> Respondents even failed to produce the NOC issued to them by CWSSB fearing that it could expose their deceit and lies.

### **PRAYER**

It is, most respectfully prayed that the Honorable Tribunal may be pleased to reject the counter statement filed by 4&5<sup>th</sup> Respondents and pass appropriate further orders as the Hon’ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

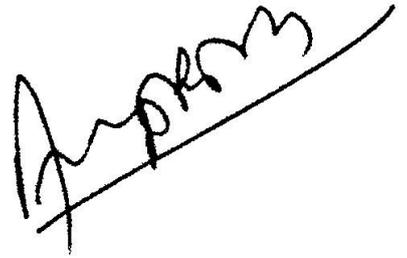


**Applicant**  
**Party in Person**

**AFFIDAVIT**

I, Dr. Anupkrishnan.V, aged 57 yrs, son of Late K. Viswanathamenon, resident of Flat 7173, Prestige Bella Vista, Tower 7, Ayyappanthangal Village, Chennai-600056, do hereby solemnly affirm and declare under:-

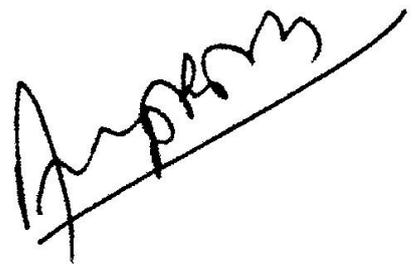
1. That I am the Applicant in the OA No. 21/2021(SZ) and in the Interlocutory Application No. 181/2021 and I am well conversant with the facts and circumstances of the case and is competent to swear the present affidavit.
2. That I have read the contents of the Rejoinder to the Counter Statement filed by the 4&5<sup>th</sup> Respondent in IA No. 181/2021 in OA No. 21/2021(SZ) and the same are true and correct and is drafted by my own instruction.



**Deponent**

**VERIFICATION:-**

Verified at Ayyappanthangal, Chennai-56 on the 29<sup>th</sup> April 2022, that the contents of the affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.



**Deponent**

To

09-11-2021

Public Information Officer/Executive Engineer (530 MLD)  
Chembarambakkam WTP(530 MLD), CMWSSB  
Urban Administration Building, No.75, Santhome High Road,  
R A Puram, M R C Nagar, Chennai- 28

Sub: Application seeking information under section 6(1) of RTI Act 2005

Sir,

I am Dr.Anupkrishnan.V, resident of Flat 7173, Prestige Bella Vista, Mount Poonamallee Road, Ayyappanthangal Village, Kanchipuram District, Chennai-600056.

I would like to seek the following information from your office regarding the NOC issued to M/s Prestige Estates Projects Ltd for the construction of Prestige Bella Vista residential project under section 6(1) of RTI Act 2005.

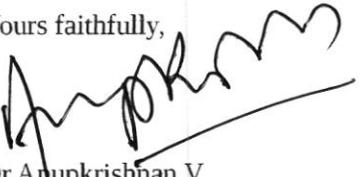
1. Please issue me a copy of the letter of NOC issued to M/s Prestige Estates Projects Ltd dated 30/03/2012.
2. Is the RCC culvert constructed at both crossing over CMWSSB land owned by M/s Prestige Estates Projects Ltd?
3. If not, Did CMWSSB give permission to M/s Prestige Estates Projects to allot car park spaces along the road width margin of both RCC culvert to flat owners of Prestige Bella Vista Projects?
4. Has the allotment of car park spaces along the RCC culvert violated the conditions of NOC issued to Prestige Estate Projects Ltd?
5. M/s Prestige Estates Projects Ltd allotted car park spaces along the entire stretch of RCC culvert upon payment to the flat owners of PBV violating stipulations of Environmental Clearance Letter issued to them. What action are you planning to initiate against M/s Prestige Estates Projects Ltd?

I am here with enclosing DD no. 942835 From SBI dated 10/11/21 for Rs 10/- drawn in favour of PIO/Executive Engineer (530 MLD), Chembarambakkam WTP(530 MLD), CMWSSB.

Please oblige,

Thanking You,

Yours faithfully,

  
Dr.Anupkrishnan.V  
Flat 7173, Tower 7, Prestige Bella Vista  
Mount Poonamallee Road, Ayyappanthangal Village,  
Kanchipuram District, Chennai – 600056

  
Type text here

09/12/2021

Ayyappanthangal

To

**Appellate Authority/  
Superintending Engineer (Water Treatment & Transmission)  
Chennai Metropolitan Water Supply and Sewerage Board  
Urban Administration Building, No.75, Santhome High Road,  
M.R.C. Nagar, R.A Puram, Chennai- 600028  
phone: 044 – 2845 1300**

Sub: Grievance against PIO, Public Information Officer/Executive Engineer (530 MLD)  
Chembarambakkam WTP (530 MLD), CMWSSB, under section 19(l) of RTI Act  
2005 for not sending reply to my application dated 09-11-21-2021.

Ref: Letter seeking information from PIO,/Executive Engineer (530 MLD), Chembarambakkam  
WTP (530 MLD), CMWSSB, under section 6(l) of RTI Act 2005 dated 09/11/2021.

Respected Sir,

I, Dr. Anupkrishnan. V, aged 57 yrs, S/O Late K. Viswanathamenon, residing at Flat no. 7173, Prestige Bella Vista, Ayyappanthangal, Kanchipuram District, Chennai-600056, am lodging this grievance letter against PIO, Public Information Officer/Executive Engineer (530 MLD), Chembarambakkam WTP (530 MLD), CMWSSB under section 19(1) of RTI Act 2005 for not sending reply to my application dated 09-11-2021. I am a citizen of India.

Please furnish the correct reply to my queries in the original application which is enumerated below, to be sent to my full mailing address by registered post.

1. Please issue me a copy of the letter of NOC issued to M/s Prestige Estates Projects Ltd dated 30/03/2012.
2. Is the RCC culvert constructed at both crossing over CMWSSB land owned by M/s Prestige Estates Projects Ltd?

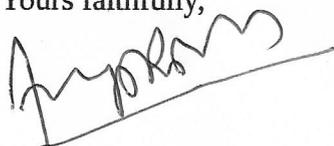


3. If not, did CMWSSB give permission to M/s Prestige Estates Projects Ltd to allot car park spaces along the road width margin of both RCC culvert to flat owners of Prestige Bella Vista Project?
4. Has the allotment of car park spaces along the RCC culvert violated the conditions of NOC issued to M/s Prestige Estate Projects Ltd?
5. M/s Prestige Estates Projects Ltd allotted car park spaces along the entire stretch of RCC culvert upon payment to the flat owners of PBV violating stipulations of Environmental Clearance Letter issued to them. What action are you planning to initiate against M/s Prestige Estates Projects Ltd?

Please oblige,

Thanking You,

Yours faithfully,

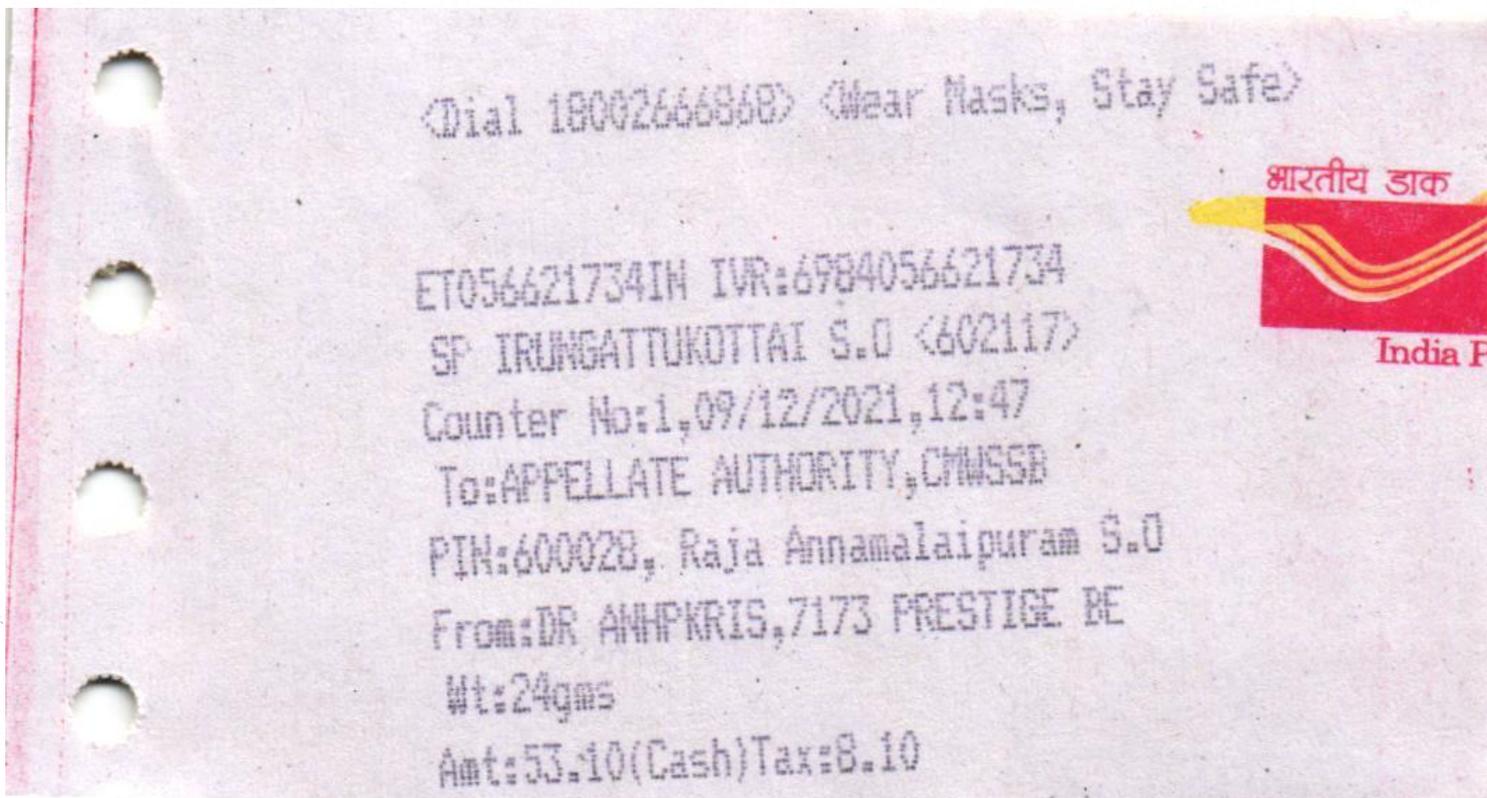


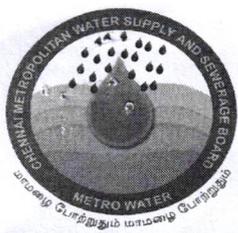
Dr. Anupkrishnan.V

Flat 7173, Tower 7, Prestige Bella Vista

Ayyappanthangal, Mount Poonamallee Road

Kanchipuram District. Chennai-600056



CHENNAI METROPOLITAN  
WATER SUPPLY  
AND SEWERAGE BOARD  
75, Urban Administration Building,  
R.A.Puram,  
MRC nagar, Chennai - 28

SUPERINTENDING ENGINEER (WT&T) /  
APPELLATE AUTHORITY

Lr.No. CMWSSB/T&T/530 MLD/RTI/04-A/2021-22,

Date. 20.12.2021

To  
Dr.V.Anupkrishnan  
Flat 7173, Tower 7, Prestige Bella Vista,  
Mount Poonamallee Road,  
Ayyappanthangal Village,  
Kancheepuram District Pin Code. 600 056.

*Speed Post*

Sir,

Sub: SE(WT&T) – 530 MLD - Information requested under Right to Information Act 2005 under section 19(1) of RTI Act 2005 – Reply furnished - Reg furnished – Reg.

- Ref: 1. Your RTI application dt. 09.11.2021 received by PIO / EE (530 MLD on 17.11.2021  
2. Lr. No. CMWSSB/T&T/530 MLD/RTI/04/2021 dt 10.12.2021  
3. Your RTI Appeal petition dt. 09.12.2021 received by Appellate Authority on 15.12.2021.

\*\*\*

The RTI application dt 09.11.2021 vide reference 1<sup>st</sup> cited bearing the details of SBI DD as DD no 942835 dt 10.11.21 for Rs 10/- , was received in the office of Public Information Officer / EE(530 MLD) on 17.11.2021 which shows controversy between date of application and date of DD.

With reference to the appeal petition vide 3<sup>rd</sup> cited, it is stated that as per the 2<sup>nd</sup> reference cited the information has been furnished within 30 days from the date of receipt of the request, by the office of PIO ( i.e., 17.11.2021) which complied with in orbit of 7(1) of the RTI Act -2005 . However the copy of the information has been once again enclosed here with.

*ASL*  
*20/12/2021*  
SUPERINTENDING ENGINEER (WT&T)  
Appellate Authority

Copy to: P&A (RTI) Department

*[Handwritten signature]*

09-11-2021

To

Public Information Officer/Executive Engineer (530 MLD)  
Chembarambakkam WTP(530 MLD), CMWSSB  
Urban Administration Building, No.75, Santhome High Road,  
R A Puram, M R C Nagar, Chennai- 28

Sub: Application seeking information under section 6(1) of RTI Act 2005

Sir,

I am Dr.Anupkrishnan.V, resident of Flat 7173, Prestige Bella Vista, Mount Poonamallee Road, Ayyappanthangal Village, Kanchipuram District, Chennai-600056.

I would like to seek the following information from your office regarding the NOC issued to M/s Prestige Estates Projects Ltd for the construction of Prestige Bella Vista residential project under section 6(1) of RTI Act 2005.

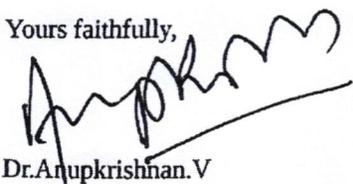
1. Please issue me a copy of the letter of NOC issued to M/s Prestige Estates Projects Ltd dated 30/03/2012.
2. Is the RCC culvert constructed at both crossing over CMWSSB land owned by M/s Prestige Estates Projects Ltd?
3. If not, Did CMWSSB give permission to M/s Prestige Estates Projects to allot car park spaces along the road width margin of both RCC culvert to flat owners of Prestige Bella Vista Projects?
4. Has the allotment of car park spaces along the RCC culvert violated the conditions of NOC issued to Prestige Estate Projects Ltd?
5. M/s Prestige Estates Projects Ltd allotted car park spaces along the entire stretch of RCC culvert upon payment to the flat owners of PBV violating stipulations of Environmental Clearance Letter issued to them. What action are you planning to initiate against M/s Prestige Estates Projects Ltd?

I am here with enclosing DD no. 942835 From SBI dated 10/11/21 for Rs 10/- drawn in favour of PIO/Executive Engineer (530 MLD), Chembarambakkam WTP(530 MLD), CMWSSB.

Please oblige,

Thanking You,

Yours faithfully,



Dr.Anupkrishnan.V  
Flat 7173, Tower 7, Prestige Bella Vista  
Mount Poonamallee Road, Ayyappanthangal Village,  
Kanchipuram District, Chennai – 600056

Received on 17-11-2021

  
AEE/530 MLD





By RPA D

CHENNAI METROPOLITAN  
WATER SUPPLY  
AND SEWERAGE BOARD  
Urban Administration Building,  
R.A.Puram,  
MRC nagar, Chennai - 28

EXECUTIVE ENGINEER (530 MLD) /  
PUBLIC INFORMATION OFFICER

Lr.No. CMWSSB/T&T/530 MLD/RTI/04/2021,

date. 10.12.2021

To  
Dr.V.Anupkrishnan  
Flat 7173, Tower 7, Prestige Bella Vista,  
Mount Poonamallee Road,  
Ayyappanthangal Village,  
Kancheepuram District Pin. 600 056.

Sir,

Sub: EE (530 MLD) – Chembarambakkam WTP (530 MLD) - Information requested under Section VI of Right to Information Act 2005 – Reply furnished – Reg.

Ref: Your application dt. 09.11.2021 received in this office on 17.11.2021.

\*\*\*

With reference to the above, the following information are furnished below.

Sl. No.	Details Requested by the Petitioner	Information furnished
1	Please issue me a copy of the letter of NOC issued to M/s Prestige Estates Projects Ltd dated 30/03/2012	Copy of NOC dt 30.03.2012 enclosed. Refer NOC conditions.
2	Is the RCC culvert constructed at both crossing over CMWSSB land owned by M/s Prestige Estates Projects Ltd ?	
3	If not, Did CMWSSB give permission to M/s Prestige Estates Projects to allot car park spaces along the road width margin of both RCC culvert to flat owners of Prestige Bella Vista Projects?	
4	Has the allotment of car park spaces along the RCC culvert violated the conditions of NOC issued to Prestige Estates Projects Ltd?	

The above information has been furnished for RTI purpose only.

Details of Appellate authority  
Superintending Engineer ( WT&T),  
CMWSSB,  
No 75, Urban Administrative Buildings,  
RA Puram, MRC Nagar , Chennai -28

In respect of information, S.No. 5 your letter has been sent to the The Public Information Officer, Tamil Nadu Pollution Control Board, 76, Anna Salai, Guindy Industrial Estate, Race View Colony, Guindy, Chennai – 32. for furnishing information directly to you.

F-161  
10.12.2021  
AEE 530 MLD

A. Pralath  
10.12.2021

Executive Engineer (530 MLD) i/c  
Public Information Officer.

o/c  
17/11/21

Copy to: P&A (RTI) Department

10.12.2021

RPA D. W Asst

*[Handwritten signature]*

## ANNEXURE-2



Chennai Metropolitan

Water Supply

and

Sewerage Board

ENGINEERING DIRECTOR

No. 1, Pumping Station Road, Chennai - 600 002

Lr.No. CMWSSB/T&T/530 MLD/154 /2012. dt. 30.03.2012.

To

M/s. Prestige Estates Projects Limited,  
City Towers 7<sup>th</sup> Floor,  
117, Thiagaraja Road,  
T.Nagar,  
Chennai 600 017.

Sir,

Subj: CMWSSB - Engg. - 530 MLD - No Objection Certificate issued for M/s. Estra IT Park (P) Ltd to use CMWSSB Land at Ayyappanthangal Village as access to reach the other side of the property - Project proposal changed from Special Economic Zone to Multi storeyed Residential Building with the joint venture along with M/s. Prestige Estates Projects Limited - Issue of NOC for right of way - Reg.

- Ref: 1) CMDA Lr.No. C3/4606/2011, dt. 13.10.2011.  
2) No Objection Certificate issued to M/s. Estra IT Part (P) Ltd, dt. 11.01.2008. 2  
3) Lr. from M/s. Prestige Estates Projects Ltd, dt. 23.06.2011.  
4) This Office Lr.No. CMWSSB/SE(T&T)/530 MLD/ 2012, dt. 24.01.2012.  
5) Lr. from M/s. Prestige Estates Projects Ltd dt. 28.01.2012.  
6) This Office Lr.No. CMWSSB/SE(T&T)/530 MLD/ 154/ 2012. dt. 06.02.2012.  
7) Lr. from M/s. Prestige Estates Projects Ltd, dt. 18.02.2012.  
8) Lr. from M/s. Prestige Estates Projects Ltd. dt. 20.03.2012  
9) Lr. from M/s. Prestige Estates Projects Ltd. and 26.03.2012

With reference to the above, "No Objection Certificate" is hereby issued with the following terms and conditions.

- \*1. RCC Compound wall shall be constructed on the boundaries of the proposed land adjacent to CMWSSB land with gate provisions at both ends as accesses to reach the other side of the proposed multistoried residential buildings as accepted by the firm vide their dt 28.01.2012.
2. The design and estimate for proposed R.C.C culvert of suitable length and width should be submitted for approval of CMWSSB, before construction of culvert.

3. The proposed R.C.C culvert with clearance of 1.5mtr all-round the pipeline should be constructed under the supervision of CMWSS Board at both crossings so as to have the access to their property
4. Supervision charge @ 21% of the estimated construction cost should be deposited to CMWSSB before construction of culvert.
5. The existing pipeline should not be damaged at any point of time and if any damage is caused at the time of construction of culverts/compound wall, the entire repair / replacement cost should be borne by the firm.
6. If any leak or burst occurs in the pipeline in future within the culvert portion, the culvert will be demolished by the Board for attending leak/burst in future and the same has to be reconstructed at the risk and cost of the firm.
7. You should not have any rights, whatsoever to claim the ownership of the above board's land.
8. The Board reserves the right to enter upon the premises for any inspection and to cancel the "No Objection Certificate" at any point of time without assigning any reason in the interest of public.
9. You should include in the sale deeds to be executed for registration that "The purchasers shall obey all terms and conditions stipulated by CMWSS Board to M/s. Prestige Estates Projects Limited and M/s. Estra IT Park (P) Ltd., for availing the Right of way."
10. You should furnish the copies of the sale deeds to the CMWSS Board and
11. You should pay an Annual Rent of Rs.2,38,710/- (Rupees two lakhs thirty eight thousands seven hundred and ten only ) for the Right of Way for using the CMWSSB Land. The rent will be increased by 5% (Five percent) of the annual rent of Rs.2,38,710/- (Rupees two lakhs thirty eight thousands seven hundred and ten only ) in every 5 (five) years.
12. The acceptance letter incorporating all the terms and conditions indicated above to be furnished in the non-judicial stamp paper value of not less than Rs.20/-.

*S. Sankar* 30/3/12  
 pr ENGINEERING DIRECTOR

Copy to:  
 Member Secretary, CMDA, Chennai 8,  
 - for information.

*[Handwritten signature]*



## TAMIL NADU POLLUTION CONTROL BOARD

**RTI/MOST URGENT**

**From**

Tmt. R. Sarasavani, M.Tech., M.B.A.,  
Public Information Officer /  
Joint Chief Environmental Engineer-I,  
Tamil Nadu Pollution Control Board,  
76, Mount Salai, Guindy,  
Chennai – 600 032.

**To**

The Public Information Officer,  
The District Environmental Engineer,  
Tamilnadu Pollution Control Board,  
Plot No. CP-5B, SIPCOT Growth Centre,  
Vandalur - Wallajahbad Road,  
Oragadam, **Sriperumbudur – 602 105.**  
Kancheepuram District.

**Letter No. TNPCB/ RTIA/026817/ F.No. 397/2021, Dt: 23.12.2021**

**Sub:** TNPCB – Certain Information requested under RTI Act – Reg.

**Ref:** Dr. Anupkrishnan V., Chennai, RTI Petition Dated: 09.11.2021,  
received (through Lr.No. CMWSSB / T & T / 530 MLD / RTI /  
SPL / 2021, dt: 10.12.2021) here on 15.12.2021.

\*\*\*\*\*

I am enclosing a copy of the petition received from Dr. Anupkrishnan V., Chennai, under RTI Act, 2005 and request you to take necessary action on the RTI petition and suitable reply may be sent to the petitioner directly within time under intimation to Public Information Officer, Tamil Nadu Pollution Control Board, Corporate Office, Chennai– 32.

**Encl:** Annexure.

*Handwritten signature and date: 23/12/2021*

**Public Information Officer**

**Copy to**

✓ Dr. Anupkrishnan V.,  
Flat 7173, Tower 7, Prestige Bella Vista,  
Mount Poonamallee Road, Ayyappanthangal Village,  
Kancheepuram District, **Chennai – 600 056.**

*Handwritten initials and date: 3/12/2021*

*Handwritten signature and date: 23/12/2021*

Annexure attach to 27/12/21 - 12.37 P.M.

Handwritten scribbles

Handwritten scribbles

Handwritten signature



## Tamil Nadu Pollution Control Board

<p>From Er. P. Ravichandran, M. E., Public Information Officer/ District Environmental Engineer, Tamil Nadu Pollution Control Board, Plot No. CP-5B, Oragadam, SIPCOT Industrial Growth Centre, Sriperumbudur Taluk, Kancheepuram District - 602 105 Email: <a href="mailto:deespr@tnpcb.gov.in">deespr@tnpcb.gov.in</a> Ph. No. 8056042173</p>	<p>To Thiru. Dr Anupkrishnan.V Flat No. 7173, Tower7, Prestige Bella Vista Mound Poonamallee Road, Ayyappanthangal Village, Kundrathur Taluk, Kancheepuram District - 600056</p>
---	--

**Lr.No /DEE/TNPCB/SPR/RTI/F-2654/2021, Dated 05.01.2022**

Sir,

Sub: TNPC Board - Sriperumbudur - Certain information furnished under RTI Act,2005 - Dr Anupkrishnan.V Prestige Bella Vista Ayyappanthangal Village, Kundrathur Taluk, Kancheepuram District - information furnished - Regarding.

Ref: 1. RTI Petition received from Thiru. Anupkrishnan.V, Ayyappanthangal Village, Chennai, Dated: 09.11.2021 received in this office through Board on 27.12.2021.  
2. RTI petition is forwarded to Executive engineer CMWSSB,Chembarampakam, vide this office letter:05.01.2022.

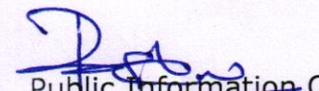
\*\*\*\*\*

With reference to the petition under RTI Act 2005, the following information is furnished

SI No	Information Sought	Information furnished under RTIA - 2005
1.	Please issue me a copy of the letter of NOC issued to M/s Prestige Estates Projects Ltd dated 30/03/2012.	There is no details available in this Office records.

Further, RTI petition has forwarded to Public information officer/Executive Engineer(530 MLD),Chembarapakam WTP (530 MLD) to provide information/reply to the serial No.2,3,4,5 as per the section 6(3) of the right information Act - 2005.CMWSSB urban management building No.75,santhom High road, RA puram, MRC Nagar, Chennai -600 028.Vide reference 2<sup>nd</sup> cited.

Hence I request you to contact Public information Officer/ Executive engineer CMWSSB, Chembarampakam in this regard to obtain information in future.

  
 Public Information Officer/  
 District Environmental Engineer,  
 TNBC Board, Sriperumbudur.

by  
05/01/2022

  
 \_\_\_\_\_



**தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்**

<p>அனுப்புநர் திரு. ப. ரவிச்சந்திரன், எம்.இ., மாவட்ட சுற்றுச் சூழல் பொறியாளர், தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம் பிளாட் எண். CP - 5B, சிப்காட் தொழிற்சாலை வளர்ச்சி மையம், ஓரகடம், திருப்பெரும்புதூர் வட்டம், காஞ்சிபுரம் மாவட்டம் - 602 105. Email: deespr@tnpcb.gov.in Ph. No. 8056042173</p>	<p>பெறுநர் பொதுத் தகவல் அலுவலர்/செயல் பொறியாளர்(530 MLD) செம்பரம்பாக்கம் WTP(530 MLD), CMWSSB நகர்புற நிர்வாக கட்டிடம், எண்.75, சாந்தோம் ஹை ரோடு, ஆர்.ஏ புரம், எம்.ஆர்.சி நகர், சென்னை - 600 028.</p>
---	---

க.எண்.த.நா.மா.க.வா/மா.ச.சூ.பொ/தஅஉச/கோ.எண்.2654/2021, நாள்.05.01.2022

ஐயா,

பொருள் தகவல் பெறும் உரிமைச் சட்டம் 2005 - திரு. அனுப்கிருஷ்ணன், பூவிருந்தமல்லி ரோடு,  
அய்யப்பன்தாங்கல் கிராமம்- தகவல்கள் கோரியது - தொடர்பாக.

பார்வை வாரிய கடித எண்.த.நா.மா.வா /தஅஉச/கோ.எண்.397/2021, நாள்:23.12.2021  
(இவ்வலுவலகத்திற்கு கிடைக்கபெற்ற நாள் :27.12.2021)

\*\*\*\*\*

பார்வையில் காணும் மனுதாரருடைய விண்ணப்பத்தின் நகல், தகவல் பெறும் உரிமைச் சட்டம் 2005, சட்டப் பிரிவு 6(3)-ன் கீழ் தங்களுக்கு இத்துடன் இணைத்து அனுப்பப்படுகிறது. மனுதாரர் கோரியுள்ள தகவல்களில் வரிசை எண் 2,3,4,5 ஆகியவை தங்களது பொது அதிகார அமைப்பினைச் சார்ந்ததால் அதுகுறித்த தகவல்களை மனுதாரருக்கு நேரடியாக அனுப்பி வைக்குமாறு தங்களைக் கேட்டுக்கொள்கிறேன்.

பொதுத் தகவல் அலுவலர்/  
மாவட்ட சுற்றுச் சூழல் பொறியாளர்,  
தமிழ்நாடு மாசு கட்டுப்பாடு வாரியம்,  
திருப்பெரும்புதூர்.

நகல்:

திரு. அனுப்கிருஷ்ணன்.,  
பிளாட் எண்.7173,  
பிரஸ்லேஜ் பெல்லா விஷ்டா,  
மவுண்ட் பூவிருந்தமல்லி ரோடு,  
ஐயப்பன்தாங்கல் கிராமம், சென்னை - 600 056.

05/01/2022

*[Handwritten signature]*

## ANNEXURE-4



ANUPKRISHNAN VISWANATH &lt;anupkrishnanviswanath@gmail.com&gt;

**allotment of illegal car park spaces over CMSSB land in S.No.51/1B2 and 51/1C2 in Ayyappanthangal Village, violating NOC conditions**

2 messages

**ANUPKRISHNAN VISWANATH** <anupkrishnanviswanath@gmail.com>  
To: md@cmwssb.in, exedir@cmwssb.in, grfo.cmwssb@tn.gov.in

Thu, Apr 14, 2022 at 7:13 AM

To

- 1.Managing Director, CMWSSB.
- 2.Executive Director, CMWSSB
- 3.Engineering Director, CMWSSB

Respected Sir,

I would like to lodge a complaint against M/s Prestige Estates Projects Ltd for violation of NOC conditions issued to them vide Lr.No.CMSSB/T&T/530 MLD/154/2012 dated 30-03-2012 and for allotment of car park spaces over culvert constructed over CMWSSB land in S.No.51/1B2 and 51/1C2 in Ayyappanthangal Village. They have constructed a culvert with 18 meters width violating planning permission & building plan which stipulated 7.2 meters wide culvert only.

M/s Prestige Estates Projects Ltd has given an affidavit in the National Green Tribunal, Chennai in I.A 181/2021 that "they have a right to use the culvert in any manner whatsoever, including assigning car park spaces. They have further declared that they allotted 16 car park spaces over the culvert to residents of the residential complex.

I have already sent you an RTI dated 09/11/2021 requesting to let me know what action has been taken against M/s Prestige Estates Projects for allotting car park spaces along the RCC culvert in said CMWSSB land. But you didn't respond to the query so far and transferred it to PIO, TNPCB.

**I request you to take action against Prestige Builders for violating NOC conditions and allotting car parking spaces over Government land and inform me of the action taken by you via email within 2 weeks without fail.** Otherwise, I will be constrained to implead you as additional Respondent in my application OA/2021.

I am herewith attaching a copy of the affidavit filed by Prestige Builders for your perusal.

Thanking you,

Yours faithfully,

s/d

Dr. Anupkrishnan.V  
Applicant in OA 21/2021 **74.CA of R4&5 in IA 181 -2021.pdf**  
901K

sewtt cmwssb <sewttcmwssb@gmail.com>

Wed, Apr 27, 2022 at 2:33 PM

To: anupkrishnanviswanath@gmail.com

Cc: Chennai Metrowater <md@cmwssb.in>, exedir@cmwssb.in, grfo.cmwssb@tn.gov.in

Lr.No. CMWSSB/O&M-II/WT&T/530MLD/Prestige/NOC/01/2022, Date: 27.04.2022

Sir,

Sub: CMWSSB- O&M-II -WT&T – 530 MLD – No Objection Certificate issued for M/s. Prestige Estates Projects Limited to use CMWSSB Land at Ayyappanthangal Village as access to reach the other side of the property – action taken towards e-mail complaint – furnished - Reg

- Ref
1. Lr. No. CMWSSB/T&T/530 MLD / 154 /2012, dt 30.02.2012
  2. Your e-mail dt 14.04.2022.
  3. Counter affidavit of OA 21/2021 before the National Green Tribunal South Zone at Chennai
  4. Your RTI Application dt 09.11.2021 received by PIO on 17.11.2021
  5. Lr No. CMWSSB/T&T/530 MLD/RTI/04/2021 dt 10.12.2021
  6. Your RTI Appeal petition dt 09.12.2021 received by AA on 15.12.2021
  7. Lr No. CMWSSB/T&T/530 MLD/RTI/04-A/2021 dt 10.12.2021
  8. Show cause notice Lr. No. CMWSSB/O&M-II/WT&T/530MLD/Prestige/ NOC / 2022, dt. 22.04.2022

\*\*\*

With reference to 2<sup>nd</sup> cited, CMDA, in order to issue planning permission to the proposed Multi Storied apartment at Ayyappanthangal, requested NOC from CMWSSB and the same was issued accordingly, stipulating 11 terms and conditions which were legally accepted by M/s Prestige Estates Projects Limited. As ownership of land lies with CMWSSB, Now based on the terms and conditions, show cause notice vide Lr. No. CMWSSB/O&M-II/WT&T/530MLD/Prestige/NOC/2022, dt. 22.04.2022 have been issued on 25.04.2022 to M/s Prestige Estates Projects Limited, to show cause within 15 days on receipt of the notice towards cancellation of NOC, for the allotment of car parking over the culvert. Reply will be analysed according to the merits.

It is further stated that for the RTI petition dt 09.11,2021 all the available relevant information has been furnished as per RTI Act 2005 vide Lr No. CMWSSB/T&T/530 MLD/RTI/04/2021 dt 10.12.2021. For the information regarding non compliance of Environmental Clearance letter, the same has been forwarded to PIO of TNPCB to provide information.

Regards,

SUPERINTENDING ENGINEER (WT&T)

CMWSSB

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

**IA 181/2021**

**in**

**Original Application No. 21/2021**

**BETWEEN**

**Dr. Anupkrishnan.V                      .... Applicant**

**VS**

**Director, Ministry of Environment  
Forest and Climate Change,  
MOEF&CC RO(SEZ), HEPC Building,  
No.34, Cathedral Garden Road,  
Nungambakkam, CHENNAI  
and 7 Others                      .....Respondents**

**Rejoinder Filed u/s 19 of the  
National Green Tribunal Act, 2010**

**Dr. Anupkrishnan. V  
Party in Person**