

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

AT CHENNAI

Application No: 185 of 2021

BETWEEN

Vikas R S

APPLICANT

AND

Chairman of Karnataka state Pollution Control Board and Ors RESPONDENTS

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Signature of the Applicant

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LIST OF DATES

Sl. NO.	Date	From	To	Subject
1	10-Apr-2021	Vikas RS – Petitioner	Member Secretary, KSPCB	Complaint against the Builder for the violations
2	31-March-2021	Environmental Officer, RO Sarjapura	Manager, SNR Silver Ripples	Notice regarding the violations
3	10-Aug-2021	Senior Environmental Officer, RO Sarjapura	The Occupier, M/S SNR Silver Ripples	
4	11-Oct-2021	Environmental Officer, RO Sarjapura	Member Secretary, KSPCB	Informing member secretary that NPD has been issued to M/S SNR Silver Ripples
5	29-Oct-2021	Member Secretary, KSPCB	The Occupier, M/S SNR Silver Ripples	Closure Directions
6	11-Feb-2022	Member Secretary, KSPCB	The Occupier, M/S SNR Silver Ripples	Environmental compensation notice

IN THE HON'BLE NATIONAL GREEN TRIBUNAL**AT CHENNAI****Application No: 185 of 2021****Between:**

Vikas R S
402, 7 B Main, 4 B Cross,
HRBR Layout 1st Block
Kalyan Nagar, Bangalore – 560043
Ph: 9972034102
Email: rsvikas@gmail.com

And

- 1) Chairman
Karnataka State Pollution Control Board
"Parisara" Bhavan", No: #49,
Church Street, Bengaluru – 560001
Ph: 080-25589111-4/ 25586520/ 25588142/ 25581383
Email: chairman@kspcb.gov.in
- 2) Member Secretary
Karnataka State Pollution Control Board
"Parisara" Bhavan", No #49,
Church Street, Bengaluru – 560001
Ph: 080-25589111-4/ 25586520/ 25588142/ 25581383
Email: ms@kspcb.gov.in
- 3) Rajdeep Dey
Managing Director, SNR Square (P) Limited.
#484, 1st Floor, 17th cross, 27th main,
HSR Layout, Sector-2, Bangalore – 560 102
Ph: 9886130131 / 9742777333 / 080-22589454
Email: rajdeep.dey@gmail.com, rajdeep.dey@snrsquare.com

OBJECTIONS

I, Vikas R S, the petitioner/Applicant hereby filing by Objections to the Memorandum of Application dated 15-Oct-2022, filed by Respondent 2, Member secretary of KSPCB.

1. The first error I would like to point out is the Respondent 2 does not have the knowledge of who is the petitioner/Applicant and who is Respondent
 - a. In the Memorandum of Application dated 15-Oct-2022, the Respondent 2 changed the cause title of this petition.
2. In the application the member secretary states that,

"The Original Application is filed against the 3rd Respondent Rajdeep Dey, Managing Director of M/S SNR Silver Ripples, site no.21, Khatha no.206/21, Somapura Village, Anekal Tq, sarjapura hobli, Bengaluru Urban District 560099 seeking the following directions:.."

- a. I would like to highlight that the application has been filed against the Chairman (Respondent 1), Member secretary (respondent 2) and Rajdeep Dey (Respondent 3).

3. Respondent 2 further states that,

"3. The Karnataka State Pollution Control Board has passed the order levying environmental compensation from Occupiers namely SNR Silver Ripples, site no. 21, Khatha No.206/21 , Sariapura Hobli Bengaluru urban District -560099 vide their side their notice dated 11.02.2022."

- a. The complaint was that Respondent 3 has violated
- b. Respondent 1 and respondent 2 are legally bound to take action against respondent 3
- c. I would like to highlight that M/S SNR Silver Ripples is not the builder, in fact it is the name of the apartment where the violation has happened. The name of the builder is Mr. Rajdeep Dey.

4. Respondent 2 further states that,

"4. On 07.10.2022, the Board had issued an administrative approval for initiating criminal proceedings against builder namely M/S SNR Square Silver Ripples wherein the board has authorized the environmental office, to file criminal case against the builder SNR Square Private Limited,.."

a. The administrative approval dated 7-Oct-2022 to initiate criminal proceedings against Respondent 3 has not been shared before this tribunal.

5. Respondent 2 further states that,

"5. The Karnataka State Pollution Control Board had also issued demand notice dated 7-10-2022 for Environmental Compensation for non-compliance of the provision of Water (Prevention & Control Pollution) Act, 1974 herein the said notice was issued to the Builder managing director of M/S SNR Square Private Ltd and also the said notice was issued to The Secretary/President of SNR Silver Ripples Owner Welfare Association."

a. Here I would like to highlight 2 points:

- i. First, the notice issued on 7-10-2022 to the Builder managing director of M/S SNR Square Private Ltd, has not produced before this Hon'ble Tribunal
- ii. Second, the *SNR Silver Ripples Owner Welfare Association*, has been quashed by the orders from Karnataka High court vide case no. WP 3613/2021 on 6-Sep-2021

6. Respondent 2 further states that,"

"6. The Pollution Control Board is pursuing the builder namely SNR Silver Ripples for which the board has authorized the environmental officer to proceed with criminal action against the builder according to the provision of Water (Prevention & Control of Pollution) Act, 19742

a. I would like to highlight that M/S SNR Silver Ripples is not the builder, in fact it is the name of the apartment where the violation has happened. The name of the builder who has violated the laws and rules is Mr. Rajdeep Dey.

7. Respondent 2 further states that,"

"7. The reason for serving notice to the occupiers is due to the fact that they have purchased the apartments from the builder along with all statutory rights and obligations attached to the apartment and have started residing in that apartment and knowing very well that the STP is constructed and operated without any consent of the Board. As an occupier, including the petitioner, they have been discharging sewage to the open area without any treatment for which they are also liable for the actions taken by the Board and hence the notice were served on the occupiers."

- a. I would like to highlight the fact that, It was the Petitioner who had filed RTI to confirm if the Pollution Control board has issued CFE and CFO for the STP and duly informed the member secretary of this violation
- b. The allegation by the responded 2 that, "the occupiers are *residing in that apartment and knowing very well that the STP is constructed and operated without any consent of the Board..*" is baseless and no facts have been established to state that the occupiers have knowingly purchased the apartment
 - i. If this is the case, then why did the petitioner/applicant verify via RTI application if the CFO and CFO exist or not
 - ii. If the occupiers were knowingly causing pollution, why did we complain to member secretary about such a violation
 - iii. Once we found out that the builder has violated statutory regulation of KSPCB, we made our written presentation to member secretary
 - iv. What KSPCB does not understand is that, even before the builder gets the "occupancy certificate" the STP should be working and functional.
 - v. The builder should maintain the STP for 5 years before handing it over to a legitimate association.

8. Respondent 2 further states that,"

"8. The action of closure direction and consequential direction to cut the power Supply was not made suddenly and arbitrarily. It was done on 29-10-2021 only after providing sufficient opportunity for the occupiers who had requested the Board after issuance of Board Notice of Proposed Direction dated 10-8-2021 requesting time to file their objection to the

notice of proposed direction vide their association (SNR Silver Ripples OWNERS welfare association, registration No DRB3/SOR/591/2018-19)..."

- a. I would like to inform this Hon'ble Tribunal that the association has been quashed by the High court of Karnataka as it was wrongly formed with the support from the builder
 - b. The association does not have any locus standi with respect to CFE and CFE violations caused by the builder
 - c. I have attached the high court order and the cancellation letter from ROCS.
9. I would further like to draw the tribunal's attention to the list of dates – pg. 1
- a. The complaint is against the Builder Rajdeep Dey clearly stated in my complaint dated 10-Apr-2021
 - b. However, all the notices issued by KSPCB are to the occupier of M/S SNR Silver ripples
 - c. KSPCB has not addressed this case diligently, as they have failed to issue even a single notice to the actual violator and respondent to this case and complaint – Rajdeep Dey.
 - d. This clearly shows how KSPCB is hand-in-glove with the builder and enjoying a quid pro quo situation.
10. I would like to further state that we are first-time home buyers and all of us might not be aware of every statutory and obligatory rules and laws.
- a. The builder has wrongly made the homebuyers believe that all statutory and mandatory approvals have been taken.
 - b. The home buyers here are the affected party and not the violators.
11. We expect the builders to follow the rules and regulations and we expect the various government appointed authorities to act as per the law.
12. KSPCB along with the Builder, are also part of this violation as they have not done their duty diligently.



Signature of Applicant

IN THE HON'BLE NATIONAL GREEN TRIBUNAL**AT CHENNAI****Application No. 185 of 2021****BETWEEN**

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APPLICANT

AND

Chairman of Karnataka state Pollution Control Board and Ors RESPONDENTS

VERIFICATION

I, Vikas R S, S/o, Surendranath R S, age 40 resident of Bengaluru City, do hereby verify that the contents of the above paragraphs are true to the best of my Knowledge and grounds are based on legal advice and that I have not suppressed any material fact.

Date: 16-Oct-2021

Place: Bangalore



Signature of the applicant

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 6TH DAY OF SEPTEMBER, 2021

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.3613 OF 2021(GM-KSR)

BETWEEN:

MR. VIKAS S/O SURENDRANATH R S,
AGED ABOUT 39 YEARS,
NO.402, 7B MAIN,
4B CROSS, HRBR LAYOUT,
KALYAN NAGAR 1ST BLOCK,
BANGALORE – 560 043.

...PETITIONER

(BY SRI. VITTAL B, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF CO-OPERATION,
ROOM NO.618, 6TH FLOOR,
M S BUILDING,
BANGALORE – 560 001.

2. THE DEPUTY REGISTRAR OF
CO-OPERATIVE SOCIETIES
BANGALORE URABN ZONE-3,
NO.146, SAHAKARA SOUDHA,
8TH CROSS ROAD, 3RD MAIN,
MARGOSA ROAD, MALLESHWARAM,
BANGALORE – 560 003.

3. SNR SILVER RIPPLES,
OWNERS WELFARE ASSOCIATION,
BLOCK C GROUND FLOOR,
SILVER RIPPLES,
TRINITY HOMESTEAD LAYOUT,
SARJAPUR MAIN ROAD, SOMPURA
SARJAPURA,
BANGALORE – 562 125.

... RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R1 & R2;
SRI. P B RAJU, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-1 AND 2 TO TAKE APPROPRIATE ACTION TO CANCEL THE REGISTRATION OF R-3 ASSOCIATION AND ETC.,

THIS PETITION COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

Learned counsel for the petitioner submits and learned HCGP does not much dispute that the subject matter of this writ petition is substantially covered by the Coordinate Bench decision dated 15.02.2019 in **W.P.No.34660/2017 & 35719-35724/2017 (GM-KSR)** MR. PRAVEEN PRAKASH & OTHERS VS. STATE & OTHERS, as affirmed by Division Bench in **W.A.No.974/2019** & connected matters disposed off on 06.11.2019 copies whereof are respectively are at Annexures G & H.

2. The Division Bench of this Court in **W.A.Nos.932-933/1974** between A.V.VINODA & ANOTHER Vs. STATE OF KARNATAKA BY ITS COMMISSIONER & SECRETARY disposed of on 11.12.1974, has held that the Court should treat the like-cases alike and if relief is granted to a litigant it has to be extended to a similarly circumstanced litigant as well, there being no derogatory circumstances.

In the above circumstances, this writ petition succeeds; a Writ of Certiorari issues quashing Registration Certificate bearing No. DRB3/SOR/591/2018-2019 dated 13.12.2018 a copy whereof is at Annexure-D.

No costs.

**Sd/-
JUDGE**

Bsv

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಹಕಾರ ಇಲಾಖೆ

ಸಂಘಗಳ ಜಿಲ್ಲಾ ನೋಂದಣಾಧಿಕಾರಿಗಳು ಹಾಗೂ ಸಹಕಾರ ಸಂಘಗಳ ಉಪನಿಬಂಧಕರ ಕಛೇರಿ, 3ನೇ
ವಲಯ, ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ, #146, 2ನೇ ಮಹಡಿ, ಸಹಕಾರ ಸೌಧ, 8ನೇ ಕ್ರಾಸ್, ಮಾರ್ಗೋಪ ರಸ್ತೆ,
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560003

ಡಿಆರ್‌ಬಿ-3/ಸಂ.ಸಂ/ದೂ.ಅ/119/2021-22

ದಿನಾಂಕ: 06-05-2022

-:ಹಿಂಬರಹ:-

ವಿಷಯ : ಎಸ್‌ಎನ್‌ಆರ್ ಸಿಲ್ವರ್ ರಿಪಲ್ಸ್ ಓನರ್ಸ್ ವೆಲ್‌ಫೇರ್ ಅಸೋಸಿಯೇಷನ್, ಈ
ಸಂಘದ ನೋಂದಣಿಯನ್ನು ರದ್ದತಿಗೊಳಿಸಿರು ಬಗ್ಗೆ
ಉಲ್ಲೇಖ: ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಆದೇಶ ಸಂಖ್ಯೆ -3613/2021.

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಉಲ್ಲೇಖಿತ ಆದೇಶದಲ್ಲಿ ಎಸ್‌ಎನ್‌ಆರ್ ಸಿಲ್ವರ್ ರಿಪಲ್ಸ್
ಓನರ್ಸ್ ವೆಲ್‌ಫೇರ್ ಅಸೋಸಿಯೇಷನ್, ಈ ಸಂಘದ ನೋಂದಣಿ ಸಂಖ್ಯೆ :ಡಿಆರ್‌ಬಿ-3/ ಎಸ್‌ಓಆರ್
/591/2018-19. ಅನ್ನು ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಆದೇಶದನುಸಾರ ರದ್ದತಿ ಮಾಡಲಾಗಿರುತ್ತದೆ. ಸದರಿ
ಆದೇಶವನ್ನು ಈ ಪತ್ರದೊಂದಿಗೆ ಲಗತ್ತಿಸಿದ್ದು, ಮಾಹಿತಿಗಾಗಿ ಕಳುಹಿಸಿದೆ.

ಸಂಘಗಳ ಜಿಲ್ಲಾ ನೋಂದಣಾಧಿಕಾರಿಗಳು
3ನೇ ವಲಯ, ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ.

ಗೆ.

1. ಅಧ್ಯಕ್ಷರು/ಕಾರ್ಯದರ್ಶಿ

ಎಸ್‌ಎನ್‌ಆರ್ ಸಿಲ್ವರ್ ರಿಪಲ್ಸ್ ಓನರ್ಸ್ ವೆಲ್‌ಫೇರ್ ಅಸೋಸಿಯೇಷನ್,
ಬ್ಲಾಕ್-ಸಿ, ಗ್ರೌಂಡ್ ಫ್ಲೋರ್, ಸಿಲ್ವರ್ ರಿಪಲ್ಸ್
ಟ್ರಿನಿಟಿ ಹೋಮ್ ಲೇಔಟ್ ಸರ್ಜಾಪುರ ಮುಖ್ಯರಸ್ತೆ,
ಸೋಂಪುರ, ಬೆಂಗಳೂರು-562125.

2. ಶ್ರೀ ಆರ್.ಎಸ್. ವಿಕಾಸ್, ನಂ-402, 7ಬಿ ಮೇನ್, 4ಸಿ ಕ್ರಾಸ್, ಹೆಚ್‌ಆರ್‌ಬಿಆರ್ ಲೇಔಟ್, ಕಲ್ಯಾಣ
ನಗರ, 1ನೇ ಬ್ಲಾಕ್, ಬೆಂಗಳೂರು -560043

GOVERNMENT OF KARNATAKA

COOPERATION DEPARTMENT

Office of the District registrar of societies and deputy registrar of cooperative societies,
3rd zone, Bangalore city district, #146, 2nd floor, cooperative building, 8th cross, Margosa road,
Malleshwaram, Bangalore – 560003

DRB-3/SS/DA/119/2021-22

Date: 06-05-2022

Endorsement

Subject: SNR Silver Ripples Owners welfare association, Registration of this association cancelled

Ref: Hon'ble High court order no: 3613/2021.

As per the above-mentioned order, SNR, Silver Repulse Owner Welfare Association, registration number of this association : DRB-3/ SOR /591/2018-19, is canceled as per the order of Hon'ble High Court. The said order is enclosed with this letter and sent for information.

District Registrar of Societies
3rd Zone, Bangalore City District.

To,

1. Chairman/Secretary

S.N.R. Silver Ripples Owner Welfare Association, Block-C, Ground Floor, Silver Ripples Trinity Homes
Layout Sarjapura Main Road, Sompur, Bangalore-562125,

2. Shri RS Vikas, No-402, 7B Main, 1C Cross, HR BR Layout, Kalyana Nagar, 1st Block, Bangalore -560043