

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ),
CHENNAI**

Original Application No: 185 of 2021 (SZ)

1. Vikas R S

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

1. The Chairman Karnataka State Pollution Control Board
"Parisara Bhavan", No: #49,
Church Street, Bengaluru – 560001
Ph: 080-25589111-4/25586520/25588142
Email: chairman@kspcb.gov.in

2. The Member Secretary Karnataka State Pollution Control Board
"Parisara Bhavan", No: #49,
Church Street, Bengaluru – 560001
Ph: 080-25589111-4/25586520/25588142

2nd Respondent/1st Respondent in OA

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
Email: rajdeep.dey@gmail.com, rajdeep.dey@snrsquare.com

1. The above Original Application is filed seeking direction against the Respondent No1 & 2 to protect the environment and stop pollution as per law and against the 3rd Respondent Rajdeepa 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 to observe the Environmental Laws and to impose penalty of Environmental compensation for violation. The Hon'ble NGT on hearing the applications ordered that if the Pollution Control Board desires to file any more documents or further report, it is open to file before the next date of hearing. Further vide order dated 20-10-2022 directed the board to mention in the report as to who are the authorities to grant building permits and approvals at various level.

2. It is humbly submitted that the Karnataka State Pollution control Board has conducted an extensive fact finding spot inspection on 14-11-2022 through its Regional office, Sarjapura comprising of Regional officer, Deputy Environmental Officer and Asst. Environmental Officer. They found many more construction had come-up in Sarjapura hobli, they were totally 18 apartments with different names. During their inspection of all the apartments they observed the following;

- The apartments authorities have not obtained Consent for Establishment (CFE) Consent for Operation (CFO) from the Board and operating without valid consent under Water Act.
- The apartments consist of occupied and as well as vacant flats.
- As per the information gathered by inspection team, the apartments were not yet handed over to their respective association.



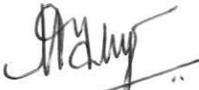
- Sewage treatment Plant (STP) were not installed for some of the apartments, STP were installed for some of the apartments. But some of the STPs installed were not being operated.
 - No Logbooks were maintained for the operation and maintenance of the STPs.
 - A sample of treated sewage was collected during the course of inspection and same was handed over to Board laboratory for analysis.
 - Not provided Organic Waste convertor (OWC) for the treatment of organic biodegradable waste.
3. 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 the same, knowing fully well that the STPs have been constructed and operated without any consent from the Board. As the occupiers, including the petitioner, have been discharging sewage to the open area without any treatment for which they are also liable for the actions to be taken by the Board.
4. For the above stated Non-compliances with provisions of the Water (Prevention & control of Pollution) Act 1974, Board has issued Notices of Proposed directions under Section 33 (A) of Water (Prevention & Control of Pollution) Act 1974 and served on all the occupiers who have been polluting the environment, to file their objections to the proposed directions as to why not to direct them to stop operation of the residential apartments.



5. It is further submitted that, during the course of inspection it was also observed that for none of the apartments, the Builders had obtained Consent for Establishment (CFE) /Consent for operation (CFO) from the Board for the construction and thereby Builders violated the law for which they are liable for criminal prosecution. For the said purpose of launching criminal prosecution and to register complaint against the builders, Regional Officer has written letter to obtain Board's administrative approval, which is under consideration. And in sixty days time, those complaints will be registered before courts of law.

6. Further, it is respectfully submitted that, while granting consent (CFE/CFO) Board is authorized under Water Act to look into Water and Environment Pollution aspects only. Further, as far as other authorities to grant building permits and approvals at various levels are, BMRDA and Local Planning Authority(Outside BBMP Area), BBMP, Fire Safety Department, Water Supply Authorities like BWSSB and Panchayath, State Ground Water Authority, Airport Authority if applicable.


COUNSEL FOR RESPONDENT


RESPONDENT

VERIFICATION

I, M.G. Yathish S/o M.V.Gopal, Senior Environmental Officer, Karnataka State Pollution Control Board having office at No.49, "Parisara" Bhavan, Church street, Bengaluru-560001, do hereby verify and state that the contents of Paragraph No. 1 to 6 are true and correct to the best of my knowledge, belief and information.



RESPONDENT

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ),
CHENNAI**

Original Application No: 185 of 2021 (SZ)

Member Secretary
Karnataka State Pollution Control Board
"Parisara Bhavan", No: #49,
Church Street, Bengaluru – 560001
Ph: 080-25589111-4/25586520/25588142
Email: ms@kspcb.gov.in

Applicant/2nd Respondent

Versus

1. Vikas R S

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

1st Respondent/Applicant in O.A

2. The Chairman,

Karnataka State Pollution Control Board
"Parisara Bhavan", No: #49,
Church Street, Bengaluru – 560001
Ph: 080-25589111-4/25586520/25588142
Email: chairman@kspcb.gov.in

2nd Respondent/1st Respondent

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
Email: rajdeep.dey@gmail.com, rajdeep.dey@snrsquare.com

3rd Respondents/3rd Respondents



AFFIDAVIT

I, M. G. Yathish S/o M.V. Gopal, Major, Senior Environmental Officer, Karnataka State Pollution Control Board having office at No.49, "Parisara" Bhavan, Church Street, Bengaluru-560001, do hereby solemnly affirm and sincerely state on oath as follows;

1. I represent Respondent No. 1 & 2 of the above case. I am well aware of the facts and circumstances of the case and competent to affirm to this affidavit.
2. That I am filing annexed objection statement and have read the contents of the same. I do hereby declare that what is stated in the objection statement are true the best of my knowledge and information.

I swear accordingly


DEPONENT



SWORN TO BEFORE ME
03/12/2022
CHANDRASHEKARAIYAH. S
Advocate & Notary
No. 977, Kempagowda Nilaya
3rd Cross, Muthurayaswamy Extension
Sunkadakatte, Bangalore - 560091

6
12/8/20

37
3/12/2022

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NATIONAL GREEN
TRIBUNAL
(SZ), CHENNAI.

**Original Application No: 185 of
2021 (SZ)**

Vikas R S

Applicant

Versus

Karnataka State Pollution Control
Board & Or.

Respondents

AFFIDAVIT ON BEHALF OF
1st & 2nd RESPONDENT

M.R.GOKUL KRISHNAN
Counsel for 1st & 2nd Respondent
(KSPCB)