

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

**CHENNAI**

**ORIGINAL APPLICATION NO. 21 OF 2021**

Dr. Anupkrishnan. V

**... APPLICANT**

**v.**

Ministry of Environment, Forest and Climate Change,  
And 7 Others.

**... RESPONDENTS**

**OBJECTIONS FILED BY THE 4<sup>TH</sup> & 5<sup>TH</sup> RESPONDENTS TO THE JOINT  
COMMITTEES REPORT UPLOADED ON THE HON'BLE GREEN TRIBUNAL  
WEBSITE ON 11/08/2021**

M/s. S. Arjun Suresh, B. Kishore,  
Raghavendra Ross Divakar  
Apoorva S. Vinjamur  
Noyal James  
Gautham Balaji  
**Of M/s. Dua Associates**

**COUNSEL FOR THE FOURTH & FIFTH RESPONDENTS**

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

## CHENNAI

## ORIGINAL APPLICATION NO. 21 OF 2021

Dr. Anupkrishnan. V  
Flat No. 7173, Tower 7, Prestige Bella Vista,  
Ayyappanthagal Village, Mount Poonamallee Road,  
Kanchipuram District, Chennai - 600 056

... Applicant

v.

Ministry of Environment, Forest and Climate Change,  
Represented by its Director, MOEF & CC RO (SEZ),  
HEPC Building, No.34, Cathedral Garden Road,  
Nungambakkam, Chennai - 600 034  
And 7 Others.

... Respondents

**OBJECTIONS FILED BY THE 4<sup>TH</sup> & 5<sup>TH</sup> RESPONDENTS TO THE JOINT  
COMMITTEES REPORT UPLOADED ON THE HON'BLE GREEN TRIBUNAL  
WEBSITE ON 11/08/2021**

**The 4<sup>th</sup> and 5<sup>th</sup> Respondents named above most respectfully submit as  
under:**

1. The instant Application was filed by the Applicant under Sections 14 and 15 of the National Green Tribunal Act, 2010, alleging that the Fourth and Fifth Respondents (**"the Answering Respondents"**) violated the conditions imposed in the Environmental Clearance and also regarding the other permissions granted for the Project, namely **"Prestige Bella Vista Project"** (**"The Project"**).
2. The Hon'ble Tribunal, vide Order dated 05/02/2021, constituted the Joint Committee (**"the Committee"**) to ascertain the genuineness of the allegations made in the application, by inspecting the area in question and examine whether any violations, as alleged by the Applicant, were committed by these Answering Respondents.
3. The Committee had inspected the Project on 20/04/2021 in the presence of *inter-alia*, the Applicant and the Answering Respondents. Thereafter, the Committee had submitted its Report, which was uploaded on the website of the Hon'ble NGT from 11/08/2021 and made

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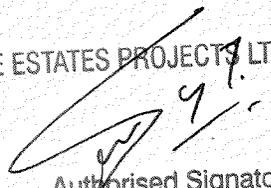
available to the Answering Respondents since then. On perusal of the Report, it is evident that the said Report has proceeded on the basis of certain factually erroneous and untenable observations/premises, and consequently the compensation amount of Rs.95,97,656/- recommended to be imposed on the Answering Respondents is erroneous and untenable.

4. The Answering Respondents vehemently deny each and every averment, finding, recommendation and observation made by the Committee in the Report, except to the extent specifically admitted hereinunder. The Committee is put to strict proof of the same.

**Paragraph-wise response:**

5. The contents of Paragraph I is the Preamble to the Report. The said Preamble contains facts on record and hence requires no specific traversal, except to the limited extent set out below. It is clarified that, the State Environmental Impact Assessment Authority - Tamil Nadu (**SEIAA-TN**) was not constituted at the relevant time of submitting the application for Environmental Clearance (**EC**) for the Project (which falls under Category-B for grant of EC) and hence the said application was placed by the Answering Respondents before the First Respondent for consideration and approval. Therefore, the question of submitting any proposal for expansion or amendment to SEIAA-TN does not arise.
6. In response to the observations and averments made in Paragraph 2(a) of the Report, it is clarified that the application was made for developing 20 towers (with 33 blocks) and not 20 blocks, as stated therein.
7. The contents of Paragraph 2(b) are facts on record and hence require no traversal.
8. In reply to the averments made in Paragraph 2(c) of the Report, it is clarified that the Consent to Operate (CTO) was issued for the 25 blocks upon issuance of partial taking over certificates for these blocks by the Third Respondent i.e., Chennai Metropolitan Development Authority (CMDA). The Answering Respondents have also duly applied for renewal of the same for 25 blocks and subsequently applied for CTO Expansion for the entire Project as well with the CMDA. The other statements made

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in the paragraph under reply are facts on record and hence require no traversal.

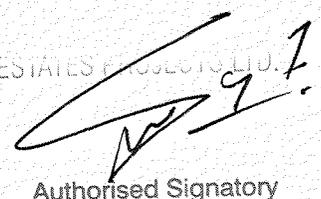
9. As regards the averments made in Paragraph 2(d), it is clarified that the Answering Respondents have developed and constructed the Project comprising of 33 Blocks in 20 Towers with a total built-up area of 4,49,971 sq. m. (inclusive of FSI and non-FSI areas), and 4,43,738.16 sq. m. excluding the non-FSI area.
10. The Answering Respondent further submit that neither the Applicant nor the Committee shall be permitted raise issues/allegations relating to the purported violations concerning planning permission, car parking spaces, built-up areas being less than the approved built-up area, etc. before this Hon'ble Tribunal.as these issues do not per se have any relationship / nexus to the environment.
11. Be that as it may, the Answering Respondents state that the Committee has in fact did not observe any violations on the part of the Answering Respondents in respect of 6 out of the 11 allegations raised by the Applicant, thereby fortifying the falsity as regards a majority of the Applicant's contentions. These include (i) submission of half-yearly statements, (ii) sufficiency of water supply; (iii) installation of DG Sets; (iv) proper treatment of waste; (v) sufficiency of facility to meet wastewater; (vi) formation of environment cell. As for the remaining allegations, the Answering Respondents vehemently deny the allegations of the Applicant as well as the observations of the Committee, in so far as it affects or is detrimental to the Answering Respondents. For ease of reference, each of the observations are dealt with in seriatim hereinbelow:

**Response to Paragraph 3.1:**

12. The Applicant alleged that the Answering Respondents have not submitted the half-yearly compliance statements to the Competent Authority, as envisaged in the EC. However, the Committee, by rejecting the same, has rightly observed that the Answering Respondents have duly submitted the said reports from June 2014 onwards until date. Therefore, the Committee has not found/ observed any violation in this regard.

**Response to Paragraph 3.2:**

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13. The Applicant has alleged that sufficient car parking area in the Project was not provided as set out in the EC. In this regard, the Committee has, based on the allegation of the Applicant, erroneously proceeded to consider the Equivalent Car Parking Space (**ECS**) mentioned in the EC to arrive at an incorrect conclusion that there is a deviation of the approved plan and violation of EC.
14. However, the averment of the Applicant and the consequent observations of the Committee in this regard are incorrect. In specific terms, it is submitted that the Answering Respondents have provided and allotted more than an adequate number of parking lots to the residents as per the CMDA norms. Based on the Second Master Plan for Chennai Metropolitan Area, 2026 (Volume II - Development Regulations), the CMDA had indicated in its approval plan that at least 2212 car parking spaces and 600 two-wheeler parking were to be provided in the Project. Accordingly, the Answering Respondents have allotted 2215 car parking spaces and 600 two-wheeler parking spaces under the Project. These parking lots have been provided as open (surface parking) and covered (basement parking) so that no public space were utilized and without obstructing the common utilities within the premises. Therefore, the findings/observations made by the Committee in this regard are absurd, unsustainable, and vague.
15. In addition, the averment that the cars/ two wheelers were parked in a haphazard manner are denied as false, incorrect, and baseless. Be that as it may, the same is not within the personal knowledge of the Answering Respondents and hence the Committee is put to strict proof of the averments made to the contrary. The only stipulations contained in the EC in this regard are that the parking should be completely internalized and that no public space should be utilized for the same. In the instant case, neither the Applicant nor the Committee has demonstrated any non-compliance of the said condition the answering respondents. Therefore, the answering respondents are in compliance with the EC conditions pertaining to parking areas.

**Response to Paragraph 3.3:**

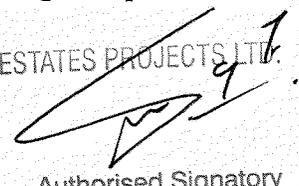
16. The Applicant alleged that sufficient water supply mechanism is not provided in the Project. However, upon inspection, the Committee has

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not observed any violations by the Answering Respondents with respect to this allegation.

17. In this regard, it is submitted that, as per the EC, the total estimated quantity of water to be supplied for the Project is 1659 KLD (i.e., fresh water is 856 KLD and re-cycled water from STP is 803 KLD). This was taking into account the total estimated built-up area of 4,78,003 sq. m. for the Project.
18. The actual total built-up area of the Project is 4,49,971 sq. m., only and the total requirement of water for the Project is approximately 1000-1300 KLD (both fresh water and re-cycled), based on actual consumption (which varies based on consumption of water on weekdays, weekends, festivals, and holidays). Be that as it may, the Answering Respondents have obtained permission from the Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) for supply of 2.0 MLD or 2000 KLD of fresh water per day for the Project (Annexure No. 4). The Answering Respondents are sourcing fresh water both from CMWSSB and private tankers which meets the maximum demand for the Project, as also rightly observed by the Committee. At present, considering the fact that some apartments remain unoccupied, the current demand of water supply at the Project is much less than the maximum demand indicated by the Committee.
19. In addition, recycled water from the Project is treated and used for gardening, flushing and green belt development. As such, the Answering Respondents are duly complying with the requirements and there are no violations with respect to the undertaking provided in the EC in so far as supply of water is concerned.
20. Furthermore, G.O. Ms. No. 142 dated 23/07/2014 issued by the Government of Tamil Nadu, envisages grant of No-objection Certificate (NOC) to draw ground water for, *inter-alia*, domestic purpose by individual household and infrastructure project (Housing) only in case of non-availability of surface water. In addition to the above restriction, it is stated that the borewells contains high iron content. Therefore, despite the fact that there are no guidelines stipulated for projects such as Prestige Bella Vista (which are located within the Chennai Corporation region) to draw/ extract ground water notwithstanding the availability of fresh water from CMWSSB, the Answering Respondents

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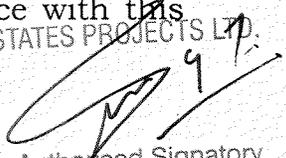


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have exercised abundant caution to ensure that the borewells are not used. As stated above, the Project meets its requirements from the recycled water generated from the 3 Sewage Treatment Plants (**STP's**) set up in the residential complex

**Response to Paragraph 3.4:**

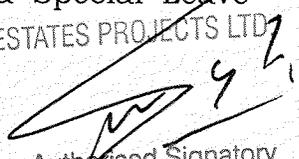
21. The Applicant had alleged that there is no reverse osmosis plant provided for the treatment of drinking water within the Project. It is submitted that the fresh water for drinking supplied by CMWSSB and private tankers is being treated by 3 Water Treatment Plants (WTPs), installed within the Project, and having a total capacity of 67.5 m<sup>3</sup>/hour, containing pressure sand filter and activated carbon filter, as well as disinfected by chlorination. These WTPs are designed to meet the domestic water standards. Moreover, the water supplied by CMWSSB is of portable quality and hence reverse osmosis is not required.
22. In addition, the Total Dissolved Solids (TDS) in fresh water supplied to the Project is less than 500 mg/l. It is respectfully submitted that, in O.A. No. 134 of 2015, the Principal Bench of the Hon'ble NGT, New Delhi, vide Order dated 20/05/2019 had considered the issue of consequences of Reverse Osmosis Technology and *inter alia* took note of the fact that RO technology reduces the extent of potable water drastically, which resource is as such extremely scarce and also has significant ramifications on the health of individuals by stripping water off essential minerals. In addition, the Hon'ble Tribunal had also observed that there is wastage of water i.e., the reject water from the plant to an extent of around 80% and same would harm surface water and the surroundings if disposed untreated. Accordingly, the Hon'ble NGT, New Delhi *inter alia* directed prohibition of the use of Reverse Osmosis plants across all the states where Total Dissolved Solids (TDS) in water is less than 500 mg/l.
23. In view of the above, as mechanical compliance with the EC Conditions would in fact result in a situation that is harmful to the health of persons as also the environment, the Answering Respondents have opted for alternate mechanisms of treating fresh water. It is humbly submitted that the intention behind this stipulation in the EC is to ensure that the drinking water supplied is treated and fit for human consumption. The Answering Respondent has ensured substantial compliance with this

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stipulation by putting in place adequate filtering mechanism to ensure distribution of good quality drinking water. It is also pertinent to point out that neither the Applicant nor the Committee has alleged any instances of complaints from the residents regarding the quality of drinking water provided. It is humbly submitted that the Committee has erroneously construed this as a violation and has overlooked the fact that the Answering Respondent has complied with the requirement by providing alternate arrangements.

**Response to Paragraph 3.5:**

24. The Applicant alleged that the construction of the Project was made against the plan and permission granted as well as the conditions imposed by the EC. It is admitted that the total built-up area is less than the approved built-up area and not more the approved area. As such, such under-utilization does not result in violation of the planning permission or the EC, which prescribes only the maximum extent of construction. Therefore, this does not constitute any violation of the EC.
25. As regards the allegation relating to issuance of completion certificates, it is true that two partial completion certificates were issued by the Third Respondent on 08/01/2016 (14 Blocks out of 33) and 16/03/2016 (11 Blocks out of 33). On 26/11/2018, the Answering Respondents have also obtained the Consent to Operate (**CTO**) for these 25 Blocks, including for all the 20 DG sets and 3 STP's under the Project.
26. The Committee has observed that the Answering Respondents had not obtained completion certificate for the balance 8 blocks, and that few of these blocks are being occupied. In this regard, it is submitted that, based on a demand raised by CMDA, the Answering Respondents had paid the developmental charges and Infrastructure and Amenities charges for the Project in March 2012 itself. However, thereafter, the CMDA issued a revised demand for the aforementioned charges, that were challenged by the Answering Respondents before the Hon'ble Madras High Court, by way of a writ petition. The writ petition was allowed by quashing the revised demand raised by the CMDA. On appeal, the Division Bench of the Hon'ble High Court also confirmed the order of the Ld. Single Judge of the Hon'ble Court and dismissed the CMDA's appeal. Subsequently, the CMDA preferred a Special Leave

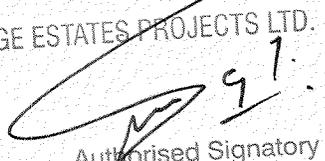
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Petition (SLP) before the Hon'ble Supreme Court, which subsequently came to be converted into a civil appeal. The Appeals were finally heard and disposed of, by partly allowing the revised demand. The Answering Respondents preferred a review, that came to be dismissed, subsequent to which a curative petition is preferred before the Hon'ble Supreme Court and is numbered as Curative Petition No. 166-167/2021. The Answering Respondents abstain from dealing with the issues in the above proceedings on merits, as the Hon'ble Supreme Court is seized of the matter and the issues dealt with therein are sub-judice.

27. Be that as it may, meanwhile, the Answering Respondents had applied to the CMDA for the Completion Certificate during early-2017 for remaining 8 Blocks and have been taking earnest efforts in following-up with CMDA to obtain approval of the same. However, by egregiously citing pendency of the above proceedings, the CMDA has refused to issue the completion certificate and has been erroneously withholding the same for the past 4.5 years. It is submitted that the non-issuance of completion certificate by the CMDA for the remaining 8 blocks is not due to any violation of plans/ permissions/ EC, but for the reasons set out above. Therefore, there is no violation of any laws/ regulations by the Answering Respondents. In any event, the issue relates to compliance with the TN Town & Country Planning Act is presently *sub judice* and it is therefore humbly submitted that it is not appropriate for the Applicant or the Committee to raise such issues before this Hon'ble Tribunal.

**Response to Paragraph 3.6:**

28. The Applicant had alleged that emergency DG sets have not been provided as per the EC. The total power requirement for the Project is 10.5 MVA, for which the sub-station and transformer yard has been installed within the Project site by obtaining prior approval from TNEB. The Answering Respondents have installed 20 DG sets [725 KVA in 10 Nos, 600 KVA in 5 Nos. and 500 KVA in 5 Nos.], with a total capacity of 12.75 MVA, to meet out the power back-up supply for the Project. The Committee has rightly observed that "*adequate numbers of DG sets were provided to meet out the back-up power supply*". The Answering Respondents have engaged one M/s. Thirumalai Agency (approved by TNPCB) for disposal of spent oil/waste discharged from the DG sets. The

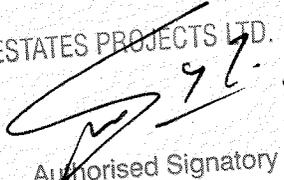
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emission that emanates from the stack is also within the permissible limits/ parameters of the environmental norms.

**Response to Paragraph 3.7:**

29. The Applicant alleged that the Answering Respondents had not installed proper treatment facility for treatment of waste generated in the Project. As per EC, the estimated sewage generated at the Project was 1133 KLD for which the Answering Respondents have installed 3 STPs having a total capacity of 1550 KLD. In fact, relevant adequacy reports have also been furnished by the Anna University for the STPs. At present, the total inflow volume of the sewage is less than the estimated range indicated in the EC, as some of the units remain unoccupied. This treated / recycled water from the STPs is used within the Project for gardening, flushing and green belt development. The surplus/ remainder of the treated/ recycled water is decanted to the CMWSSB's pumping station.
30. The STPs installed in the Project consists of primary treatment such as bar screen chamber, utilization tank followed by biological treatment comprising fixed-bed, bioreactors, and settling tanks, followed by pressure sand filter, activated carbon filter and ultra-violet systems for dis-infection. The treated water is being used for toilet flushing, green belt development and remaining water is being sent to the CMWSSB's sewage treatment plant decanting point for disposal.
31. In addition, the Answering Respondents state that they have installed an organic waste convertor with a capacity of 500 kg/hour and the solid waste generated from the residents is segregated into bio-degradable and non-bio-degradable solid wastes as source. In addition, the segregated wastes are also being collected and the bio-degradable waste are being treated in the organic waste convertor and treated compost generated therefrom is being utilized as manure for green-belt development. The non-biodegradable waste is being transferred to the recycler for recycling. Hence, there is no violation/ non-compliance of any environmental laws in this regard by the Answering Respondents. This has also been rightly observed by the Committee in its Report. The Answering Respondents are also duly complying with the provisions of the Solid Waste Management Rules 2016.

**Response to Paragraph 3.8:**

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32. As regards the averments made under this head, the Answering Respondents reiterates that the Committee has rightly observed that the facility provided in the Project is sufficient for treating the waste-water in an effective and environmental-friendly manner.
33. As stated above, it is reiterated that the estimated sewage generated at the Project as per the EC was 1133 KLD for which the Answering Respondents have installed 3 STPs having a total capacity of 1550 KLD; the adequacy report for these STPs are also furnished by the Anna University. The STPs consists of primary treatment such bar screen chamber, utilization tank followed by biological treatment comprising fixed-bed, bioreactors, and settling tanks, followed by pressure sand filter, activated carbon filter and ultra-violet systems for dis-infection. The treated water is being used for toilet flushing, green belt development and remaining water is being sent to the CMWSSB's sewage treatment plant decanting point for disposal.
34. It is relevant to state that CTOs are provided for these STPs. The treated sewage generated from these STPs are being analyzed by NABL accredited laboratory and the results are found within the discharge standards by the TNPCB. It is submitted that the treated water is being used for toilet flushing, gardening and green-belt development while the remaining treated sewage water (whenever generated in excess) is sent to decanting point for disposal.

**Response to Paragraph 3.9:**

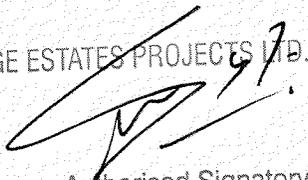
35. As regards the averment relating to Consent to Operate (CTO) for the Project, the Committee has erroneously observed that CTO was "*not found to be obtained for the entire 33 blocks*" by the Answering Respondents. However, it is respectfully stated that the CTO for 25 out of 33 blocks within the Project was obtained by the Answering Respondents as early as on 26/11/2018. The validity of the above CTO expired on 31/03/2020. However, due to the COVID pandemic and consequential lockdown/ restrictions imposed, the TNPCB had issued Office Orders whereby the validity of *inter alia* consents to operate were automatically extended up to 30/09/2020.
36. In fact, even prior to the expiry of the extended period i.e., 30/09/2020, the Answering Respondents applied for the renewal of CTO [vide

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Application No. 32759129] on 27/07/2020 for the aforementioned 25 Blocks, through the online portal of Sixth Respondent website. The Answering Respondents had also duly paid the applicable fees as demanded by the TNPCB.

37. In these circumstances, on 22/09/2020, the Sixth Respondent had conducted an inspection at the residential complex and observed that the CTO was not renewed for the existing 25 Blocks and CTO for the balance 8 Blocks were not available. Pursuant to inspection, a show cause notice was issued by the Sixth Respondent on 26/09/2020 and same was replied by the Answering Respondents on 03/12/2020, wherein it was stated that the CTO renewal application has already been submitted and the same is still pending approval. In any event, the said Show Cause Notice itself is *ex facie* invalid and untenable as the CTO had stood automatically extended by virtue of the aforesaid Office Orders. As regards the remaining 8 towers, the Answering Respondent submitted that the same were not applied for due to non-issuance of completion certificate by the CMDA. The Sixth Respondent had once again on 19/02/2021 conducted inspection. Subsequently, vide show-cause notice dated 08/04/2021, the Sixth Respondent has directed the Answering Respondent to apply for CTO for the entire Project, which was duly agreed to by the Answering Respondents (including vide letter dated 16/04/2021).
38. Meanwhile, the second lockdown was imposed by the State Government and the Answering Respondents were restrained from accessing its own to collate necessary documents/ details and take steps to obtain internal approvals for payment of fees for the CTO Expansion with regard to entire Project and visit the authority concerned for clarifications. Immediately after the restrictions were relaxed, the Answering Respondents applied the CTO Expansion for the entire 33 Blocks on 05/08/2021 vide application no. 38788041.
39. The total fees payable by the Answering Respondents towards CTO as well as CTE and CTO expansions fees and renewals thereof are tabulated hereinbelow for ease of reference:

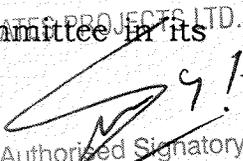
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Description	Consent Fee Amount	Cash Receipt No.	Date of Cash Receipt received from TNPCB	DD No.
CTO Fee for 2016-2018	49,10,600	43229	20-08-18	564433
CTO Fee for 2016-2018	6,41,600	43392	02-11-18	732456
CTO Renewal fee for 2021 - 2022	2,33,232	98328	09-12-20	294859
CTO Renewal fee for 2020 - 2022	2,33,232	98018	28-07-20	132654
CTO Renewal fee for 2020 - 2022	16,53,000	98484	11-02-21	326786
CTO Renewal fee for 2020 - 2022	11,86,536	98484	11-02-21	326787
CTO Renewal fee for 2020 - 2022	1,68,800	118996	05-08-21	405486
<b>Sub Total (A)</b>	<b>90,27,000</b>			
CTE Expansion Fee (B)	17,37,400	119068	06-09-21	407699
Grand Total (A+B)	<b>1,07,64,400</b>			

40. The Answering Respondent has duly complied with all the requirements by making the requisite applications for renewal of Consent to Operate for 25 blocks and for obtaining Consent to Operate for the entire project by paying the requisite fee of Rs.1,07,64,400/- and there is nothing pending from the Answering Respondent's end. Therefore, there is no violation committed by the Answering Respondents in this regard and the observations made by the Committee to the contrary are highly erroneous and unsustainable.

**Response to Paragraph 3.10:**

41. As regards the installation of solar facilities to be installed, it is submitted that the Answering Respondents have already provided solar water heater for the top two floors of 30 blocks, as represented in its brochure and the same has also been noted by the Committee in its

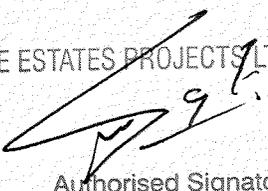
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Inspection Report. In addition, it is reiterated that sufficient green belt and open spaces have been provided within the Project to cater an eco-friendly and environmentally conscious atmosphere to its residents. The Answering Respondent has also proposed to install adequate solar streetlights along the internal roads of the Project.

**Response to Paragraph 3.11:**

42. The averment of the Applicant that environmental cell was not formed is false and erroneous as the Answering Respondents has already formed an Environmental Cell headed by Mr. Nagaraj, the deponent herein. This has also duly recorded by the Committee and no violation in this regard has been observed.
43. It is submitted that the averments in un-numbered paragraphs at Pages 8 and 9 of the Inspection Report are denied in its entirety. The Answering Respondents had obtained the EC for the Project from the First Respondent and not SIEAA-TN. In precise terms, in the instant case, the screening, scoping and appraisal of the Project was carried out by the EAC and pursuant to its recommendation, the EC was granted by the First Respondent and not SIEAA-TN. In any event, the six-monthly reports are being duly submitted by the Answering Respondents, in due compliance with the EC guidelines.
44. As regards the inspection and consequent show-cause notice dated 23/09/2020, the same was duly responded by the Answering Respondents on 03/12/2020. As regards the Proceedings dated 08/04/2021, the same was also duly responded by the Answering Respondents on 16/04/2021. Further, it is relevant to submit the following:
  - a. The CTO renewal application and CTO expansion for the entire project has been applied on 05/08/2021 and the fees has also been paid to the TNPCB. However, the same is still pending approval.
  - b. Reverse Osmosis Treatment technology is not required for the Project because the fresh water/drinking water is being obtained from the CMWSSB which is pre-treated. Moreover, the water is also treated by 3 water treatment plants installed within the Project. In fact, the Hon'ble Green Tribunal (PB) in OA No. 134 of

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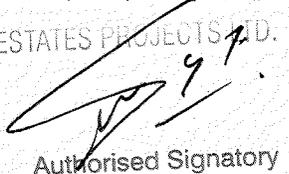
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2015 has held that RO plans are not to be installed where the water TDS is <500, and wherein water is supplied by the water authorities. In this context, the Answering Respondents, for the sake of brevity, craves leave to not repeat and reiterate all that is stated hereinabove in respect of the RO technology.

- c. The only waste generated by the project is waste oil from DG sets. The same is disposed of by one Thirumalai Agency which whom an agreement has been entered for disposal of the waste oil discharged from the DG sets. This agency has been duly authorized under the Hazardous and Waste Rules, 2016. Also, the DG sets were installed after obtaining the CTO. The Answering Respondents have also submitted necessary application for Hazardous Waste Authorization to the authority concerned.
  - d. The remaining treated sewage water (whenever generated in excess) is already being sent to CMWSSB's decanting point for disposal, which is also in compliance with the recommendation in Proceedings dated 08/04/2021.
  - e. The Committee has not observed or recorded any violation of consent conditions/ standards or limits in discharges.
  - f. The Project is a residential complex and therefore does require to install OCEMS. The residential complex has not been considered as an industry in terms of the notice issued by the CPCB dated 23/09/2015.
  - g. There are no violations of any Rules framed under the Environmental (Protection) Act, 1986, as amended.
45. It is respectfully submitted that the Answering Respondents, in its letter dated 08/07/2021, had provided detailed responses/ justifications to the oral observations/ site inspection of the Committee, which is self-explanatory. A mere perusal of the said response would demonstrate that there are no violations of any compliances/ conditions by the Answering Respondents, as falsely alleged.
46. In response to the averments in the unnumbered paragraph at Page 10 of the Report, the Answering Respondents deny the allegations/ averments of non-compliance for the reasons more particularly set out

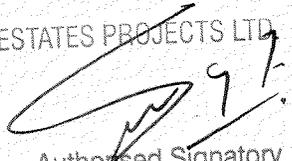
hereinabove and the Committee is put to strict proof of the same. The averments that the Answering Respondents have not taken any effective steps to comply with the directions issued by the TNPCB and that it allegedly continued violations of consent conditions as stipulated in the CTO and EC are vehemently denied as false, erroneous and unsustainable and the Committee is put to strict proof of the same.

47. Consequently, it is submitted that the Answering Respondents are not liable to pay any environmental compensation for the alleged violations set out in the Report. Moreover, the Committee has failed to provide any opportunity to the Answering Respondents to show-cause why a sum of Rs. 95,97,656/- or part thereof ought not to be levied against them. The Answering Respondents is not aware of the "*reference 7<sup>th</sup> cited*" and the Report contains no such reference.
48. Moreover, the entire basis/ method of computing the compensation is erroneous, arbitrary, and unsustainable. In fact, the Committee has computed the compensation on the sole presumption that the Project was operating without renewal of CTO and has computed 273 days (23/09/2020 to 23/06/2021). However, the said computation is erroneous for the following reasons:
- (i) The CTO was valid up to 31/03/2020. Thereafter, due to the ongoing COVID-19 pandemic, the validity of CTOs was automatically extended up to 30/09/2020. The Answering Respondents applied for renewal of CTO for 25 blocks by 27/07/2020 itself i.e., 2 months prior to the expiry of the extended period for renewal. Therefore, the computation of the starting date of violation from 23/09/2020 is arbitrary and untenable.
  - (ii) On a without prejudice basis, it is submitted that on account of the fact that the validity of CTOs was automatically extended till 30/09/2020, the computation of duration from 23/09/2020 is untenable.
  - (iii) Furthermore, considering the fact that the CTO was applied by the Answering Respondents by 27/07/2020 itself, the computation of the cessation date as 23/06/2021 for computing the compensation is also baseless and unsustainable. The 6<sup>th</sup> Respondent, during its inspection conducted on 22/09/2020,

For PRESTIGE ESTATES PROJECTS P.D.  
  
 Authorised Signatory

proceeded on a wholly erroneous premise that the CTO had expired (despite the automatic renewal) and failed to consider the renewal application on merits. The said delay therefore cannot be imputed to the answering respondent herein.

- (iv) In fact, there is absolutely no basis, reason or rationale to compute the period of alleged violation up to 23/06/2021 since the Answering Respondent had made an application for renewal of CTO in respect of 25 blocks even before the deemed expiry of CTO on 30/09/2020, i.e., on 27/07/2020 and the same has been pending with the Board for reasons best known to them. As such, the computation of duration of 273 i. e. between 23/09/2020 and 23/06/2021 is highly arbitrary, irrational, and unsustainable.
- (v) Moreover, as stated above, CTO renewal application was made for 25 blocks as early as on 27/07/2020 itself. As on 23/06/2021, CTO was not applied only in respect of the remaining 8 out of 33 blocks. However, as stated above, this was because the completion certificate was a pre-requisite for issuance of CTO for these 8 blocks and the said completion certificate for the 8 blocks was erroneously withheld by the CMDA.
- (vi) The show-cause notice for CTO Expansion for the entire Project was issued only on 08/04/2021, which was duly complied with on 05/08/2021, and hence the computation of compensation is also untenable on this account since there admittedly arose no grievance on 23.09.2020, which is the start date for such computation.
- (vii) Without prejudice to the above, the TNPCB had on 19/02/2021, certified that all 33 blocks in the Project were ready to be occupied and this observation has been disregarded by the Committee for computing compensation up to 23/06/2021.
- (viii) The Committee has not considered the fact that the Answering Respondents had applied for renewal of existing CTO for 25 Blocks even before the expiry of the extended period; CTO expansion application for the entire Project comprising of 33 Blocks with the applicable fees was paid to the Sixth Respondent.

For PRESTIGE ESTATES PROJECTS LTD.  
  
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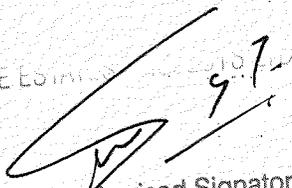
- (ix) As such, the Answering Respondents have complied with the EC conditions; the Answering Respondents have paid the entire CTO expansion fees as demanded by the Sixth Respondent; the Answering Respondents have not violated any of the laws in Environmental Act, such as discharge to the environment polluting the land, water, and air.

The computation and recommendation of compensation are contrary to the Order dated 28/08/2019 passed by the Principal Bench of the Hon'ble Tribunal in O.A. No.593 of 2017.

**Response to Paragraph 4:**

49. With reference to Paragraph 4(i), the Answering Respondents repeat and reiterate all that is stated hereinabove regarding Reverse Osmosis treatment as if the same were set out herein. It is reiterated that Reverse Osmosis Treatment technology is not required for the instant Project because the fresh water/drinking water is being obtained from the CMWSSB which is pre-treated. The fresh water is also being treated at the water treatment plants installed in the Project. The Hon'ble Green Tribunal (PB) in OA No. 134 of 2015 has held that RO plans are not to be installed where the water TDS is <500, and wherein water is supplied by the water authorities. The 4 borewell are not used and hence, the requirement to treat the ground water does not arise.
50. With reference to Paragraph 4(ii), the Answering Respondents have provided the car parking facilities as provided in the CMDA approval, and the same does not constitute any violation of the EC conditions, or otherwise cause any harm to the environment. In fact, the car and two-wheeler parkings within the Project are in due compliance with the CMDA norms and the approved plans. In any event, the Answering Respondent have already proposed installation of multi-level car parking within the Project and will take necessary steps to implement the same at the earliest, if required, as recommended by the Committee.
51. With reference to Paragraph 4(iii), the Answering Respondents have provided solar water heater for the top 2 floors of 30 blocks. In addition, the Answering Respondents have proposed to install solar light existing polls along the internal roads of the Project. These would form the energy conservation using solar power.

For PRESTIGE ESTIMATES

9.7.2019  
  
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52. With reference to Paragraph 4(iv), it is submitted that the residential complex observes rainwater harvesting system, wherein the rainwater goes directly to the underground sump and percentage of rainwater getting wasted is almost nil.
53. With reference to Paragraph 4(v), the Answering Respondents reiterate that the levy Environmental Compensation is baseless and unwarranted, as outlined hereinabove, since there has not been any violation of the EC conditions.
54. Hence for the reasons mentioned above, it is prayed that the findings of the Committee, in so far as attributing any non-compliance to the Answering Respondents and quantifying the penalty or part thereof may be rejected as the same is erroneous and without any basis.

For PRESTIGE ESTATES PROJECTS LTD.

 97.  
Authorised Signatory

**FOURTH & FIFTH RESPONDENTS**



**COUNSEL FOR THE FOURTH & FIFTH RESPONDENTS**

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Raghavendra Ross Divakar  
Apoorva S. Vinjamur  
Noyal James and  
Gautham Balaji  
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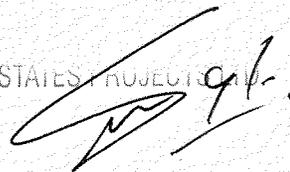
**Place:** Chennai

**Dated:** 22/09/2021

**VERIFICATION**

I, C. Nagaraj, S/o. Nagaraj C, son of Mr. C.R. Narasimhan, aged about 53 years, the Head – Business Operations (TN) of the Fourth and Fifth Respondents herein, having office at Prestige Polygon, Top Floor, 471, Anna Salai, Nandanam, Chennai 600, do hereby verify that the contents of paragraphs 1 to 54 above are true and correct to my personal knowledge and belief and that I have not suppressed any material fact.

For PRESTIGE ESTATES PROJECT



Authorised Signatory

**FOURTH & FIFTH RESPONDENTS**

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

**ORIGINAL APPLICATION NO. 21 OF 2021**

Dr. Anupkrishnan. V

**... APPLICANT**

**v.**

Ministry of Environment, Forest and  
Climate Change,  
And 7 Others.

**... RESPONDENTS**

**OBJECTIONS FILED BY THE 4<sup>TH</sup> & 5<sup>TH</sup>  
RESPONDENTS TO THE JOINT  
COMMITTEES REPORT UPLOADED ON THE  
HON'BLE GREEN TRIBUNAL WEBSITE ON  
11/08/2021**

M/s. S. Arjun Suresh, B. Kishore,  
Raghavendra Ross Divakar  
Apoorva S. Vinjamur  
Noyal James  
Gautham Balaji  
**Of M/s. Dua Associates**

**COUNSEL FOR THE FOURTH & FIFTH  
RESPONDENTS**