

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

IN

ORIGINAL APPLICATION NO. 205 of 2021(SZ)

Applicant : Environmental Protection & Research Council

Vs

Respondents : The Government of India & Others

VOLUME 1

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Dated this the 28th day of October 2021

Rema Smrithi, Advocate
ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT 3

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Applicant : Environmental Protection & Research Council

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**REPORT SUBMITTED BY THE JOINT COMMITTEE AS PER THE
ORDER DATED 22.09.2021 IN O A 205 of 2021**

Rema Smrithi, Advocate
ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT 3

Preliminary report of the 4 Member Joint Committee constituted as per the Hon'ble NGT order dated 22.09.2021 in the matter of O.A. No.205/2021 against the Residential Building "M/s Tuffnel Gardens" at Kakkanad, Ernakulam, Environmental Protection & Research Council Vs Union of India and others

While considering OA No. 205/2021, Environmental Protection & Research Council Vs Union of India and others, related to the construction of Residential Building 'Tuffnel Gardens' owned by M/s Jain Housing & Constructions Ltd, the Hon'ble NGT had passed orders on 22.09.2021 by directing the following:

"In order to ascertain the genuineness and allegations made in the application, and also the alleged violations, we feel it appropriate to appoint a Joint Committee consisting of (1) The District Collector, Ernakulam District or a Senior Officer deputed by him, not below the rank of Assistant Collector or Sub Divisional Magistrate, (2) a Senior Officer from the Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Bangalore (3) a Senior Officer from Kerala State Environment Impact Assessment Authority (Kerala, SEIAA) (4) a Senior Officer to be deputed by the Chairman, Kerala State Pollution Control Board (KSPCB) to inspect the area in question submit a factual as well as action taken report if there is any violation found."

In compliance to the Hon'ble NGT order in OA 205/2021 dated 22.09.2021, constituted the Joint Committee comprising of following members:

1. Sri. Vishnu Raj P. IAS, Sub Collector, Fort Kochi
2. Dr. Murali Krishna Chimata, Scientist 'E', MoEF, Integrated Regional Office (Southern Zone)
3. Dr. Jude Emmanuel, Environmental Scientist, State Environment Impact Assessment Authority Kerala.
4. Smt. Sreelakshmy P. B, Environmental Engineer, KSPCB, District office-1, Ernakulam

The Hon'ble Tribunal in the order dated 22.09.2021 directed the committee to ascertain the following:

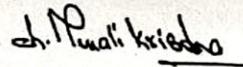
- i. Whether the 6th respondent is having a valid environment clearance and other permission for the purpose of the construction of the project.*

- ii. Whether the 6th respondent had started their construction, even before obtaining environmental clearance and other permission for the purpose of the construction of the project.
- iii. Whether any environment damage has been caused, on account of the alleged construction in violations of the EIA Notification, 2006
- iv. Whether proper conversion of permissions have been obtained for converting agricultural land for non-agricultural purposes of such a larger extent.
- v. Whether the construction had involved in any other violations of environmental laws either under the Water Prevention (Control of Pollution) Act, 1974 and Air Prevention (Control of Pollution) Act, 1981 or any other environmental laws.
- vi. If there is any damage caused or any violation found what is the nature of the damage caused and the environmental compensation to be levied for such violations committed and damage caused.

The first meeting of the Joint Committee was convened on 26.02.2019, the minutes of the meeting is enclosed at (Annexure-1). The Committee discussed about the preliminary findings related to the residential project "M/s Tuffnel Gardens". The Committee opined that the all the issues raised by the Applicant in the said OA shall be examined in detail with the documents and a detailed joint field inspection. In this regard, the Committee decided to conduct a joint inspection in the Apartment Complex "M/s Tuffnel Gardens" on 9th November 2021. The committee will file a detailed report as directed by the Hon'ble Tribunal after the joint inspection. Hence, it is kindly requested to grant two months time to submit detailed report.



Sri. Vishnu Raj P. IAS,
Sub Collector, Fort Kochi



Dr. Murali Krishna Chimata,
Scientist 'E', MoEF,



Dr. Jude Emmanuel,
Environmental Scientist, SEIAA Kerala



Smt. Sreelakshmy P. B.,
Environmental Engineer, KSPCB