

**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT SOUTHERN
BENCH**

Application No.53 of 2020

Between

**Olympia Grande Apartment Owners' Welfare
Association, Pallavaram Registration No.569/2016,**

Represented by its Secretary Mr.S.Chandrasekar,
No.328, GST Road, Pallavaram,
Chennai – 600 043.

Email ID : ogaowa2016@gmail.com

Phone No. 9381011008

... Applicant

AND

1. M/s.KSM Nirman Private Ltd.,

Represented by its Managing Director,
No.1, SIDCO Industrial Estate, Guindy,
Chennai – 600 032.

Email ID : sales@olympiagroup.in

Phone No. 044 – 4356 3773 and two others.

... Respondents

**REPLY FILED BY THE APPLICANT TO THE
JOINT COMMITTEE REPORT**

The Applicant submits as follows:

I. Introduction:

1. It is humbly submitted that the present reply is being sent in response to the Joint Committee Report filed before this Hon'ble Tribunal. The Applicant is filing this Reply without prejudice to their rights to file further Statements, Rejoinder and claims.

II. Paragraph wise reply of the Applicant:

2. With regard to para 1 of the recommendations filed by the Joint Committee, it is submitted that the Joint Committee has stated that the Sewage Treatment Plant (STP) has to be operated continuously. This is not being ensured by the 1st Respondent. It is further submitted that the 1st Respondent has never submitted any report with the 2nd and 3rd Respondent with regard to operation of the STPs. The STPs were kept in operation for a brief period when the Joint Committee had visited the apartment complex.

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3. With regard to para 2 of the recommendations filed by the Joint Committee, it is vehemently denied that the projects were handed over in the year 2017. The Applicant filed an appeal, vide Appeal No.75 of 2019 before the Hon'ble Tamil Nadu Real Estate Appellate Tribunal, Chennai with regard to refusal to handover of the projects and premises by the 1st Respondent and the Hon'ble Tribunal, vide order dated 09.11.2020 has remanded the matter back to the Adjudicating Authority (TNRERA) who will have to decide the factual issue whether the project was handed over to the Resident Association. However, from the documents available on record, it is apparent that the 1st Respondent has not handed over the project to the Applicant Association. The Applicant has submitted necessary proof of running and operating both plants by the 1st Respondent in the rejoinder dated 17.11.2020.

4. With regard to para 3 of the recommendations filed by the Joint Committee, it is submitted that the certificate issued by M/s.Indian Institute of Technology, Chennai cannot be taken on record since none of the personnel from IIT, Chennai had actually physically visited the apartment complex or had inspected or evaluated as per the norms set out by the Pollution Control Board and Environmental Clearance Letter No. SEIAA/TN/F.453/EC/8(a)/145/2011 dated 16.04.2013 and Letter No. No. SEIAA-TN/F453/KPM/8(a)/EC-145-Amdt/2011 dated 24.02.2015. Mere certificate without conducting any physical inspection cannot be accepted as a valid certificate acceptable in law.

5. With regard to para 4 of the recommendations filed by the Joint Committee, it is submitted that the Joint Committee has stated that did not witness any untreated sewage water pumping out of the project premises. It is further submitted that the contention of the Applicant from the very beginning is that the untreated sewage water pumps out only at the time of rain since the capacity of the plants at such time will be insufficient. It is the specific contention of the Applicant that the entire Sewage Treatment Plant (STP) will submerge into the water at the time of heavy rainfall and the untreated sewage

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water would start overflowing. There was no rain at the time when the Officials of the Joint Committee visited the project premises. However, it is pertinent to note that when there was heavy rain on 26.11.2020 and 27.11.2020 due to "Nivar Cyclone", the Applicant video graphed the overflow of untreated sewage water from the STPs and the applicant, vide email dated 27.11.2020 immediately sent the video to Hon'ble Chief Ministers Special Cell, 2nd and 3rd Respondents and also to other officials. The same is being enclosed in the form of a CD along with this Reply.

6. It is further submitted that when there was heavy raining due to "Cyclone Puravi", the 1st Respondent was pumping and discharging untreated sewage water into the rainwater drain channel. The Applicant immediately made complaint, vide email dated 09.12.2020 to the District Collector, the Assistant Commissioner of Police and other officials. It is further submitted that one Mr.S.Senthil Kumar, Assistant Engineer of the 2nd Respondent, Chengalpattu visited the site at 4 PM and caught the representatives of the 1st Respondent red handed while pumping and discharging untreated sewage into the rainwater drain channel. Proof of video and photographs are attached. OYO Townhouse a residential hotel which is situated in C tower is also regularly pumping and discharging untreated sewage into the basement area and rainwater drain channel whenever raining. It was subsequently learnt that the Municipal Commissioner issued Notice Na.Ka.No.2081/2016/E3 dated 01.11.2017 to 1st Respondent to ban the pumping and discharging of untreated sewage water into rainwater drain channel/GST main road. In spite of that the 1st Respondent is continuing the violations till date.

7. With regard to para 5 of the recommendations filed by the Joint Committee, the Joint Committee has recommended the 1st Respondent to operate the Ultra Filtration System and also further recommended to utilize the treated sewage for toilet flushing. It is submitted that para 3 and para 10 of the Rejoinder may be referred. Thus, it is apparent on the face of record that the 1st

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Respondent has never installed and operationalised Ultra Filtration system as per Clause (xix) of the Operation of Environmental Clearance dated 16.04.2013 and subsequent amendment dated 24.02.2015 granted to the 1st Respondent.

8. With regard to para 6 of the recommendations filed by the Joint Committee, the Joint Committee has recommended to utilize the treated sewage water for flushing and gardening purposes and had also further recommended to utilize the excess water to the public sewer as per the Environmental Clearance stipulates. In this regard, para 2 and para 7 of the Rejoinder may be referred. Therefore, it is clear that the 1st Respondent has never operated the STPs as per the terms and conditions as envisaged in the Environmental clearance granted to the 1st Respondent.

9. With regard to para 7 of the recommendations filed by the Joint Committee, it is submitted that the Applicant agrees with the recommendation to prepare emergency preparedness plan and to comply with the recommendations to mitigate the untoward situation in case of heavy rain.

10. With regard to para 8 of the recommendations filed by the Joint Committee, it is submitted that para 9 of the Rejoinder may be referred. Therefore, the 1st Respondent is under a legal obligation to establish organic waste convertor as per the terms and conditions of the environmental clearance dated 16.04.2013 and 24.02.2015 and also as per the Recommendations of the Joint Committee. This has not yet been done by the 1st Respondent.

11. With regard to para 9 of the recommendations filed by the Joint Committee, it is submitted that para 16 of the Rejoinder may be referred. Therefore, it is crystal clear that the 1st Respondent has operated the STPs without getting consent to operate from the 2nd Respondent. Thus, it is apparent that the 1st Respondent blatantly and grossly violated the conditions stipulated by the SEIAA and other environmental laws of the land.

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12. With regard to para 10 of the recommendations filed by the Joint Committee, it is submitted that para 12.1, para 16 and para 21 of the Rejoinder may be referred. Therefore, the 1st Respondent is liable to pay environmental compensation to the 2nd Respondent as they have failed comply with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and provisions of the Water (Prevention and Control of Pollution) Act, 1974.

Therefore, it is most humbly prayed that this Hon'ble Tribunal may be pleased to allow the Application and thus render justice.

For OLYMPIA GRANDE APARTMENT
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**Signature of the Authorized
Representative**

Signature of the Applicant

VERIFICATION

We, M/s.Olympia Grande Apartment Owners' Welfare Association, having office at No.328, GST Road, Pallavaram, Chennai – 600 043, do hereby verify that the contents of paras 01 to 11 are true to my personal knowledge and belief and that I have not suppressed any material fact.

Verified at Chennai on this 18th day of December, 2020

Date: 18.12.2020

Place: Chennai

For OLYMPIA GRANDE APARTMENT
OWNERS WELFARE ASSOCIATION



Signature of the Applicant

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REPORT**

M/s. HARI RADHAKRISHNAN

[Ms.1235/2007]

G. DERRICK SAM [Ms.1216/2007]

G. VIJAYABALAN [Ms.2044/2000]

N. AHILANDEESWARI

[Ms.1228/2007]

N. SHANMUGA THAYUMANAVAN

[Ms.1270/2007]

V.C. AKSHAYA [Ms. 3676/2017]

J. GANESH RAM [Ms. 3457/2019]

COUNSEL FOR THE APPLICANT