

**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

Index

| Sl.No. | Description | Pages |
|--------|---|-------|
| 1 | Report filed by the Environmental Engineer, Kerala State Pollution Control Board, District Office-1, Ernakulam. | 1-3 |

Dated this the 17th day of October 2022

Rema Smrithi, Advocate

ADDITIONAL STANDING COUNSEL FOR THE RESPONDANT 3

**BEFORE THE HON'BLE NATIONALGREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
IN**

ORIGINAL APPLICATION NO.205 of 2021(SZ)

Applicant : Environmental Protection & Research Council

Vs

Respondents : The Government of India & Others

**REPORT FILED BY THE ENVIRONMENTAL ENGINEER,
KERALASTATE POLLUTION CONTROL BOARD, DISTRICT
OFFICE-1,ERNAKULAM,ON BEHALF OF 3rd RESPONDENT**

RemaSmrithi, Advocate

ADDITIONAL STANDING COUNSEL FOR THE RESPONDANT 3

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

Application No.205/2021 (SZ)

Applicant : Environmental Protection & Research Council

Vs

Respondants : The Government of India

**REPORT FILED BY THE ENVIRONMENTAL
ENGINEER, KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE-1, ERNAKULAM 3RD RESPONDENT, IN THE
ABOVE APPLICATION**

Report filed by Smt. P. B. Sreelakshmy, W/o. J. S. Sajeew Kumar, aged 39 years, now working as Environmental Engineer, Kerala State Pollution Control Board (hereinafter referred to as **Board**), District Office-I, Ernakulam, on behalf of 3rd respondent.

1. It is respectfully submitted that the Original Application is filed against the illegal construction of residential project {by the 6th respondent M/s. Jain Housing & Construction Ltd} "M/s Tuffnel Gardens" situated in Survey no 485/1 of Kakkanad Village, Thrikkakara Municipality, Kanayannur Taluk.
2. It is respectfully submitted that M/s Jain Housing & Constructions Ltd had applied for Consent to Establish (CTE) on 12.09.2012 before the Board for a built up area of 51,573.6 Sqm. The builder submitted the application for CTE after starting of the construction. The Board has not issued CTE to the project since the builder failed to submit the clarification asked by KSPCB. But, the builder continued the construction of building and completed the




Sreelakshmy P B
Environmental Engineer
KSPCB, District Office-1, Ernakulam

construction of 4 towers and started occupancy in one tower. They started construction based on the NOC obtained from the Thrikkakara Municipality. The builder constructed the project without obtaining CTE and started occupancy without Consent to Operate of the Board in the building which is in violation of Water Prevention and (Control of pollution) Act 1974 as well as the conditions of Environmental Clearance. The joint committee constituted by the Hon'ble NGT in OA 205/2021 had conducted detailed inspection in the site on 09.11.2021 and noted that the project does not have valid EC and need to obtain fresh EC for further construction. The finding of the committee summarized as follows.

- The builder has started the construction activities before obtaining the EC from MoEF & CC. The project does not have a valid EC as of now and prior to start of any additional work. The Project Proponent is required to obtain a fresh EC from SEIAA, Kerala.
- The entire construction was done without obtaining Board's Consent to Establish and occupancy was started without obtaining Consent to Operate from Board violating the Water(Prevention & Control of Pollution) Act 1974, the Air(Prevention & Control of Pollution) Act, 1981 and the Environment(Protection) Act,1986.
- The paddy land is used for building construction without obtaining any permission from local level monitoring committee and Revenue Divisional office. The conversion of agriculture lands disrupted the ecological set up of the area and affects the biological diversity of the area. Hence the construction had caused environmental damage.
- The Project Proponent shall remit the Environmental Compensation of Rs 14.97 Cr.



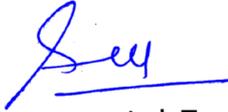
Sreelakshmy P B
Environmental Engineer
KSPCB, District Office-1, Ernakulam

3. It is respectfully submitted that the builder submitted application for consent to operate on 31.03.2022. Since the project was completed construction without Board's CTE and the project does not hold valid EC, the Board had refused the consent to operate application submitted by the 6th respondent. The copy of the consent refusal order is produced herewith and marked as Annexure -1. The Board is proposing to initiate legal action against the builder as per the section 44 & 45A of Water (Prevention & Control of Pollution) Act 1974. The Board's chairman had authorized the Environmental Engineer KSPCB District office-1, Ernakulam for taking legal action against the builder. The copy of authorization letter is produced herewith as Annexure -2. Based on the order, show cause notice is issued to the builder intimating the Board's intention to initiate legal action against the builder. The Copy of show cause notice issued to the builder is produced herewith as Annexure -3. It is humbly submitted that the Board will take further action against the builder.

All the facts stated above are true to the best of my knowledge, information and belief.

Dated this the 17th October, 2022.




Environmental Engineer,
Kerala State Pollution Control Board,
District Office-1, Ernakulam.

Sreelakshmy P B
Environmental Engineer
KSPCB, District Office-1, Ernakulam