

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

**Execution Application No.10 of 2023 (SZ)
IN
Original Application No.222 of 2014 (PB)**

IN THE MATTER OF:-

The Forward Foundation and Ors.

... **Applicant(s)**

Vs.

1. **State of Karnataka**
2. **Ministry of Environment and Forests Regional Office (SZ)**
3. **State Level Environment Impact Assessment Authority**
4. **Karnataka State Pollution Control Board**
5. **Bangalore Water Supply and Sewerage Board**
6. **Lake Development Authority**
7. **Karnataka Industrial Areas Development Board**
8. **Bangalore Development Authority**
9. **Mantri Techzone Private Limited**
10. **Core Mind Software and Services Private Limited**

... **Respondent(s)**

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Date: 3rd March 2024
Place: Chennai

CHANDRAMOULI PRABHAKAR

M/s. PC Law Chambers

C-2 (2nd Floor), Vasanth Apartments, 75/40,
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10. Core Mind Software and Services Private Limited

... Respondent(s)

**STATEMENT OF OBJECTIONS FILED BY RESPONDENT NO.9 –
AGARA TECHZONE PRIVATE LIMITED TO THE EXECUTION
APPLICATION FILED BY THE ORIGINAL APPLICANT;**



For AgaraTechzone Private Limited

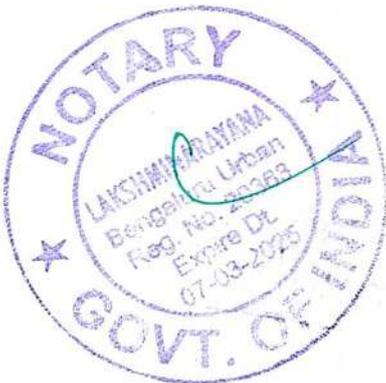
Authorised Signatory

THE 9TH RESPONDENT HEREIN MOST RESPECTFULLY SHOWETH:-

A. The Execution Application No.10/2023 under reply filed by the Original Respondent No.12/Applicant herein is not only misconceived but also misplaced and liable to be dismissed on the grounds set out herein below:-

i. The Original Applicants in Original Application No.222/2014 i.e., (1) The Forward Foundation, (2) Praja RAAG and (3) Bangalore Environment Trust have pressed the execution proceedings in Original Application No.222/2014 from the date of Final Order dated 04.05.2016 to 2019 before this Hon'ble Tribunal and the Hon'ble Tribunal at New Delhi passed Order has passed Orders time to time overseeing the compliance of the Directions issued in the final Order. This Hon'ble Tribunal, after satisfying with the compliance of statement filed by the Respondent No.9 and other answerable State Authorities, concluded the execution proceedings in 2019. Therefore, filing of Second Execution Application in Original Application No.222/2014 by the Applicant who was arrayed as Respondent No.12 therein, is not maintainable in view of the facts and circumstances of the case but also settled position of law laid down by the Hon'ble Apex Court wherein, it has been observed that the second execution petitions are not maintainable on the very issue agitated in the earlier execution petition. The Original Applicants do not have any grievance in the concluded Execution Proceedings.

ii. The Original Respondent No.12/Applicant herein has not disclosed about the Compliance Affidavit, Statement of Compliance filed by the Respondent No.9 and other answering Respondents in compliance of the directions issued on 04.05.2016 before this Hon'ble Tribunal from 2017 onwards. The Applicant neither placed on record such statement



For AgaraTechzone Private Limited


Authorised Signatory

of compliance nor disclosed fairly before this Hon'ble Tribunal only to mislead this Hon'ble Tribunal. Hence, the Applicant has not approached this Hon'ble Tribunal with clean hands. Therefore, their Execution Application deserves to be dismissed. The Applicant has produced the order copy dated 14-3-2018 passed by the Hon'ble National Green Tribunal. Subsequently, several hearing date the matter has been listed before the Hon'ble National Green Tribunal and the Original Applicants and Respondents were present before the Hon'ble Tribunal and filed their Compliance reports. After considering the compliance reports filed by the Respondent No. 9 and others answering Respondents, the Hon'ble National Green Tribunal has given clearance the project.

True copies of Compliance Affidavits/Statement of Objections filed by the Respondent No.9 on 23.02.2018, 19.03.2018 and 21.05.2018 before this Hon'ble Tribunal in Original Application No.222/2014, including all the Annexures/Documents enclosed herein are marked at **Annexure-R/1.**

- iii. The Applicant has not fairly stated as to why the Respondent No.12 is maintaining their Execution Application before this Hon'ble Tribunal. Secondly, they did not disclose the execution proceedings pressed by the Original Applicants No.1 to 3 after passing the Final Order before this Hon'ble Tribunal. Hence, the Execution Application deserves to be dismissed.
- iv. The Applicant prayed at prayer clause (A) of the aforesaid Execution Application that, - "*Issue the necessary directions to Respondent No.9 and 10 to demolish and remove any offending structures previously built, as set out in General Condition No.1 in Judgment dated 04.05.2016.*" It is respectfully submitted that the said prayer clause is misconceived and misplaced, this Hon'ble Tribunal in the General Conditions observed as under:-



For AgaraTechzone Private Limited

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Authorised Signatory

“This buffer/green zone would be treated as no construction zone for all intent and purposes. This is absolutely essential for the purposes of sustainable development particularly keeping in mind the ecology and environment of the areas in question.

All the offending constructions raised by Respondents Nos. 9 and 10 of any kind including boundary wall shall be demolished which falls within such areas. Wherever necessary dredging operations are required, the same should be carried out to restore the original capacity of the water spread area and/or wetlands. Not only the existing construction would be removed but also none of these Respondents – Project Proponent would be permitted to raise any construction in this zone.”

Therefore, the prayer to remove any offending construction previously built is not only misleading but also without disclosing the fact that such directions were complied with and the Statement of Compliance were already placed on record by the Respondent No.9 and other answerable Respondent Authorities. Therefore, Prayer (A) of the Application deserves to be rejected.

- v. As far as prayer clauses (B), (C) and (D) of the Application are concerned, they are too misconceived and misplaced. It is submitted that with respect to the said prayers concerned the Applicant to all their fairness to the Tribunal, ought to have filed the Compliance Report and Inspection Report filed by the various Authorities and the Respondent No.9 in 2018. Therefore, these prayers are being sought for the second time in the said Original Application No.222/2014, which are not maintainable not only to the facts of the case but also it is a settled position of law that the second execution application is not maintainable on the same issue. With respect to prayer (B) the Karnataka Lake Development Authority has taken possession of the lands as its original conditions. To this effect the Karnataka Lake Development Authority has filed its affidavit before the Hon'ble



For AgeraTechzone Private Limited


Authorized Signatory

Supreme Court in Civil Appeal No. 5016/2016. The Respondent No. 9 has communicated to Executive Engineer-2, Karnataka Industrial Development Board stating that the said 3 Acre 10 guntas lands are not in our possession. Copies of the letter dated 8-2-2021 is produced at Annexure-R/2 and Affidavit filed by the Karnataka Lake Development Authority is produced at Annexure -R/3.

- vi. The Applicant at prayer (E) prayed that, - *“Issue the necessary direction to Respondent No.1 to recover the environmental compensation fine of INR 117.35 Crores from Respondent No.9, as set out in Special Condition No.10 in Judgment dated 04.05.2016”*. This prayer is too not maintainable and completely misleading without disclosing and without interpreting the Order passed by this Hon’ble Tribunal, vide Order dated 04.05.2016. This Hon’ble Tribunal at Specific Conditions/Directions for the Respondent No.9 at Para 10 of the said Order that reads as under:-

“Though, at the time of hearing prior to passing the Judgment, we had heard the parties on all aspects but still we have provided re-hearing to the parties on all issues with emphasis on imposition of environmental compensation including the quantum. Upon hearing, we are of the considered view that environmental compensation imposed upon Respondent No. 9 calls for no variation and the Respondent No. 9 should be called upon to pay the said amount of Rs.117.35 Crores determined under the Judgment prior to commencement of any project activity at the site. Respondent No. 10 has not commenced any actual construction activity but has carried out various preparatory steps including excavation and deposition of huge earth by creating a hillock at the premises in question and a site office.”

Further at General Conditions at Para 7 and 8 directed as under:-



For AgaraTechzone Pvt. Ltd. Limited

(Signature)

Authorised Signatory

No. of Corrections *one only*

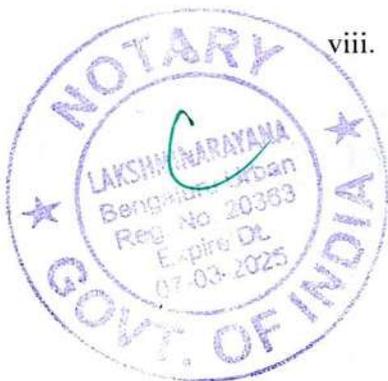
"7. Both the Respondents/Project Proponents shall submit an appropriate plan in view of the conditions imposed in this judgment and the amended Environmental Clearance that would be issued.

8. The amount of environmental compensation will be deposited prior to issuance of amended Environmental Clearance."

It is respectfully submitted that the Respondent No.9 has made all requisite representations before SEIAA on 24-3-2021 request to issue of Environmental Clearance. The said representations are pending before the Authorities since 2021. Therefore, the Authorities as and when called for the Respondent No.9 to issue amended Environmental Clearance and other all clearances/permissions/approvals, the Respondent No.9 will be abide by the directions of depositing the environmental compensation imposed in the Order. Therefore, the Respondent Authorities have to be acted upon to the said representations as per the directions of this Hon'ble Tribunal and the Respondent No.9 bound to pay the environmental compensation prior to the issuance of amended Environmental Clearance. Therefore, such prayers sought by the Applicant are not sustainable. The Authorities have to call upon the Respondent No.9 to deposit environmental compensation when the amended Environmental Clearance is ready for issuance.

True copies of all the Representations from 2021 to 2024 in respect of issuance of amended Environmental Clearance and other approvals/sanctions/orders for commencement of the Project proponent/Respondent No.9 are marked at **Annexure-R4**.

- vii. It is submitted that the prayer clause (F) of the Execution Application is not applicable to the Respondent No.9, as it is the Respondent No.10 who is accountable to be answered.
- viii. It is further submitted that as far as the prayer clause (G) and (H) of the Execution Application are concerned, they are not applicable to the



For Agrotech One Private Limited

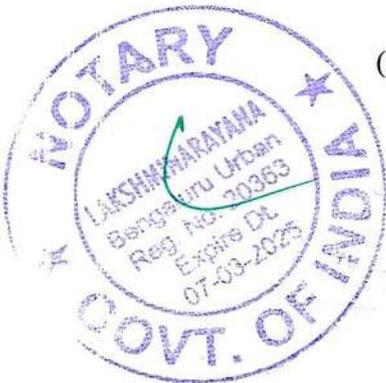

Authorised Signatory

Respondent No.9. It is the General Conditions imposed in the Original Order to be further followed by various Authorities in consideration of and examining the future projects in city of Bengaluru. These prayers are nothing but new prayers to the Original Application. The Applicant cannot maintain such prayers against the Respondent No.9 in the Execution Application. Therefore, such prayers are liable to be rejected against the Respondent No.9.

- ix. As indicated hereinabove, the direction sought in the Execution Application for demolition of construction in the project site is misleading, as the direction is only to demolish the structure, if any, stood on the buffer zone only. There is no structure standing on the buffer zone in respect of the Respondent No.9 Project. The various Authorities have investigated and filed the Compliance Report in this regard. Therefore, the said issue re-agitating once again in Second Execution Application filed by the Respondent No.12/Applicant herein does not arise at all and thus, deserves to be dismissed.

B. It is submitted that the Respondent No.9 already filed detailed Statement of Compliance in Original Application No.222/2014 on 21.05.2018 before this Hon'ble Tribunal. This Hon'ble Tribunal has examined the Statement of Compliance and satisfied with the Compliance Affidavit filed by the Respondent No.9, wherein, the Respondent No.9 filed a tabled Compliance Affidavit for perusal of this Hon'ble Tribunal on each and every Directions issued in the final Order. However, to give more clarity, the Respondent No.9 is reiterating the said compliance as under:

- (i) In respect of the General Conditions or Direction No.1, there are no standing buildings/construction within the buffer zones specified in the project;
- (ii) As far as the Specific Conditions or Directions (i) for Respondent No.9 is concerned, the Bengaluru Development Authority has



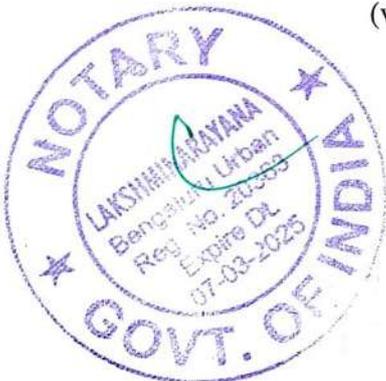
For AgaraTechzone Private Limited

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Authorised Signatory

erected the chain link fencing on the area of 3 Acres 10 Guntas notified in the Order, as this land is taken over by the Bangalore Development Authority in its original condition. In this regard, KLCDA filed Affidavit on 26.07.2017. The various letters written by the Respondent No.9 dated 06.07.2016 is self-explanatory, including the letters dated 25.05.2017 and 10.07.2017, those letters were already placed on record before this Hon'ble Tribunal in the earlier Execution Proceedings.

- (iii) It is submitted that in respect of the Specific Conditions or Directions (ii) for Respondent No.9 is concerned, no construction of any kind is abutting any primary Raja Kaluve, wherein, 50 meters buffer zone is in existence. As stated hereinbefore, in view of the direction issued in this regard, the compound wall was removed;
- (iv) As far as the Specific Conditions or Directions (iii) for Respondent No.9 is concerned, hydrological study has been commissioned and it has to be tracked to survey map. Letter was written to Additional Director of Land Records to identify the irrigation canal and provide map in this regard. In fact, as on date, there are no construction activities in the project. The construction activities will be commenced only after issuance of Environmental Clearance by the Authorities;
- (v) As far as the Specific Conditions or Directions (iv) for Respondent No.9 is concerned, hillock like structure is removed at the cost of the Respondent No.9 under the supervision of officials of KLCDA. As far as remaining portions of the directions are concerned, the project proponent has to be complied with only upon commencement of construction;
- (vi) As far as the Specific Conditions or Directions (v) for Respondent No.9 is concerned, while handing over the lands to the Respondent No.9, there was no mention of Kharab land in the lands allotted by



For AgaraTechzone Private Limited


Authorised Signatory

the KIADB and requested the Revenue Department to identify the Kharab land, if any, since the allotment letter of KIADB did not demarcate the Kharab land in the project; The Respondent on 30-5-2019 has wrote letter to KIADB and request to identified the Kharab lads. Copy of the letter date 30-5-2019 is here with produced at Annexure -R/5.

- (vii) As far as the Specific Conditions or Directions (vi) for Respondent No.9 is concerned, this compliance has to be done at the time of construction of the project. As indicated hereinabove, as on today, there is no construction commenced for want of Amended Environmental Clearance;
- (viii) As far as the Specific Conditions or Directions (vii) for Respondent No.9 is concerned, traffic study was conducted in 2016-2017 for application to modify the Environmental Clearance submitted for issue of amended Environmental Clearance by SEIAA-Karnataka;
- (ix) As far as the Second General Condition No.5 is concerned, the said condition is complied with to the satisfaction of Lake Development Authority- Respondent herein. It is clarified that vide letter dated 11.04.2017 of the Respondent No.9 to KLCDA, filed the Compliance Affidavit before this Hon'ble Tribunal. Unfortunately, the Applicant herein did not bring these documents before this Hon'ble Tribunal only to mislead this Hon'ble Tribunal;
- (x) The Second General Condition No.6 is concerned, as indicated hereinabove, the Environmental Clearance was withdrawn vide Order dated 23.02.2017 by SEIAA-Karnataka and the Respondent No.9 submitted for issuance of amended Environmental Clearance, which is still pending before the concerned Authority for consideration;



For Agara Techzone Private Limited

Authorised Signatory

- (xi) The Second General Condition No.7 is complied with and as indicated hereinabove, the project proponent only submitted issuance of Environmental Clearance, vide letter dated 15.02.2017;
- (xii) As far as the General Condition No.8 is concerned, there was an Interim Order of Stay of deposit of environmental compensation dated 12.05.2016 granted by the Hon'ble Supreme Court in Civil Appeal No.5016/2016. However, the Hon'ble Supreme Court disposed of the said Appeal on 05.03.2019. Subsequently the Respondent No. 9 has filed before the Hon'ble Supreme Court in RP (c) No 1369/2019, same has been dismissed on 6-8-2019. After review petition dismissed by the Hon'ble Supreme Court the Respondent No. 9 has filed Curative Petition No. 24/2020 and same has been dismissed on 12-5-2020. As indicated hereinabove and as directed by this Hon'ble Tribunal that the amount of environmental compensation will be deposited prior to issuance of amended Environmental Clearance, hence, the Respondent No.9 is anticipating the action of the Authorities.
- (xiii) It is submitted that in the year 2013 the Respondent No. 9 has started the development activities in the project lands after interim order passed by this Hon'ble Tribunal the Respondent No. 9 has stopped the construction activities in the project lands. The Applicant has alleged that as per the direction of this Hon'ble Tribunal the Respondent No. 9 does not removed such construction put in the project lands and produced Google images. It is relevant to mention the allegation of the applicant are false and denied because the Respondent No. 9 has removed such structures way back to this effect all the answering Respondents are filed affidavit before this Hon'ble Tribunal and Hon'ble Supreme Court. Hence the Respondent No. 9 is not disobeying the direction issued by this Hon'ble Tribunal.



For AgaraTechzone Private Limited

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Authorised Signatory

(xiv) It is submitted that the applicant has alleged that the Respondents are disobeying the Hon'ble Tribunal order hence they have insisted take action under section 25 and 26 of the NGT Act. The Respondent No. 9 is not disobeying the Hon'ble National Green Tribunal Order. All the answering Respondents have filed their compliance report before this Hon'ble Tribunal and Hon'ble Supreme Court. The applicant is aware of all these affidavits filed by the answering Respondents, however, they have filed the present application is illegal and same has to be rejected.

Therefore, the Respondent No.9 is bound by the directions issued by the Tribunal and complied with the directions and appropriate Compliance Affidavit had already been filed before this Hon'ble Tribunal. Therefore, maintaining the Second Execution Application filed by the Applicant herein is not only maintainable but also misconceived and misleading.

Therefore, in the interest of justice, this Hon'ble Tribunal may be pleased to dismiss the Execution Application in view of the grounds set out herein, in the interest of justice and equity.

Place: Chennai
Dated: 02.03.2024



For AgaraTechzone Private Limited

[Signature]

Authorised Signatory
Respondent No. 9

02 MAR 2024

[Signature]
Prabhakar

Counsel for Respondent No. 9

ATTESTED BY ME

[Signature] 02/03/2024

LAKSHMINARAYANA, B.A.L.L.B

Advocate & Notary Public
Government of India

15/1st Main, 2nd Cross,
Near Impact College, Amco Layout, Kodigenahalli
Bangalore Urban Karnataka - 560 092

No. of Corrections

[Signature]

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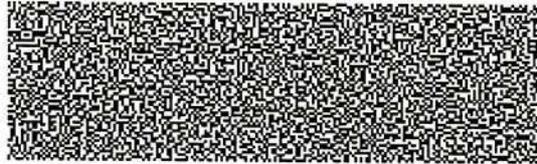
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Government of Karnataka

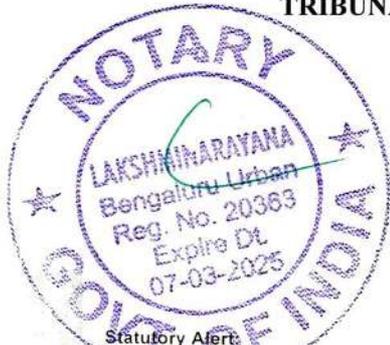
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Certificate No.	: IN-KA46389485398210W
Certificate Issued Date	: 02-Mar-2024 11:13 AM
Account Reference	: NONACC (FI)/ kabacsl08/ HIGH COURT/ KA-SV
Unique Doc. Reference	: SUBIN-KAKABACSL0854789957508351W
Purchased by	: AGARA TECHZONE PVT LTD
Description of Document	: Article 4 Affidavit
Property Description	: AFFIDAVIT
Consideration Price (Rs.)	: 0 (Zero)
First Party	: AGARA TECHZONE PVT LTD
Second Party	: NA
Stamp Duty Paid By	: AGARA TECHZONE PVT LTD
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



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**THIS STAMP PAPER FORMS AN INTERGRAL PART OF THE VERIFYING
AFFIDAVIT OF M/S. AGARA TECHZONE PRIVATE LIMITED IN SUPPORT
OF THE REPLY FILED BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, SOUTHERN ZONE, CHENNAI IN EA 10 of 2023 (SZ) in OA 222 of
2014 (PB)**



For AgaraTechzone Private Limited

(Signature)
Authorized Signatory

Statutory Alert

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- The onus of checking the legitimacy is on the users of the certificate.
- In case of any discrepancy please inform the Competent Authority.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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- 7. Karnataka Industrial Areas Development Board**
- 8. Bangalore Development Authority**
- 9. Mantri Techzone Private Limited**
- 10. Core Mind Software and Services Private Limited**

VERIFYING AFFIDAVIT



For AgaraTechzone Private Limited

Authorized Signatory

I/We, M/s. Agara Techzone Private Limited (Formerly known as M/s. Mantri Techzone Private Limited), the 9th Respondent in the above Application represented by its Authorised Signatory Mr. Girish Gupta, S/o Sathyanarayana Gupta, aged about 56, do hereby solemnly affirm and sincerely state as follows:

1. I am the Authorised Signatory of the 9th Respondent herein having Office at No. 41, Vittal Mallya Road, Bangalore Karnataka 560001. As such, I am well acquainted with the facts stated below and fully competent to depose on behalf of the 9th Respondent.
2. I state that the contents of the accompanying Statement of Objections filed by the 9th Respondent in response to EA No. 10 of 2023 are either within my personal knowledge or are based on information received by me which I believe to be true and Documents available with the 9th Respondent and records available on the public domain.
3. The contents of Paragraph A (i) – (ix) & B (i) – (xiv) of the said Statement of Objections are true and correct.

For AgaraTechzone Private Limited



Authorised Signatory

9th RESPONDENT (DEPONENT)



VERIFICATION

I, Mr. Girish Gupta, Authorised Signatory of the 9th Respondent, S/o Sathyanarayana Gupta, aged about 56 and having Office at No. 41, Vittal Mallya Road, Bangalore Karnataka 560001 do hereby verify that the contents of the aforesaid affidavit are true and correct and nothing material has been concealed therefrom.

Solemnly affirmed before me at Bengaluru on 02.03.2024

For AgaraTechzone Private Limited

(Signature)

Authorised Signatory
9th RESPONDENT (DEPONENT)

02 MAR 2024

SWORN TO BEFORE ME

LAKSHMINARAYANA, B.A.L.L.S

Advocate & Notary Public
Government of India

#15, 1st Main, 2nd Cross,
Near Impact College, Amco Layout, Kodigenahalli
Bengaluru, Urban Karnataka - 560 092



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02 MAR 2024

No. of Corrections 02/03/2024

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AGARA TECHZONE PRIVATE LIMITED

CIN: U45201KA2003PTC033023

Mantri House 41 Vittal Mallaya Road, Bangalore- 560001

Email id: csteam@mantri.in

Phone No: 080-41300000

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF AGARA TECHZONE PRIVATE LIMITED ("COMPANY") IN THEIR MEETING HELD ON FRIDAY, 08th DECEMBER, 2023 AT 10.00 A.M. AT THE REGISTERED OFFICE OF THE COMPANY AT NO. 41, VITTAL MALLYA ROAD, BANGALORE, KARNATAKA - 560001

AUTHORISATION TO REPRESENT THE COMPANY BEFORE COURTS, JUDICIAL AND QUASI JUDICIAL FORUM

"RESOLVED THAT in supersession to all earlier resolution Mr. Girish Gupta H S and/or Mr. Ravi Shankar BS be and are hereby severally authorized by the Board of Directors to represent the Company before any court, judicial and quasi-judicial forum having Civil, Criminal, Original or Appellate, Revisional or Special Jurisdiction, Tribunal, Appellate Tribunal or Arbitral Tribunal or in any other Government or semi – government offices, Real Estate Regulatory Authority (RERA) and any department and/or authority in respect of cases/matters pertaining to the Company.

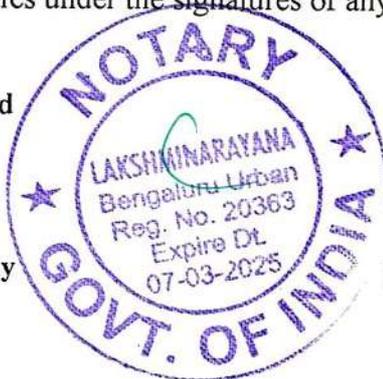
RESOLVED FURTHER THAT Mr. Girish Gupta H S and/or Ravi Shankar BS be and are hereby authorized on behalf of the Company to institute, defend and prosecute, enforce or resist or contest any suit, petition or other action and Civil, Criminal, Revenue, Revision proceedings, appeals before any court, judicial and quasi-judicial forum having Civil, Criminal, Original or Appellate, Revisional or Special Jurisdiction, Tribunal, Appellate Tribunal or Arbitral Tribunal or in any other Government or semi – government offices, Real Estate Regulatory Authority (RERA) and any department and/or authority and to appoint advocates and sign Vakalatnama, sign and verify plaint, objections, interim applications, documents, papers, affidavits, swear to affidavits, to accept service of summons, notices, documents, papers and other legal processes, to file and present, produce & take back documents before such Courts, withdraw cases, execute any decree or order, to take advise on Company related matters from the Advocates on behalf of the Company in respect of cases/matters pertaining to the Company and to do such acts, deeds or things as may be required.

RESOLVED FURTHER THAT certified true copy of this Resolution wherever required, be furnished to the concerned authorities under the signatures of any Director of the Company."

Certified True Copy
For Agara Techzone Private Limited



Thippareddygari Harikrishna Reddy
Director
DIN: 08732978



ATTESTED BY ME
LAKSHMINARAYANA, B.A.L.L.S.
Advocate & Notary Public
Government of India
#15, 1st Main, 2nd Cross,
Near Impact College, Amco Layout, Kodigenahalli
Bengaluru Urban Karnataka - 560 092.

02 MAR 2024

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Ref. No - 0781/2018

14th March
NDdH - 14/3/2018BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI

Original Application No.222 of 2014

IN THE MATTER OF:-

The Forward Foundation & Ors.,Original Applicants

-VERSUS-

The State of Karnataka & Ors.,Respondents

With

Statement of objections to the report dated 25.10.2017
filed by the committee constituted by the Hon'ble
Tribunal in O. A.No.222/2014 by the respondent No.9(VOLUME - IV)

(PAPER - BOOK)

(FOR INDEX - KINDLY SEE INSIDE)

National Green Tribunal
Diary No. 797/18
Dated: 27/2/18
Sign. of Receiving Officer

Advocate for Respondent No.9: M/s. Devasa & Co.

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Sl.No.	Particulars	INDEX	Pages
1.	Statement of objections to the report dated 25.10.2017 filed by the committee constituted by the Hon'ble Tribunal in O.A.No.222/2014 by the respondent No.9 along with affidavit.		407-425
2.	Annexure-A/1. True Copy of relevant portion of the Order dated 07-05-2015 in O.A.No.222/2014 passed by this Hon'ble Tribunal.		426-430
3.	Annexure-A/2. True Copy of the Order dated 08-09-2017 in O.A: No.222/2014. passed by this Hon'ble Tribunal.		431-432
4.	Annexure-A/3. True Copy of inspection report of the Committee dated 25-10-2017 (as filed by Respondent No.11 & 12) together with the statement of objection of the Respondent No.11 dated 27.10.2017 to the Committee Report together with filing index dated 01.11.2017 by the Advocate for Respondent No. 11 and 12 in O.A.No.222/2014.		433-439
5.	Annexure-A/4. True copy of the Affidavit filed by the Lake Development Authority dated 27.07.2017 before this Hon'ble Tribunal.		440-456
6.	Annexure-A/5. True copy of the Order dated 12.05.2016 in Civil Appeal No.5016/2016 passed by this Hon'ble Supreme Court.		457-460
7.	Annexure-A/6. True copy of the revocation proceedings dated 23.02.2017 by the SLEIAA, Karnataka of environmental clearance granted on 17.02.2012.		461-468
8.	Annexure-A/7. True copy of the application in I.A.No.3/2016 in Civil Appeal No.5016/2016 filed by the Respondent No.9 before the Hon'ble Supreme Court.		469-483



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9. Annexure-A/8.

True copy of the Order dated 11.11.2016 in I.A. No. 3/2016 in Civil Appeal No. 5016/2016 passed by the Hon'ble Supreme Court.

484 - 488

10. Annexure-A/9.

True copy of the Report of Dr. T.V. Ramachandra and others prepared in a month of May, 2013.

489 - 516

11. Annexure-A/10.

True copy of the Report dated 03.06.2013 submitted by the LDA.

517 - 518

12. Annexure-A/11.

True copy of the order dated 19.04.2017 passed by this Hon'ble Tribunal in O.A.125/2017 and O.A. No.217/2017.

519 - 531

13. Annexure-A/12.

True copy of the order dated 29.01.2018 passed by this Hon'ble Tribunal in O.A.125/2017 and O.A.No.217/2017.

532 - 538

14. Proof of service
New Delhi

539 - 540

Dated: 22.02.2018


Advocate for Respondent No. 9

M/s. DEVAS & Co.

77, Tower No-13,

Supreme Enclave

Mayapuri Vikas-I

Delhi - 110091

9910011551

9717541868

Shekhardevasa@gmail.com



ANNEXURE-A/L 426

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

ORIGINAL APPLICATION NO. 222 OF 2014

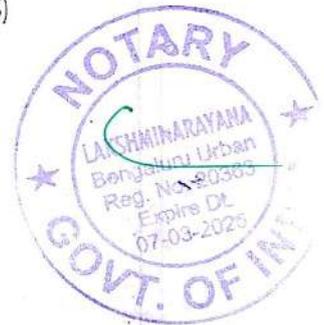
IN THE MATTER OF:

1. The Forward Foundation
A Charitable Trust
Having its registered office at 24/B,
Haralur Village, HSR Layout Post
Bangalore 560102
Through its Secretary
2. Praja RAAG,
A Society registered under the Karnataka
Societies Registration Act, 1960
and having its Registered office at
C-103, Mantri Classic, 4th Block,
Koramangala, Bangalore 5600034
Through its President
3. Bangalore Environment Trust,
A registered office at A.1-Chartered
Cottage, Langford Road,
Bangalore 560025
Through its Trustee

.....Applicants

Versus

1. State of Karnataka
Vidhana Soudha
Bangalore - 560001
Through its Chief Secretary
2. Ministry of Environment and Forests Regional Office (SZ)
Kendriya Sadan, IV Floor,
E and F Wings, 17th Main Road,
Koramangala II Block,
Bangalore - 560034
Through its Addl Principal Chief Conservator of Forests
3. State Level Environment Impact Assessment Authority
Department of Ecology and Environment
Room No. 709, 7th Floor,
M S Building,
Bangalore - 560001
Through its Member Secretary



4. Karnataka State Pollution Control Board
Parisara Bhavan,
49, 4th & 5th Floor,
Church Street, Bangalore - 560001
Through its Chairman
5. Bangalore Water Supply and Sewerage Board
Cauvery Bhavan,
Bangalore - 560009
Through its Chairman
6. Lake Development Authority
Parisara Bhavan,
49, Second Floor,
Church Street, Bangalore-560001
Through its Chief Executive Officer
7. Karnataka Industrial Areas Development Board
14/3, 2nd Floor,
Rashthrohana Parishat Buildings,
Nrupathunga Road,
Bangalore - 560001
Through its Chief Executive Officer
8. Bangalore Development Authority
Chowdiah Road,
Bangalore - 560020
Through its Chairman/Commissioner
9. Mantri Techzone Private Limited
(formerly called Manipal ETA P Ltd.)
Having its registered office at
Mantri House, No. 41, Vittal Mallya Road,
Bangalore 560001
Represented by its Managing Director
10. Core Mind Software and Services Private Limited
4th Floor, Solarpuria Windsor,
3, Ulsoor Road,
Bangalore 560042
Represented by its Managing Director
11. Namma Bengaluru Foundation
A registered Public Charitable Trust,
Having its registered office at No. 3J,
NA Chambers, 7th 'C' Main 3rd Cross,
3rd Block, Koramangala,
Bangalore 560034
Represented by its Director Mahalakshmi P.

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12. Citizens' Action Forum

A Society registered under the provisions of the Karnataka Societies Registration Act, 1960 and having its registered office at 372, 1st Floor, MK Puttalingaiah Road, Padmanabhanagar, Bangalore 560070

Represented by its authorized signatory Mr. Vijayan Menon

.....Respondents

Counsel for Applicant:

Mr. Raj Pajwani, Sr. Adv. Along with Ms. Megha Mehta Agrawal, Advocate

Counsel for Respondents:

Mr. Devraj Ashok, Advocate for Respondent No. 1, 3, 4 & 5

Mr. B.R. Srinivasa G., Advocate for Respondent No. 7

Mr. R. Venkatramani, Sr. Advocate, Mr. Shekhar G. Devasa, Mr. D. Mahesh, Advocates for respondent No. 9

Mr. Raju Ramachandran, Mr. Devashish Bharuka, Mr. Vaibhav Niti and Mr. Suraj Govindraj, Advocates for Respondent No. 10

Mr. Sajjan Poovayya, Sr. Advocate and Mr. Sumit Attri, Advocate for Respondent Nos. 11 & 12

JUDGMENT**PRESENT:**

Hon'ble Mr. Justice Swatanter Kumar (Chairperson)

Hon'ble Mr. Justice U.D. Salvi (Judicial Member)

Hon'ble Dr. D.K. Agrawal (Expert Member)

Hon'ble Professor A.R. Yousuf (Expert Member)

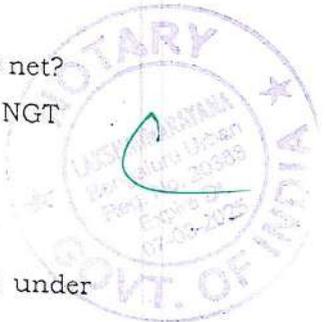
Reserved on: 27th January, 2015

Pronounced on: 7th May, 2015

1. Whether the judgment is allowed to be published on the net?
2. Whether the judgment is allowed to be published in the NGT Reporter?

JUSTICE SWATANTER KUMAR, (CHAIRPERSON)

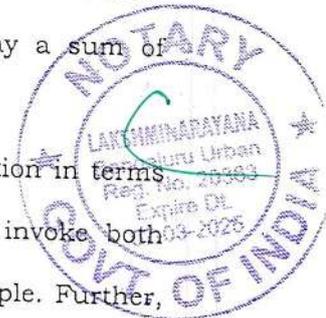
All the three applicants have approached the Tribunal under the provisions of the National Green Tribunal Act, 2010 (for short 'the NGT Act'), with a common prayer that a direction be issued to respondent no. 1, the State of Karnataka to take certain



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issued substantive directions in the interest of environment and ecology and for protection of River Mutha in Pune. The Respondent Corporation had preferred an appeal before the Supreme Court of India being Civil Appeal Diary No. 3445 of 2015, which was dismissed on merits on 12th February, 2015. The Project Proponent was thus directed to comply with the directions of the Tribunal including partial demolition of the project in question. We have already indicated that at this stage the entire amount of compensation payable on various counts by the Project Proponent cannot be determined with exactitude, however, liability to pay for violation of law, raising construction unauthorizedly and illegally, renders the Project Proponent liable to pay the environmental compensation forthwith. The final amounts for restoration of environment and ecology would be determined by the Committee constituted in this judgment. We are of the considered view that 10 per cent of the project cost may be somewhat on the higher side and to maintain the equitable balance between the default and the consequential liability of the applicant, we direct the Project Proponents to pay at the first instance compensation for their default at the rate of 5 per cent of the cost of the project. In light of this, Respondent No. 10 would be liable to pay a sum of Rs 22.5 crores and Respondent No. 9 would be liable to pay a sum of Rs 117.35 crores.

85. This is a fit case where in exercise of its jurisdiction in terms of Section 20 of the NGT Act, the Tribunal has to invoke both polluter pays principle as well as precautionary principle. Further,



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where the Tribunal should also apply the principles of law enunciated by the Supreme Court and this Tribunal in the case of *Sterlite Industries* (supra), *Krishankant Singh* (supra) and *Sarang Yadwadkar* (supra) and issue the following directions:

- 1) We decline to pass any direction or order to stop further progress and/or demolition of the project or any part thereof at this stage. However, we constitute the following Committee to inspect the projects in question and submit a report to the Tribunal *inter alia* but specifically on the issues stated herein after.
 - a) Advisor in the Ministry of Environment and Forest dealing with the subject of wetlands.
 - b) CEO of the Lake Development Authority, Karnataka State.
 - c) Chief Town Planner of BBMP, Bangalore.
 - d) Chairman of SEAC which recommended the grant of Environmental Clearance to the projects in question.
 - e) Sr. Scientist (Ecology) from the Indian Institute of Sciences, Bangalore.
 - f) Dr. Siddharth Kaul, former Advisor to MoEF.
 - g) An Senior Officer from the National Institute of Hydrology, Roorkee.
- 2) Member Secretary of the Karnataka State Pollution Control Board shall act as the Convenor of the Committee and would submit the final report to the Tribunal.

11/5/2022



ANNEXURE A/2

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BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHIOriginal Application No. 222 of 2014
(Civil Appeal No. 5016/2016 & 10992/2016)
(M.A. No. 1089/2017)

Forward Foundation & Ors. Vs. State of Karnataka & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present:

Applicant No. 1 to 3: Mr. Mahesh Agarwal and Ms. Devika Mohan, Advs.

Respondent No. 1 to 3 Mr. Raj Panjwani, Sr. Adv. with Mr. Satyendra Kumar, Advs.

Respondent No. 2 : Mr. Attin Shankar Rastogi, Adv. for Ministry of Environment, Forest and Climate Change

Respondent No. 8: Ms. Shweta S. Parihar and Mr. Ankur S. Kulkarni, Advs.

Respondent No. 9 Mr. Sanjay Hegde, Sr. Adv., Mr. Shekhar G. Devasa, Mr. Manish Tjwari and D. Mahesh, Advs.

Respondent No. 10: Mr. Devashish Bharuka, Adv. Mr. Rajessh Mahale and Mr. Krutin R. Joshi, Advs. for KLCDA Mr. Sajan Poovayya, Sr. Adv. with Mr. Saransh Jain, Adv. Mr. Devraj Ashok, Adv. for Karnataka State

Date and Remarks	Orders of the Tribunal
Item No. 07 September 08, 2017 SS & SN	<p>The Learned counsel appearing for Respondent No. 10 prays for adjournment. The Learned counsel appearing for the Respondent No. 9 submits that they had not opposed to the team constituted for conducting the inspection.</p> <p>Accordingly, we direct the team constituted by the Tribunal on 07th May, 2015 to conduct inspection of the project of Respondent No. 9. Two representatives of the applicant would also be permitted to be present at the time of inspection. The inspection report should be submitted prior to the next date of hearing.</p> <p>Liberty is granted to applicant to file response to the report, if any, within one week thereafter.</p>



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<p>Item No. 07</p> <p>September 08, 2017</p> <p>SS & SN</p>	<p>List this matter on 05th October, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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[Signature]
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439 358

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI

IN THE MATTER OF: the Forward Foundation Lens
v/s State of Karnataka Kg & Cvs
CASE NO: Original Application No. 222/2014

PROOF OF SERVICE

APPLICANT	
RESPONDENT NO.1	by mail
RESPONDENT NO.2	by mail
RESPONDENT NO.3	
RESPONDENT NO.4	
RESPONDENT NO.5	
RESPONDENT NO.6	
RESPONDENT NO.7	
RESPONDENT NO.8	
RESPONDENT NO.9	
RESPONDENT NO.10	



[Handwritten Signature]

ANNEXURE-A/5 4571

ITEM NO.12

COURT NO.1

SECTION XVII

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGSCivil Appeal No(s). 5016/2016

MANTRI TECHNOZE PVT. LTD.

Appellant(s)

VERSUS

FORWARD FOUNDATION & ORS.

Respondent(s)

WITH

C.A. D 16939/2016

(With appln.(s) for permission to file appeal and Office Report)

Date : 12/05/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s)

Mr. R. Venkataramani, Sr. Adv.
Mr. Dushyant Dave, Sr. Adv.
Mr. Shekhar Devasa, Adv.
Mr. Manish Tiwari, Adv.
Mr. Yashraj Singh Bundela, Adv.
Ms. Neelam Singh, Adv.
Mr. S. Mahesh, Adv.
Mr. K.V. Bhuvanendra, Adv.
Mr. Anup Kumar, Adv.Mr. K.K. Venugopal, Sr. Adv.
Mr. S.Kiran Shetty, Sr. Adv.
Mr. Rohit Bhat, Adv.
Mr. Kush Chaturvedi, Adv.

For Respondent(s)

Mr. H.N. Salve, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishabh Parikh, Adv.
Mr. E.C.Agrawala, Adv.Validated by
Digitally signed by
R.No.14 & 15
C.A.D No.16939
Date: 2016.05.12
11:02:43
Reason: OK (2016)Mr. H.N. Salve, Sr. Adv.
Mr. Praveen Sehrawat, Adv.
Mr. Saransh Jain, Adv.(R.No.1,2 & 3
In CA No.5016Mr. Arvind Datar, Sr. Adv.
Mr. E.C. Agrawala, Adv.

in 2016)

Mr. Mahesh Agarwal, Adv.
Mr. Rishabh Parikh, Adv.

(R.No.12 & 13)
IN CA No.5016
In 2016)

Mr. Arvind Datar, Sr. Adv.
Mr. Praveen Sehrawat, Adv.
Mr. Saransh Jain, Adv.
Mr. O.P. Bhadani, Adv.

Ms. Anita Shenoy, Adv.

Mr. Devashish Bharuka, Adv.

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UPON hearing the counsel the Court made the following
O R D E R

Civil Appeal No.5016 of 2016

Issue notice.

Mr. Rishabh Parikh, learned counsel accepts notice on behalf of respondent No.1 to 3, 12 and 13.

Ms. Anita Shenoy, learned counsel accepts notice on behalf of respondent No.4 and 6 to 11. She shall take instructions for filing counter affidavit on behalf of the said respondents. Since some of the said respondents may choose to engage a counsel of their own choice we direct simultaneous issue of notice for service upon the said respondents dasti.

Issue of notice to the remaining respondents is dispensed with for the present.

Counter affidavit be filed within four weeks. Rejoinder affidavit, if any, within two weeks thereafter.

Mr. R. Venkataramani, learned senior counsel for the petitioner company submits that although the company had been permitted to resume its construction activities in terms of the order passed by the Tribunal it has not chosen to do so. He further states that the extent of 3 acres and 10 guntas of land referred to in the impugned order passed by the Tribunal is not



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actually in the occupation of the petitioner company and that the petitioner company has no objection to the possession of the said 3 acres and 10 guntas of land being taken over by the competent authority. He has also no objection to the removal of any building standing on the said extent of land. In that view therefore we permit the competent authority to take over the possession of the extent of 3 acres and 10 guntas of land referred to in the order passed by the Tribunal and allegedly in possession of the petitioner company. We also permit the competent authority to remove/demolish any construction put up on the said extent of land. Keeping in view the fact that if the petitioner company has not resumed its construction activity so far, we direct that it shall maintain status quo on the spot.

Operation of the impugned order in so far as it directs award of a monetary compensation of Rs.117.35 crores shall however remain stayed until further orders.

List for further orders on 12.07.2016.

Civil Appeal D.No.16939/2016

The appeal is dismissed as withdrawn with the liberty prayed for in terms of the signed order.

(Ashok Raj Singh)
Court Master

(Veena Kherra)
Court Master

(Signed Order is placed in the file)



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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL D.NO.16939/2016

CONFEDERATION OF REAL ESTATE DEVELOPERS' ASSOCIATION OF INDIA-KARNATAKA AND ORS. ... APPELLANTS

VERSUS

THE FORWARD FOUNDATION AND ORS. ... RESPONDENTS

O R D E R

Mr. K.K. Venugopal, learned senior counsel seeks leave to withdraw this appeal reserving liberty for the individual members affected by the impugned orders to file individual cases.

The appeal is accordingly dismissed as withdrawn with the liberty prayed for.

.....CJI.
(T.S.THAKUR)

.....J.
(R. BANUMATHI)

NEW DELHI,
MAY 12, 2016.

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True copy //





State Level Environment Impact Assessment Authority-Karnataka

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

Proceedings of the 130th SEIAA Meeting held on 23rd February 2017
at Room No. 709, M.S Building, Bangalore.

Members present:-

- | | | |
|----------------------|---|-------------------------|
| 1. Dr. H.S. Ramesh | - | Chairman, SEIAA |
| 2. Dr. H.R. Rajmohan | - | Member, SEIAA |
| 3. Sri. Ramachandra | - | Member Secretary, SEIAA |

The Chairman welcomed the members and initiated the discussion. The subjects discussed and the decisions made under each of the agenda point are as follows:

- 130.1 Confirmation of the proceedings of 129th SEIAA Meeting held on 15th February 2017.

Proceedings of 129th SEIAA Meeting held on 15th February 2017 was read and as there were no comments the same was accepted.

- 130.2 Action Taken report on the proceedings of 129th SEIAA Meeting held on 15th February 2017.

The Authority noted that the action is being taken on the proceedings of 129th SEIAA Meeting held on 15th February 2017.

- 130.3 Review of Action taken on the orders of the Hon'ble NCT in OA No. 222 of 2014

The Authority noted that the Hon'ble NCT in OA No. 222 of 2014 have issued certain directions to the Authority on 4th May 2016. The directions issued and the compliance on the said directions are as follows:

Sl. No.	Direction	Compliance
1.	We direct SEIAA, Karnataka to issue amended order granting Environmental Clearance within four weeks from today incorporating all the conditions stated in this judgement and such other conditions as it may deem appropriate in light of this judgment and Inspection Note of the Expert Members. The Project Proponents	Letter dated 10.05.2016 addressed to the Respondent No. 9, M/s Mantri Techzone Pvt. Ltd. (formerly called Manipal ETA P Ltd.) Mantri House, No. 41, Vittal Mallya Road, Bangalore 560001 and Respondent No. 10, M/s Coremind Software and Services Private Limited #3, 4 th



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	<p>would be permitted to commence activity only after issuance of amended Environmental Clearance order.</p>	<p>Floor, Salarpuria Windsor, Ulsoor Road, Bangalore 560042 seeking information on compliance of the specific directions issued and relevant information / documents including revised conceptual plan and fresh layout plan in accordance with the orders of the Hon'ble NGT.</p>
<p>2. SEIAA Karnataka and MoEF shall ensure regular supervision and monitoring of the project and during the construction and even upon completion to ensure that activity is carried out strictly in accordance with the conditions of the order granting Environmental Clearance, this Judgment, Notification of 2006 and other laws in force.</p>	<p>The Hon'ble Supreme Court vide order dated 12.05.2016 have directed to maintain status quo on the spot in Civil Appeal No. 5016 of 2016 and order dated 8.8.2016 in Civil Appeal No. Diary No(s): 17976/2016 linked to Civil Appeal No. 5016 of 2016.</p>	
<p>3. The distances in respect of buffer zone specified in this judgment shall be made applicable to all the projects and all the Authorities concerned are directed to incorporate such conditions in the projects to whom Environmental Clearance and other permissions are now granted not only around Belandur Lake, Rajkulawas, Agara Lake, but also all other Lakes/ wetlands in the city of Bengaluru.</p>	<p>The SEIAA, Karnataka is ensuring compliance to this direction of Hon'ble NGT, while issuing Environmental Clearance for the projects/ activities considered under EIA Notification, 2006.</p>	
<p>4. There is a serious discrepancy even in regard to the measurement of land as far as Respondent no. 9 is concerned. Admittedly the Respondent has been allotted and is in possession of land admeasuring 63.94 acres, though Environmental Clearance has been granted for 2,92,636.03 Sq. Meters which is equivalent to 72.22 acres. For this reason alone, Environmental Clearance cannot be given effect to. While issuing the amended Environmental Clearance, SEIAA Karnataka shall take into consideration all these aspects and, if necessary, would require Respondent</p>	<p>Respondent no. 9 was requested vide letter dated 10.05.2016 to furnish fresh layout plan incorporating all the specific conditions/directions and other information required to enable the Authority to issue amended Environmental Clearance. The Respondent No.9 did not submit the information sought and the fresh layout plan quoting the reason that the Hon'ble Supreme Court have ordered status quo.</p>	<p>However, the Respondent No. 10</p>



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no. 9 to submit a fresh layout plan and the entire project may be revised in accordance with law.	while replying to the Authority letter dated 10.5.2016 - have expressed inability to furnish the information sought and have requested to keep the Environmental Clearance bearing No. SEIAA 37 CON 2012 dated 30 th September 2013 in abeyance. The Authority was therefore unable to issue amended Environmental Clearance.
---	---

The Authority further noted that a reminder was sent to the Respondent No. 9, M/s Mantri Techzone Pvt. Ltd. vide letter dated 23.01.2017 requesting them to furnish the information sought vide letter dated 10.05.2016, on or before 10th February 2017.

The Respondent No. 9, M/s Mantri Techzone Pvt. Ltd. while replying to the above said letter vide letter dated 3.02.2017 have informed that they are not likely to proceed with the construction at their site for the time being and have requested to defer taking any action with respect to the EC issued till the disposal of Civil Appeal No. 5016 of 2016 by the Hon'ble Supreme Court.

The Authority during the meeting held on 15th February 2017 had perused the reply submitted by Respondent No. 9, M/s Mantri Techzone Pvt. Ltd and Respondent No.10, M/s Core Mind Software and Services Private Limited.

The Authority while inviting reference to the orders of the Hon'ble NGT under General Condition No.6 observed that, all the aspects in the said order need to be taken into consideration and the Respondent No. 9 required to submit a fresh layout plan revising the entire project in accordance with law. The Authority observed that this was essential requirement for issue of amended Environmental Clearance. The Authority noted that amended Environmental Clearance could not be issued in accordance with the directions of the Hon'ble National Green Tribunal for the reason that the Respondent No. 9 and 10 did not submit the required information and fresh layout plan as requested.

The Authority after discussion and after taking note of the above development had decided to call upon Respondent No. 9, M/s Mantri Techzone Pvt. Ltd and Respondent No.10, M/s Core Mind Software and Services Private Limited to provide an opportunity of being heard before the Authority on 23.02.2017 with all relevant information along with the information / documents sought vide the Authority letter dated 10.05.2016 to enable the Authority to issue amended Environmental Clearance incorporating the conditions / directions of the Hon'ble NGT. The Authority also had



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130th SEIAA Meeting ProceedingsDated: 20th February 2017

decided to inform that failing to appear before the Authority and non submission of the required information, the Authority will be constrained to revoke the Environmental Clearance granted for the project.

Accordingly, intimation has been sent vide letter dated 15.02.2017 to the Respondent No. 9, M/s Mantri Techzone Pvt. Ltd. and Respondent No.10, M/s Core Mind Software and Services Private Limited to furnish the information sought and to appear before the Authority to show cause why the Environmental Clearance granted should not be revoked for non-submission of the information sought.

Representatives of both Respondent No. 9, M/s Mantri Techzone Pvt. Ltd. and Respondent No.10, M/s Core Mind Software and Services Private Limited appeared before the Authority and submitted the information. Details of submissions made in brief and decision of the Authority in each of the above case is as follows:

- 1) Construction of mixed use development with residential, retail, hotel, office, SEZ & Non-SEZ at various Sy. No. of Agara Village and Jakkasandra Village, Begur Hobli, Bangalore South Taluk, Bangalore by M/s Mantri Techzone Private Limited (formerly called Manipal EIA P Ltd.) Mantri House, No. 41, Vittal Mallya Road, Bangalore 560001. (SEIAA 30 CON 2011)

The Authority perused the letter received on 21.02.2017 submitted by the proponent along with details regarding modification of the project including the revised layout plan.

Smt. Sowmya Somaprakash, Shri V. Damothiran and Shri Jagadish M. representing M/s Mantri Techzone Private Limited appeared before the Authority today and furnished following details:

- (1) The project proposal has been revised confining to total area of 63.94 Acres instead of 72.22 Acres for which E.C. has been issued by this Authority subject to the result of the appeal before the Hon'ble Supreme Court.
- (2) A buffer of 75m from the periphery of the lake and 50m from the edge of the Rajakaluve has been provided.
- (3) There are no secondary or tertiary Rajakaluve in the project site.
- (4) The 3 Acres 10 Guntas land in Sy. No. 43 is not included in the plan and is not encroached / reclaimed by them. Letter has been submitted to KIADB and other authorities to take possession of the said land. A copy of the letter addressed to KIADB on 1st August 2016 is submitted to the Authority.
- (5) A hydrological study has already been commissioned and the report will be submitted to the Authority.



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130th SELAA Meeting ProceedingsDated: 23rd February 2017

- (6) Provision for storm water drains along with a buffer of 15m is made in the revised layout plan as per the orders of Hon'ble Green Tribunal and subject to change if any ordered in the Appeal before the Hon'ble Supreme Court.
- (7) The hillock like structure is located outside the project site. All suitable action will be taken to allow surface run-off to Rajakaluve. Garland drain will be provided to contain the excavated soil erosion due to run-off.
- (8) An estimate of excavated earth and utilization is provided instead of submitting a proper muck disposal plan in accordance with the orders of the NGT.
- (9) There is no kharab land at all within the project site delivered to them by KIADB. Area that is already occupied by building footing cannot be changed.
- (10) With regard to the greenbelt it is stated that an area of 1,14,393.9 Sqm which amounts to 47% of the site area is provided. However, the details of greenbelt that is to be maintained as per the orders of the Hon'ble NGT on the area to be maintained as buffer zone adjacent to the lake, Rajakaluve and storm water drain over and above the greenbelt area that have been approved as part of E.C. is not provided.
- (11) Even though provision for exclusive service road is provided in the revised drawing submitted, it is cut-off by a private property. Continuity needs to be provided in the project site itself.
- (12) The penalty of Rs. 117.35 Crores imposed vide order dated 4.5.2016 in O.A. No. 222 of 2016 has been stayed by the Hon'ble Supreme Court vide order dated 12.5.2016 and 11.11.2016 in Civil Appeal No. 5016 of 2016.
- (13) As per the revised layout plan submitted, it is proposed to construct 12 buildings comprising of 3 Basement, Ground and 12 Upper Floors and all the buildings are proposed to be used for commercial purposes (IT/ITES), whereas the earlier proposal which have been issued with Environmental Clearance for mixed use development comprising of residential, retail, hotel, office with a total built up area of 13,50,454.98 Sqm in various building blocks with 2 to 3 basements and upper floors varying from 12 to 15 upper floors.
- (14) Presently construction of building for residential block 2, 5 and 7 have been undertaken and stopped. The building 5 under construction is modified from that of the building approved while issuing Environmental Clearance.

Based on the submissions made by the proponent and reply submitted, the Authority observed as follows:

- (a) By way of preparing revised layout plan the project is completely revamped from the point of view of usage, building configuration and number of buildings



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130th SEIAA Meeting ProceedingsDated: 23rd February 2017

which resulted in change in the environmental footprint from that of the project issued with Environmental Clearance vide letter No. SEIAA 30 CON 2011 dated 17th February 2012.

- (b) The proponent has submitted that 3 Acres 10 Guntas land in Sy. No. 43 is not included in the plan and is not encroached / reclaimed by them. This is in contradiction with the orders of the Hon'ble NCT. However, the proponent have submitted revised layout plan now, deleting the portions of the land which Hon'ble Tribunal have referred to.
- (c) Details of dredging operations required to restore the original capacity of the water spread area and or wetland is not provided.
- (d) Hydrological study has been commissioned by project proponent, the report is yet to be received. However, storm water drains are provided in the plan even without referring to the hydrological study based on the village map. This cannot be accepted as there are lot of changes in the terrain of the land, including dumps of excavated earth.
- (e) Garland drains are not provided around the existing dump for safe disposal of run-off to the Rajakaluve/lake, as directed by the Hon'ble NCT.
- (f) The Kharab land of 1 Acre 2 Guntas identified by the Revenue Department has not been demarcated and maintained separately as greenbelt as per the directions of the Hon'ble NCT.
- (g) Greenbelt area maintained as per the Environmental Clearance and greenbelt developed in the buffer zone of lake/Rajakaluve/storm water drain/kharab land are not indicated separately.
- (h) Details of parking provided over and above indicated in the Environmental Clearance is not provided. The service road is interrupted by a private property.

In view of the above observations the Authority opined that as the project proponent, i.e., M/s Mantri Techzone have submitted the project proposal which is envisaged is entirely different from the project for which Environmental Clearance has been granted and no specific details with regard to ensuring compliance to the orders of the Hon'ble NCT is forthcoming. Hence, amended Environmental Clearance cannot be granted without a fresh appraisal to ensure environmental sustainability. Further, the project proponent has not complied the orders of the Hon'ble National Green Tribunal and the observations made in the inspection note of the Expert Members of the Hon'ble Tribunal. Hence, the Authority decided to revoke the Environmental Clearance already granted vide letter No. SEIAA 30 CON 2011 dated 17th February 2012.



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Further, the Authority also decided to get the spot mahazar conducted to confirm whether there is any violation/deviation of the conditions of the Environmental Clearance issued vide letter dated 17th February 2012 including the building configuration and footprint of the blocks which have been constructed so far and to initiate credible action following the procedure of law, if prima facie violation is established. The Authority have authorized the Member Secretary of the Authority to get the mahazar done immediately and to take legal course as per law. The Authority also observed that revoking the Environmental Clearance granted will not absolve the project proponent from paying for environmental damages if any caused due to such violations.

- 2) Construction of "Sattva Domain", Office Building (software technology park) at various Sy.Nos. of Agara village, Begur Hobli, Bengaluru South Tauk, Bengaluru District project at by M/s. Coremind Software & Services Pvt. Ltd., #3, 4th Floor, Salaripuria Windsor, Ulsoor Road, Bengaluru- 560042. (SEIAA 37 CON 2012)

The Authority noted the following information with regard to the project in question:

- i) The proponent vide letter dated 23.05.2016 submitted that a Civil Appeal have been filed before the Hon'ble Supreme Court in this regard and therefore the Environmental Clearance granted vide letter No. SEIAA 37 CON 2012 dated 30th September 2013 may be kept in abeyance pending disposal of the said Civil Appeal. However, no details for issue of amended Environmental Clearance are furnished.
- ii) The proponent was therefore called upon to appear before the Authority with all the required information and to show cause why the Environmental Clearance granted should not be revoked for non-receipt of the required information to issue the amended Environmental Clearance.
- iii) Shri P.K. Mishra appeared before the Authority and submitted that they are in the process of preparing revised plan in compliance with the orders of the Hon'ble NGT. He has made a request vide letter dated 22.02.2017 for issue of amended Environmental Clearance as per the directions of the Hon'ble National Green Tribunal as they will be abide by the conditions / directions of the Hon'ble NGT.

The Authority noted that even though the proponent have agreed to abide by the conditions of the Hon'ble NGT and have requested for amended Environmental Clearance, his request cannot be considered for the following reasons:

- (1) As the revised layout plan incorporating the conditions/directions of the Hon'ble NGT is not yet prepared and a comparison of the project for which Environmental Clearance has been granted and the one which will be proposed after modification in terms of environmental footage is not available, the sustainability of the project which is proposed to be after incorporating the conditions are not known.



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130th SEIAA Meeting Proceedings

Dated: 23rd February 2017

- (2) Even though the Hon'ble NGT have noted that the proponent have undertaken excavation and deposition of huge earth, the proponent have not provided a comprehensive plan.
- (3) The proponent have not indicated impact of maintaining buffer in accordance with the orders of the Hon'ble NGT on the conceptual plan that has been considered and approved while according Environmental Clearance.
- (4) The proponent during the discussion agreed that the project profile which has been given with Environmental Clearance will be revamped while preparing the revised plan after incorporating the directions/conditions of the Hon'ble NGT.

The Authority after discussion, opined that in view of the above observations it would not be possible for the Authority to issue amended Environmental Clearance in the absence of revised plan and without assessing the impact of the proposed plan with respect to environmental sustainability including ensuring compliance to the orders of the Hon'ble National Green Tribunal and the inspection note of the Expert Members of the Hon'ble Tribunal. Hence, the Authority decided to revoke the Environmental Clearance issued vide letter No. SEIAA 37 CON 2012 dated 30th September 2013.

Further, the Authority also decided to get the spot mahazar conducted to confirm whether there is any violation/deviation of the conditions of the Environmental Clearance issued vide letter dated 30th September 2013 including the building configuration and footprint of the blocks and to initiate credible action following the procedure of law, if the prima facie violation is established. The Authority have authorized the Member Secretary of the Authority to get the mahazar done immediately and to take legal course as per law. The Authority also observed that revoking the Environmental Clearance granted will not absolve the project proponent from paying for environmental damages if any caused due to such violations.

Meeting concluded with thanks to the Chair.

Sd/-
(Dr. H. S. RAMESH)
Chairman,
SEIAA, Karnataka

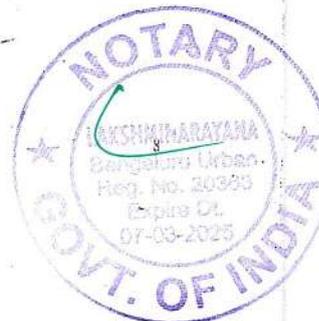
Sd/-
(Dr. H. R. RAJMOHAN)
Member,
SEIAA, Karnataka.

Sd/-
(RAMACHANDRA)
Member Secretary,
SEIAA, Karnataka.

"Copy"

[Signature]
(RAMACHANDRA) 23/2/17
Member Secretary.

[Signature]
A True copy



ANNEXURE - A | 7

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IN THE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)

I.A.No.3 OF 2016

IN

CIVIL APPEAL No. 5016 OF 2016

IN THE MATTER OF:-

Mantri Techzone Pvt., Ltd.Applicant/Appellant

-VERSUS-

The State of Karnataka & Ors.,Respondents

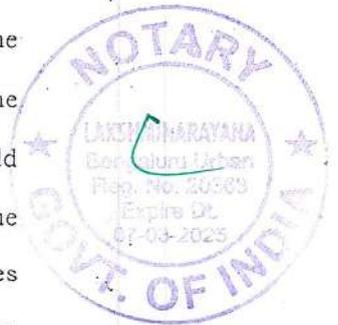
AN APPLICATION FOR FURTHER DIRECTIONS DURING
THE PENDENCY OF APPEAL

To,
The Hon'ble chief Justice of
India and His Companion
Justices of Hon'ble Court.

The Humble Application of the
Appellant/Applicant above named:

MOST RESPECTFULLY SHWETH:-

1. The Appellant/applicant above named filed the aforesaid Civil Appeal No.5016/2016 being aggrieved by the impugned judgment and final order dated 04-05-2016 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No.222/2014. The aforesaid Appeal was listed on 12-05-2016 and this Hon'ble Court, after hearing the parties to the lis, was pleased to issue notice to the respondents and directed that the "status quo" should be maintained on the spot and also directed stay of the award of monetary compensation of Rs.117.35 crores passed by the Tribunal until further orders and also passed such other orders/directions. The above said



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Appeal is pending before this Hon'ble Court for further consideration.

2. That in terms of order dated 12-07-2016 passed by this Hon'ble Court, the Appellant has filed an affidavit to abide by some of the conditions stipulated by the Hon'ble National Green Tribunal in the impugned order dated 04-05-2016. The appellant stated therein that certain conditions were complied by it to the extent stated therein and undertook to abide by some of the conditions during the course of construction of project in terms of the Approvals, Sanctions and Environmental Clearance granted on 17-02-2012 to the project in question.

A true copy of Additional Affidavit filed by the Appellant on 19-10-2016 in Civil Appeal No.5016/2016 in this Hon'ble Court is marked at Annexure-A/1 (Pg.17 to 28).

3. The detailed facts and circumstances giving rise to the filing of the present Application are set forth in the aforesaid Appeal; the appellant/applicant craves leave of this Hon'ble Court to refer to and rely upon the same as forming part of the present application.

4. That the Appellant submits that after obtaining all sanctions, approvals and orders from the competent Authorities, the appellant commenced construction of

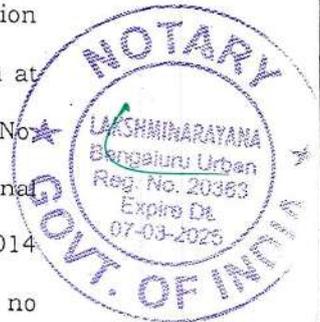


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the project in the month of November, 2012 and the environment clearance was granted much before the construction, on 17-02-2012.

True Copy of Environment clearance granted by State Level Environment Impact Assessment Authority, Karnataka (SEIAA) dated 17-02-2012 is marked at Annexure-A/2 (Pg.29 to 46).

5. That the Appellant submits that the Respondent No.12 (Namma Bengaluru Foundation) and the Respondent No.13 (Citizen's Action Forum) had, prior to filing of the Original Application before the Hon'ble National Green Tribunal, instituted a Public Interest Litigation in Writ Petition No. 36567-574/2013 before the Karnataka High Court seeking to restrain construction activity of the Appellant. In the said Petition, the land acquisition for the project was also questioned. The associates of the 12th and 13th Respondents, namely, the 1st Respondent (The Forward Foundation), the 2nd Respondent (Praja RAAG) and the third Respondent (Bangalore Environment Trust) filed an application before the Hon'ble Green Tribunal (Southern Bench at Chennai) on 12 February 2014 being Application No. 114 of 2014. In the application, the Green Tribunal granted an ex-parte interim stay on the 16th April 2014 against construction activities on the surmise that no environmental clearance had been obtained for the



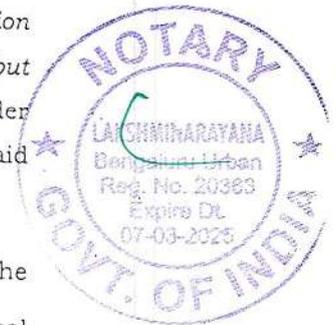
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project. However, the Tribunal was not informed of the pending Writ Petitions in the Karnataka High Court or of the fact that environmental clearance for the project was issued on 17th February 2012 itself. Subsequently, the aforesaid application was heard at length and they came to be transferred before the Principal Bench of the Tribunal at New Delhi and it was renumbered as O.A.No.222 of 2014.

6. The Appellant submits that the Hon'ble Green Tribunal heard the preliminary objections regarding maintainability and limitation to file Original Application and also in respect of interim order granted on 16-04-2014 by the Tribunal and passed judgment and order on 07-05-2015 on merits. The Tribunal at Para-85 (1) issued directions as under:-

"85 (1)- We decline to pass any direction or order to stop further progress and/or demolition of the project or any part thereof at this stage. However, we constitute the following Committee to inspect the project in question and submit a report to the Tribunal inter alia but specifically on the issues stated hereinafter." (Order available at page 96 at 199 - Vol.-I of the aforesaid Appeal).

7. That the appellant submits that being aggrieved by the order dated 07-05-2015, the Appellant filed Civil Appeal No.4832/2015 in this Hon'ble Court, wherein this

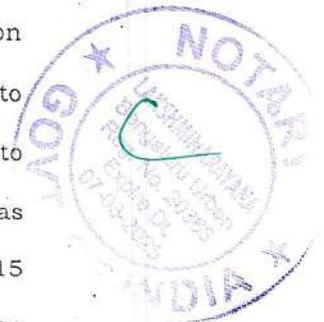


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Hon'ble Court, by the order dated 20-05-2015 (Order available at page 92-Vol-I) while disposing off the said Appeal, directed the Tribunal to recall the order and decide the matter afresh after hearing the Counsel for the parties. The Counsel for the respondents at that time pointed out about the construction of the project site. This Hon'ble Court at last para of the said order dated 20-05-2015 recorded as under:-

"Mr. Raj Panjawani points out that the Tribunal has allowed the appellants to proceed with the construction only on the payment of the aforesaid fine/penalty. We leave it to the Tribunal to pass whatever orders it deems fit in this behalf, after hearing the parties."

8. The appellant submits that in view of the liberty and direction given by this Hon'ble Court on 20-05-2015, the Appellant filed an application before the Tribunal on 28-05-2015 for recalling of order dated 07-05-2015. During the pendency of the original application as well as the recalling application of the Appellant, the appellant filed an application in M.A. No.1283/2015 on 08-12-2015, inter alia, praying before the Tribunal to allow the Appellant to continue the construction and to create third party rights. The Hon'ble Tribunal was pleased to allow the said application on 22-12-2015 and the appellant had re-commenced their construction in the project site.



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True copy of order of the Tribunal dated 22-12-2015 is marked at **Annexure-A/3** (Pg.47 to 50).

9. Subsequent upon the passing of the order dated 22-12-2015, the Appellant continued its construction.

10. The Appellant submits that, being aggrieved by the said order dated 22-12-2015 of the Tribunal, the Respondents filed a Civil Appeal No:214/2016 in this Hon'ble Court; this Hon'ble Court was pleased to dismiss the said Appeal on 20-01-2016 and confirmed the said order dated 22-12-2015 passed by the Hon'ble Tribunal.

True copy of the order dated 20-01-2016 in Civil Appeal No.214 of 2016 passed by this Hon'ble Court is marked as **Annexure-A/4**(Pg.51 to 52).

11. The Appellant submits that on 04-05-2016, the Tribunal passed the impugned order. On 12-05-2016, this Hon'ble Court was pleased to pass an interim order; in view of the statement that the status quo would be maintained, the Appellant has not restarted the construction. The Appellant craves leave to be relieved of the said statement and seeks the liberty of this Hon'ble Court to recommence the construction.

13. The Appellant wishes to bring to the notice of this Hon'ble Court that the pendency of these proceedings are being adverted to for extraneous purposes by an



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organization called the South East Forum for Sustainable Development. It is relevant to note that the said organization has informed the Punjab National Bank, Cantonment Branch, Bangalore, in which the Appellant has bank account as follows:

"We understand that you have a loan exposure to M/s Mantri Techzone P Ltd in respect of a project called 'Mantri Agara' on Sarjapur Road Bangalore.

Please be aware that this entire land parcel is the subject of a case just concluded at the National Green Tribunal, Delhi in which the plan sanctions and Environmental Clearance accorded to M/s Mantri Techzone P Ltd have been set aside. The information has been widely reported in the media as well.

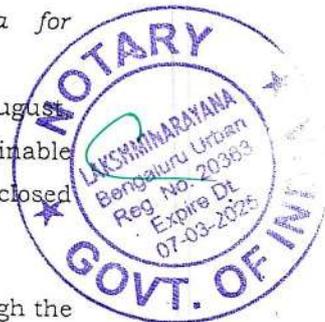
There is therefore a clear risk that the loans granted by you to the project proponent M/s Mantri Techzone P Ltd could turn into a doubtful asset classification.

We therefore request you to assess your asset quality with regard to the above exposure in light of this new information and take whatever steps you deem prudent.

A copy of this letter is being shared with Reserve Bank of India (Banking Regulation Department) and with the Ministry of Finance, Government of India for information."

A true copy of the representation dated 29th August 2016 made by the South East Forum for Sustainable Development before Punjab National Bank is enclosed herewith as Annexure-A/5 (Pg.53 to 54).

14. The Appellant respectfully submits that although the Bellandur Lake has been polluted on account of huge



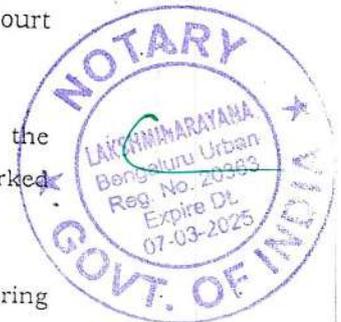
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dumping of untreated sewerage (not only Bellandur Lake but also in other lakes in the city of Bangalore) by the Bangalore Water Supply and Sewerage Board and other households which have no connections to public sewers or have faulty sewage treatment plants installed within their boundaries. This needs to be rectified by the BWSSB which can undertake immediate cleaning and pumping operations.

15. The Appellant submits that the Lake Development Authority issued a notice to the Appellant on 07-10-2016 wherein it called upon the Appellant to comply with certain directions that were issued by the Tribunal under its Order dated 04-05-2016, particularly removal of debris or any construction materials from the Raja Kaluves and for demolition of boundary wall, temporary or permanent construction that fall under the buffer/green zone as directed by the Tribunal. The said notice is in disregard of the order of this Hon'ble Court dated 12-05-2016 in the aforesaid Appeal.

True copy of notice dated 07-10-2016 issued by the Lake development Authority to the Appellant is marked at Annexure-A/6 (Pg.55 to 56)

16. The Appellant submits that the Appellant is suffering huge monetary loss on account of the pending proceedings and stoppage of construction. The



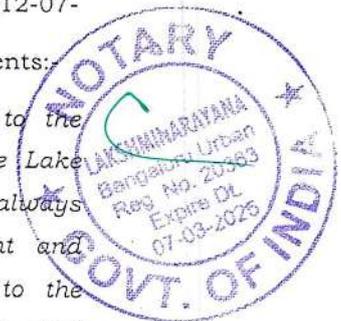
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Appellant is unable to raise any funds either by way of debt or advances from customers for the spaces to be leased or sold to such customers on account of such pending litigations, due to which, great financial hardship is being caused to this Appellant.

17. That the Appellant submits that the Committee constituted by the Tribunal, in its spot Inspection Report also did not observe any major deviation at the site and that the construction should be stopped. The impugned order does not contain any observation to the effect that the project in question has impact on environmental degradation.

18. When the matter was listed on 12-07-2016, the learned Senior Counsel appearing on behalf of the Appellant submitted that an affidavit would be filed indicating compliance with relevant conditions as contained in the order passed by the Tribunal and also in the Committees' reports. The appellant filed the additional affidavit in terms of the order dated 12-07-2016 in this Hon'ble Court with following statements:

12. I state that the condition with regard to the government land or land forming part of the Lake measuring 3 Acres 10 Guntas in Sy. No.43 has always been out of the boundary of the Appellant and accordingly, the said land is surrendered to the competent authority, being the Karnataka Industrial



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Area Development Board, Bangalore (KIADB) by the correspondence 06-07-2016.

13. The appellant declares that none of its activities have been in the past and will be in future carried on within the said parcel of land. The appellant undertakes that as soon as the Competent Authority takes possession of the land and marks the clear boundary for such land, a compound wall will be erected by the Appellant to clearly bifurcate that land from the land allotted by KIADB to it. It is prayed that a suitable direction in this regard may kindly be issued to KIADB(R-10).

14. This Appellant undertakes that it will fully abide by the direction to maintain the requisite air quality monitoring during the construction and will not spill over or dump or let lose any soil or other construction material into the lake or Raja Kaluve located on the Southern and Western side of its boundary during the construction phase or operational phase of its project. The Appellant undertakes that it shall ensure that the topography and slopping pattern of the Project Land is maintained at the end of the construction such that the surface water runoff from the project land is not unduly altered or adversely affected. However, during the course of digging and laying of foundation during the construction phase, it may not be possible to maintain such topography at such locations where buildings or other facilities are created. However, all and every reasonable efforts will be made to ensure the surface run off water is not obstructed from reaching the water bodies. The compound wall of the appellant will also contain such openings as are reasonable and suitable considering safety and other aspects of the property to facilitate the surface runoff of the water.



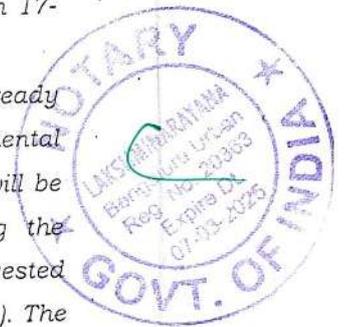
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15. The appellant has already undertaken Traffic Management Study as indicated in the Order of the Hon'ble Tribunal and it will make appropriate changes in the design and other parameters of its building to provide suitable pass through and provision for visitor and occupant parking at the site of the Appellant.

16. The Appellant submits that it will undertake to use as far as possible, recycled water during construction phase and during operation phase by purchasing water from BWSSB or other agency as long as the water so provided are acceptable under the normal standards and parameters. It will use recycled water generated within the facility and for this purpose will carry out double piping and use maximum recycled water for flushing and other uses as per standards. It will also consume the recycled water for gardening and other non-human uses. It is already planned and will establish necessary Sewerage Treatment Plants for recycling of waste water generated within its facility.

17. It is submitted that the Appellant has complied with and has carried out construction in full compliance of all the conditions imposed by all the authorities including the Environmental Clearance granted on 17-02-2012.

18. As stated earlier, the Appellant has already prepared a plan with regard to Environmental Management during construction and the same will be submitted to the competent authority detailing the matter and all actions will be carried out as suggested by such Competent Authority (KSPCB and SEIAA). The Plan includes the methodology to avoid any obstruction for safe disposal of run off to the Rajakaluves, prevent excavated material or any construction material



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escaping either to the Rajakaluves or Bellandur Lake, so that said condition is complied with and no damage and caused either to the Rajakaluves or Bellandur Lake.

19. I state that the construction of the Appellant is limited to the lands that are allotted to the Appellant and those which have been under private negotiation that too since they form integral part of the rest of the lands. Although, the purchase of contiguous parcels of land ad measuring 6 acres 19 guntas are under negotiation with private parties, however, for the present construction will be limited to the extent of 63.94 acres as shown in the Map annexed herewith.

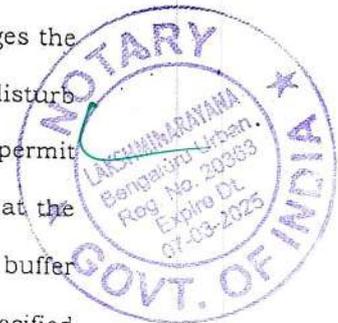
20. I state that the Hon'ble Tribunal has directed this Appellant to retain the entire buffer zone as a no-construction zone and that the same shall be in addition to the green belt prescribed under any law relating to planning. It is submitted that since the Plans have already been sanctioned and construction has commenced, the Appellant will not be able to maintain any buffer zone in addition to what is specified in the Sanction Plan based on the applicable planning laws. However, subject to result of the appeal, it will follow such restrictions in the lands where construction has not commenced and the land is available as vacant land not occupied by any proposed building. The buffer zone so provided will also be used for permitted uses. However, as an interim measure, the Appellant will not construct within 75 meter of the Bellandur Lake in respect of two buildings identified as A and B in the annexed map, no further construction shall be made until the disposal of the Appeal. This undertaking without prejudice to the rights and contentions of the parties."



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19. The Appellant begs the leave of this Hon'ble Court to permit the Appellant to file this application seeking further directions to permit the Appellant to continue with the construction at the Project Site subject to the final orders to be passed by this Hon'ble Court in the matter since the Appellant is being put to great financial and other hardship despite the fact that the environmental clearance for the Project was granted on 17-02-2012 and it commenced the construction in the month of November, 2012 which was stopped after issue of the interim order dated 16.04.2014 and intermittently continued in accordance with the Orders passed from time to time. This Appellant undertakes to abide by the conditions, if any, imposed by this Hon'ble Court while passing further orders in furtherance to this Application and during the pendency the aforesaid Appeal.

20. It is humbly submitted that in view of the above, it is just and necessary that this Hon'ble Court enlarges the Order to include that the Authorities may not disturb the existing construction in the project and to permit the Appellant to continue with the construction at the Project Site beyond the 75 meter and 50 meter buffer zones for Lake and 'Raja-Kaluve', respectively specified in the Order dated 04-05-2016 in accordance with the



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permissions and sanctions and subject to the final orders of this Hon'ble Court in the extent of land measuring 63.94 acres and in terms of Environmental Clearance granted on 17-02-2012.

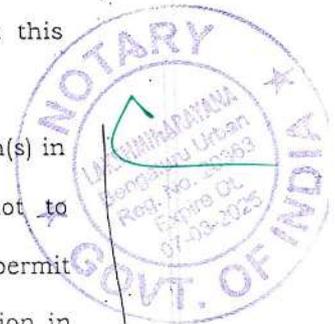
21. In view of the above, it is humbly and respectfully prayed that this Hon'ble Court may be pleased to issue further directions and permit the Appellant to undertake further construction in accordance with the undertaking contained in the aforesaid affidavit. That the balance of convenience is in favour of the present appellant/applicant and there is every likelihood of it succeeding in the aforesaid appeal and therefore, the application may be allowed as prayed herein.

22. That the present application is bona fide and is in the interest of justice.

PRAYER

It is therefore, the applicant/Appellant prays that this Hon'ble Court may graciously be pleased to:-

- (a) allow the application and pass further direction(s) in the above matter, direct the authorities not to interfere with the existing constructions and permit this appellant to continue with the construction in the sanctioned project site (to the extent of 63.94 acres), in terms of environmental clearance granted



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to the Appellant on 17-02-2012 subject to the final Orders to be passed in the above said pending Appeal, in the interest of justice and equity and for the reasons aforesaid; and

(b) pass such other or further orders as this Hon'ble Court may deem just and proper in the facts and circumstances of the case;

DRAWN BY:
Shekhar G Devasa,
Advocate
DRAWN ON: 15/10/2016
FILED ON: 19/10/2016

FILED BY:

(M/s Devasa & Co)
Advocates for the appellant/Applicant



1 ANNEXURE-A | 8 484

IN THE SUPREME COURT OF INDIA
 CIVIL APPELLATE JURISDICTION
 I.A.NO.3 OF 2016 IN
CIVIL APPEAL NO.5016 OF 2016

MANTRI TECHZONE PVT. LTD.

Appellant(s)

VERSUS

FORWARD FOUNDATION & ORS.

Respondent(s)

ORDER

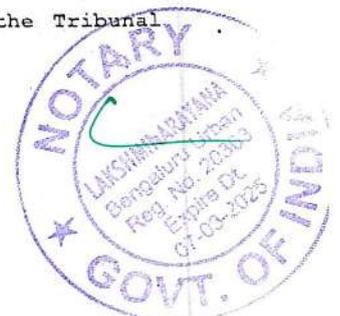
We had while issuing notice to the respondents directed the competent authority to take over possession an extent of 3 acres 10 guntas of land referred to in the impugned order passed by the Tribunal. We had also directed the competent authority to remove/demolish any construction put up on the said extent of land. We had further directed that since the appellant company had not resumed its construction activity the parties shall maintain status quo on the spot. The operation of the impugned order insofar as it directed award of a monetary compensation of Rs.117.35 crores was however stayed until further orders.

Mr. Gopal Subramaniam learned senior counsel appearing for the appellant company submits on instructions, that the company

has without prejudice to its contention in this appeal decided to comply with the direction issued by the Tribunal other than those

regarding payment of compensation. He submits that the Tribunal

Signature valid
 Digitally signed by
 Mantri Techzone Pvt. Ltd.
 Date: 2016.06.06
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had directed the company to obtain a fresh environmental clearance certificate and to maintain the 75 meter distances as buffer zone and to remove the debris from the construction site. He submits that the company is willing to comply with all the terms and conditions imposed by the environmental clearance granted on 17.2.2012. He draws our attention to an affidavit filed in I.A.No.3 to the above effect. He submits that this Court could modify order dated 12.5.2016 and permit the petitioner company to resume construction activities on the basis of the undertaking so furnished.

Dr. Singhvi learned senior counsel appearing for respondent No.1 submits that although the appellant company offers to comply with the conditions stipulated by the Tribunal before this Court but the submission made by the learned counsel does not match the documents filed on record. He urged that this Court could leave the matter to the Tribunal to examine whether the conditions stipulated by it in its order are satisfied/complied with in which event the company can be permitted to resume constructions if the Tribunal records such a finding.

We find merit in the submission of Dr. Singhvi. We do not consider it appropriate for us to go into the question whether the company has or has not complied with the conditions stipulated by the Tribunal. In our opinion, the question whether there is sufficient compliance with the directions or not can be left to be



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examined with the Tribunal. It is for the Tribunal to also look into and verify the relevant facts by appointing a local commissioner if considered necessary. All that we need say is that if the petitioner company wishes to resume the construction and the condition on which such resumption has been permitted in terms of its previous orders are satisfied by the company, our order dated 12.5.2016 directing the parties to maintain status-quo shall not be treated as an impediment for such resumption.

With these observations, I.A.NO.3/2016 is disposed of.

The recovery of the compensation awarded by the Tribunal shall, however, remain stayed.

.....CJI
(T.S. THAKUR)

.....J.
(SHIVA KIRTI SINGH)

New Delhi,
November 11, 2016

A True copy



ITEM NO.11

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A.No. 3/2016 in Civil Appeal No(s). 5016/2016

MANTRI TECHZONE PVT. LTD.

Appellant(s)

VERSUS

FORWARD FOUNDATION & ORS.

Respondent(s)

(for further direction and office report)

Date : 11/11/2016 This application was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Appellant(s) Mr. Gopal Subramaniam, Sr.Adv.
Mr. R. Venkataramani, Sr.Adv.
Mr. Shekhar G. Devasa, Adv.
Mr. K.V. Bhuvendra, Adv.
Mr. Manish Tiwari, Adv.for
M/s. Devasa & Co.

For Respondent(s) Mr. S.K. Kulkarni, Adv.
Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, Adv.

Mr. Anup Jain, Adv.

Mr. Devashish Bharuka, Adv.

Dr. A.M. Singhvi, Sr.Adv.
Mr. Mahesh Aggarwal, Adv.
Mr. Rishabh Parikh, Adv.
Mr. E. C. Agrawala, Adv.

Mr. Shyam Divan, Sr.Adv.
Mr. Saransh Jain, Adv.
Mr. Pravaeen Sehrawat, Adv.
Mr. Naresh Kumar, Adv.
Mr. O. P. Bhadani, Adv.

Ms. Kiran Suri, Sr.Adv.
Mr. S.J. Amith, Adv.



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Dr. (Mrs. Vipin Gupta, Adv.,

UPON hearing the counsel the Court made the following
O R D E R

I.A.NO.3/2016 is disposed of in terms of the signed order.

The recovery of the compensation awarded by the Tribunal shall, however, remain stayed.

(USHA BHARDWAJ)
AR-CUM-PS

(TAPAN KUMAR CHAKRABORTY)
COURT MASTER

Signed order is placed on the file.

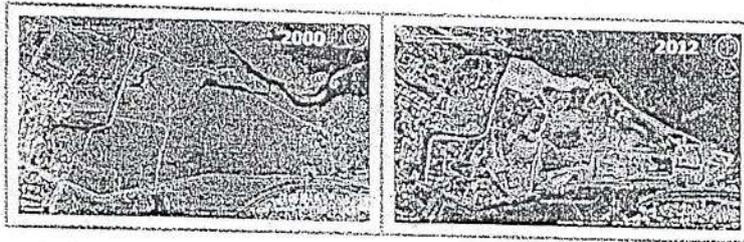
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ANNEXURE-A/9

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Conservation of Bellandur Wetlands: Obligation of Decision Makers to Ensure Intergenerational Equity



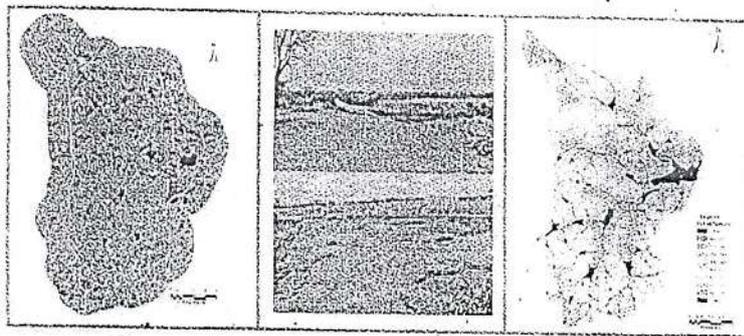
Ramaachandra T V

Bharath H Aithal

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CONSERVATION OF BELLANDUR WETLANDS: OBLIGATION OF
DECISION MAKERS TO ENSURE INTERGENERATIONAL EQUITY

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CONSERVATION OF BELLANDUR WETLANDS: OBLIGATION OF
DECISION MAKERS TO ENSURE INTERGENERATIONAL EQUITY

T.V. Ramachandra

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CONSERVATION OF BELLANDUR WETLANDS: OBLIGATION OF DECISION MAKERS TO ENSURE INTERGENERATIONAL EQUITY

Executive Summary:

Bellandur lake catchment is located between 77° 35' west and 77° 45' east and latitude 12° 50' south and 13° 00' north (The Survey of India topographic map 57 149, scale: 1:50,000). The overall catchment area is about 287.33 sq. km with a water spread area of 361 ha. The terrain of the region is relatively flat and sloping towards south of Bangalore city. Relative slope of the region is found to be very gentle to gentle slope. The relative contour height is 930 m above mean sea level and the lowest is 880 m. The height is found to be 870 m above mean sea level near the tank. The drainage pattern is dendritic type and is characterized by gneiss and gneiss granite rocks. This water body has been a lifeline sustaining the livelihood of settlements in the catchment and command areas. Agriculture (rice and vegetables) practiced since many centuries in the downstream continues even today. Three main streams join the tank, which form the entire watershed. Three chain of lakes in the upstream joins Bellandur lake with a catchment area of about 148 square kilometres (14979 Hectares) and overflow of this lake gets into Varthur lake and from where it flows down the plateau and joins Pinakini river basin.

One of the streams originates at the northern part of the region, Jaymahal and known as eastern stream. Another stream originates from the central part of the city, Krishna Raja Market and covers the central part of the region before joining the tank, and is called the central stream. Another stream commands southwestern part of the region called the western stream. Further, before the confluence with Bellandur Tank, all the streams come across two to three tanks. The rainfall data is available for the last 100 to 110 years. Rainfall varies from 725.5 mm to 844.8 mm. The district receives 51 % of the total annual rainfall in the southwest monsoon period, i.e. June to September. The average annual rainfall in the catchment was 859 mm in 1999. April is usually the hottest month with the mean daily maximum and minimum temperature of 33.4° C and 21.2° C respectively. December is generally the coolest month with the mean daily maximum and minimum temperature of 25° C and 15.3° C respectively. The temperature drops down to 8° C during January nights. Relative humidity is high from June to October (80 to 85 %). Thereafter, it decreases and from February to April becomes 25 to 35%. The relative humidity in the morning is higher than in the evening, giving rise to the formation of fog.

Unplanned rapid urbanisation during post 2000 witnessed large scale conversion of watershed area of the lake to residential and commercial layouts. This has altered the hydrological regime and enhanced the silt movement in the catchment. Declining vegetation cover has lowered water yield in the catchment, affecting the groundwater recharge. Alterations in ecological integrity is evident from reduced water yield, flash floods, contaminated water, obnoxious odour, copious growth of invasive floating macrophytes.



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disappearance of native fish species, breeding ground for mosquito and other disease vectors, etc. A major portion of untreated city sewage (500+ million liters per day) is let into the lake, beyond the neutralizing ability of the lake, which has hampered the ecological functioning of the lake.

Significance of wetlands: Wetlands are lands transitional between terrestrial and aquatic eco-systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands are the most productive and biologically diverse but very fragile ecosystems. They function as kidneys of landscape due to remediation of contaminants (which include nutrients, heavy metals, etc.). These fragile ecosystems are vulnerable to even small changes in their biotic and abiotic factors. In recent years, there has been concern over the continuous degradation of wetlands due to unplanned developmental activities (Ramachandra, 2002).

Policy and legislative measures for Wetlands conservation in India are:

- The Indian Forest Act - 1927
- Forest (Conservation Act) - 1980
- Wildlife (Protection) Act - 1972
- Water (Prevention and Control of Pollution) Act - 1974
- Water (Prevention and Control of Pollution) Act - 1977
- Environmental (Protection) Act - 1986
- Wildlife (Protection) Amendment Act - 1991
- National Conservation Strategy and Policy Statement on Environment and Development - 1992
- National Policy And Macro level Action Strategy on Biodiversity-1999
- Biological Diversity Act, 2002, areas rich in biodiversity, cultural importance, etc.
- Wetlands (Conservation and Management) rules 2010, Government of India

The proposed plan to set up SEZ by KIADB needs to be stopped and wetland to be restored considering

Activities	Norms
Location of the project (SEZ by Karnataka Industrial Areas Development Board (KIADB)) in the valley zone	This is contrary to sustainable development as the natural resources (lake, wetlands) get affected due to this decision. Eventually this kills the lake. This reflects the ignorance of the administrative machinery on the importance of ecosystems and the need to protect valley zones
The proposed activity is in valley zone	To be protected considering ecological function And are 'NO DEVELOPMENT ZONES' as per



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	CDP 2005, 2013
Location of SEZ in flood prone zone of the lake and in wetland - 30 m buffer zone of the water body is to be no development zone	In case of water bodies a 30.0 m buffer of 'no development zone' is to be maintained around the lake (as per revenue records) <ul style="list-style-type: none"> ✓ As per BDA, RMP 2015 ✓ section 17 of KTCP Act, 1961 and sec 32 of BDA Act, 1976 ✓ Wetlands (Conservation and Management) rules 2010, Government of India
Alterations in topography	Adjacent localities would be vulnerable to floods
Removal of rajakaluve (storm water drain) and gradual encroachment of rajakaluve as well as lake bed	Removal of lake connectivity enhances the episodes of flooding and associated disasters The Hon'ble Supreme Court in Civil appeal number 1132/2011 at SLP (C) 3109/2011 on January 28, 2011 has expressed concern regarding encroachment of common property resources, more particularly lakes and it has directed the state governments for removal of encroachments on all community lands. Eviction of encroachment: Need to be evicted as per Karnataka Public Premises (eviction of unauthorised occupants) 1974 and the Karnataka Land Revenue Act, 1964.
The proposed action by KIADB to set up SEZ violates Hon'ble High Court of Karnataka's verdict to protect, conserve, rehabilitate and wisely use lakes and their watersheds in Bangalore all lakes in Karnataka and their canal networks (about 38,000)	High Court of Karnataka (WP No. 817/2008) <ul style="list-style-type: none"> • Protects lakes across Karnataka, • Prohibits dumping of Garbage and Sewage in Lakes • Lake area to be surveyed and fenced and declare a no development zone around lakes • Encroachments to be removed. • Forest department to plant trees in consultation with experts in lake surroundings and in the watershed region • Member Secretary of state legal services authority to monitor implementation of the above in coordination with Revenue and Forest Departments. • Also set up district lake protection committees



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Additional 10000 to 14000 vehicles	Increases traffic bottleneck in the region and air pollution (with the increase in density of vehicles)
Increase in vehicular traffic and enhanced pollutants	Traffic congestion (due to additional vehicle movement). The density of traffic would increase, the road's current level of service (LOS) is under category C, the increase in vehicles upto 14000+ would worsen the traffic condition with LOS under category F, enhanced levels of vehicular pollutants; likely increase in respiratory diseases.
Water shortage The estimate shows that SEZ requires 4587 Kilo Liters per day (4.58 MLD – Million liters per day)	Bangalore is already experiencing severe water shortages as water yield in rivers (Cauvery, etc.) has come down due to large scale land cover changes. Neither Cauvery, T G Halli nor groundwater can sustain Bangalore's growing water demand. BWSSB has not given NOC and has indicated inability to supply such huge quantity of water on regular basis.
Pathetic water scenario and insufficient drinking water in Bangalore	At the 4% population growth rate of Bangalore over the past 50 years, the current population of Bangalore is 8.5 million (2011). Water supply from Hessarghatta has dried. Tippegondahanally is drying up, the only reliable water supply to Bangalore is from Cauvery with a gross of 1,410 million liters a day (MLD). There is no way of increasing the drawal from Cauvery as the allocation by the Cauvery Water Disputes Tribunal for the entire urban and rural population in Cauvery Basin in Karnataka is only 8.75 TMC ft (one thousand million cubic – TMC ft equals 78 MLD). Bangalore city is already drawing more water— 1,400 MLD equals 18 TMC—than the allocation for the entire rural and urban population in Cauvery basin.



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Ecological and Environmental Implications:

- **Land use change:** Conversion of watershed area especially valley regions of the lake to paved surfaces would alter the hydrological regime
- **Loss of Drainage Network:** Removal of drain (Kajakalaveri) and reducing the width of the drain would flood the surrounding residential as the interconnectivities among lakes are lost and there are no mechanisms for the excessive storm water to drain and thus the water stagnates flooding in the surroundings.
- **Alteration in landscape topography:** This activity alters the integrity of the region affecting the lake catchment. This would also have serious implications on the storm water flow in the catchment. The dumping of construction waste along the lakebed and lake has altered the natural topography thus rendering the storm water runoff to take a new course that might get into the existing residential areas. Such alteration of topography would not be geologically stable apart from causing soil erosion and lead to siltation in the lake.
- **Loss of Shoreline:** The loss of shoreline along the lakebed results in the habitat destruction for most of the shoreline birds that wade in this region. Some of the shoreline wading birds like the Stilts, Sandpipers, etc will be devoid of their habitat forcing them to move out such disturbed habitats. It was also apparent from the field investigations that with the illogical land filling and dumping taking place in the Bellandur lakebed, the shoreline are gobbled up by these activities.
- **Loss of Livelihood:** Local people are dependent on the wetlands for fodder, fish etc. estimate shows that wetlands provide goods and services worth Rs 10500 per hectare per day (Ramachandra et al., 2005).

Decision makers need to learn from the similar historical blunder of plundering ecosystems as in the case of Black Swan event (http://blackswanevents.org/?page_id=26) of evacuating half of the city in 10 years due to water scarcity, contaminated water, etc. or abandoning of Fatehpur Siltchri and fading out of Adil Shahi's Bijapur, or ecological disaster at *Easter Island* or Vijayanagara empire

It is the responsibility of Bangalore citizens (for intergenerational equity, sustenance of natural resources and to prevent human-made disasters such as floods, etc.) to stall the irrational conversion of land in the name of development and restrict the decision makers taking the system (ecosystem including humans) for granted as in the case of Bellandur wetlands by KIADB.

Keywords: Wetlands, Urbanisation, wetlands, intergenerational equity, Bellandur



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CONSERVATION OF BELLANDUR WETLANDS: OBLIGATION OF DECISION MAKERS TO ENSURE INTERGENERATIONAL EQUITY

Introduction

Wetlands constitute vital components of the regional hydrological cycle, highly productive, support exceptionally large biological diversity and provide a wide range of ecosystem services, such as food and fibre; waste assimilation; water purification; flood mitigation; erosion control; groundwater recharge; microclimate regulation; enhance aesthetics of the landscape; support many significant recreational, social and cultural activities, besides being a part of our cultural heritage. It was acknowledged that most of urban wetlands are seriously threatened by conversion to non-wetland purposes, encroachment of drainage, through landfill, pollution (discharge of domestic and industrial effluents, disposal of solid wastes), hydrological alterations (water withdrawal and inflow changes), and over-exploitation of their natural resources resulting in loss of biodiversity and disruption in goods and services provided by wetlands (Ramachandra, 2002; 2009a,b; Ramachandra et al., 2012a,b). This report addresses the implications of setting up SEZ in an ecologically fragile wetlands. Also, provides insights to the strategies considering the current trends in aquatic ecosystem conservation, restoration and management including the hydrological and the biophysical aspects, peoples' participation and the role of non-governmental, educational and governmental organisations' needs for the restoration, conservation and management.

Urbanisation is a form of metropolitan growth that is a response to often bewildering sets of economic, social, and political forces and to the physical geography of an area. It is the increase in the population of cities in proportion to the region's rural population. The 20th century is witnessing "the rapid urbanisation of the world's population", as the global proportion of urban population rose dramatically from 13% (220 million) in 1900, to 29% (732 million) in 1950, to 49% (3.2 billion) in 2005 and is projected to rise to 60% (4.9 billion) by 2030. Urban ecosystems are the consequence of the intrinsic nature of humans as social beings to live together (Ramachandra et al., 2012a; 2012b; Ramachandra and Kumar, 2008). The process of urbanisation contributed by infrastructure initiatives, consequent population growth and migration results in the growth of villages into towns, towns into cities and cities into metros. Urbanisation and urban sprawl have posed serious challenges to the decision makers in the city planning and management process involving plethora of issues like infrastructure development, traffic congestion, and basic amenities (electricity, water, and sanitation), etc. (Ramachandra and Shwetmala, 2009; Ramachandra, 2009c). Land use analyses show 584% growth in built-up area during the last four decades with the decline of vegetation by 66% and water bodies by 74%. Analyses of the temporal data reveals an increase in urban built up area of 342.83% (during 1973 to 1992), 129.56% (during 1992 to 1999), 106.7% (1999 to 2002), 114.51% (2002 to 2006) and 126.19% from 2006 to 2010 (Ramachandra et al., 2012a). The major implications of unplanned urbanisation are:



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- **Loss of wetlands and green spaces:** Urbanisation has telling influences on the natural resources such as decline in green spaces (vegetation) including wetlands and / or depleting groundwater table (Ramachandra, 2002).
- **Floods:** Common consequences of urban development are increased peak discharge and frequency of floods as land is converted from fields or woodlands to roads and parking lots, it loses its ability to absorb rainfall. Conversion of water bodies to residential layouts has compounded the problem by removing the interconnectivities in an undulating terrain. Encroachment of natural drains, alteration of topography involving the construction of high rise buildings, removal of vegetative cover, reclamation of wetlands are the prime reasons for frequent flooding even during normal rainfall post 2000 (Ramachandra et al., 2012a).
- **Decline in groundwater table:** Studies reveal the removal of water bodies has led to the decline in water table. Water table has declined to 300 m from 28 m over a period of 20 years after the reclamation of lake with its catchment for commercial activities. Also, groundwater table in intensely urbanized area such as Whitefield, etc. has now dropped to 400 to 500m (Ramachandra et al., 2002).
- **Heat island:** Surface and atmospheric temperatures are increased by anthropogenic heat discharge due to energy consumption, increased land surface coverage by artificial materials having high heat capacities and conductivities, and the associated decreases in vegetation and water pervious surfaces, which reduce surface temperature through evapotranspiration (Ramachandra and Kumar 2009).
- **Increased carbon footprint:** Due to the adoption of inappropriate building architecture, the consumption of electricity has increased in certain corporation wards drastically. The building design conducive to tropical climate would have reduced the dependence on electricity. Higher energy consumption, enhanced pollution levels due to the increase of private vehicles, traffic bottlenecks have contributed to carbon emissions significantly. Apart from these, mismanagement of solid and liquid wastes has aggravated the situation (Ramachandra and Shwetmala, 2009; Ramachandra et al., 2012a; 2012b).

Bangalore Lakes and Bellandur

Greater Bangalore is the administrative, cultural, commercial, industrial, and knowledge capital of the state of Karnataka, India with an area of 741 sq. km. and lies between the latitude 12°39'00" to 12°13'00" N and longitude 77°22'00" to 77°52'00" E (Figure 1). Bangalore city administrative jurisdiction was redefined in the year 2006 by merging the existing area of Bangalore city spatial limits with 8 neighbouring Urban Local Bodies (ULBs) and 111 Villages of Bangalore Urban District. Bangalore has grown spatially more than ten times since 1949 (~69 square kilometres to 716 square kilometres) and is the fifth largest metropolis in India currently with a population of about 9 million (Ramachandra and Kumar, 2008; Ramachandra et al., 2012a; 2012b). Bangalore city population has increased enormously from 65,37,124 (in 2001) to 95,88,912 (in 2011), accounting for 46.68 % growth in a decade. Population density has increased from



as 10732 (in 2001) to 13392 (in 2011) persons per sq. km. The per capita GDP of Bangalore is about \$2066, which is considerably low with limited expansion to balance both environmental and economic needs.

Bangalore once a garden city, became garbage city and now in the verge of becoming a dead city due to consistent mismanagement of natural resources. The transition from garden city to dead city has taken place because of the unplanned rapid urbanisation involving concentrated growth. Bangalore witnessed the software industry boon during early 2000. Due to this, there is drastic increase in population with the enhanced demand for water and electricity. Apart from this, lack of infrastructure is evident from traffic bottlenecks, etc.

About 80% of water supplied as demand turns as liquid waste either as domestic waste water or industrial waste water that contain high amounts of toxic, organic, inorganic wastes. Most of the sewage and wastewater generated is discharged directly into storm water drains that ultimately link to water bodies. The undulating terrain in the region facilitated the creation of a large number of tanks in the past, providing for the traditional uses of irrigation, drinking, fishing and washing. This led to Bangalore having hundreds of such water bodies through the centuries. In 1961, the number of lakes and tanks in the city stood at 262. A large number of water-bodies (locally called lakes or tanks) in the City had ameliorated the local climate, and maintained a good water balance in the neighborhood. Since Bangalore is located on a ridge with natural water courses along the three directions of the Vrishabhavaty, Koramangala-Chalaghatta (K&C) and Hebbal-Nagavara valley systems (Figure 2), these water courses are today being used for the transport and disposal of the city's sewage. The shortfall or lack of sewage treatment facilities have contaminated the majority of surface and ground waters.

The Koramangala Chalaghatta valley (Figure 2, Figure 3), tributary of Periyar River, located towards the south east of Greater Bangalore. The following are lakes along the valley: Varthur, Bellandur, Agaram, Pattenahalli, Chalaghatta, Madivala, Sarakki, Hulimavu, Lalbhag, Bayappanahalli, Vibuthipura, Kundalhalli, Ibburu, Ulsoor, Heguru, etc.

Bellandur Lake located in the south-eastern portion of Greater Bangalore is towards the upstream of Varthur lake, the drainage network for Bellandur lake has 3 drainage network:

- i. In the north originating at Jayanahal covering eastern portion of the City;
- ii. Drains originating from the central part near K R Market covering the central portion of the City;
- iii. Originating from the southern part of the city near Hulimavu.

Bellandur lake has a history over 130 years, post 1980's the drainage chains feeding the lakes were broken due to unchecked industrial, residential as well as commercial development in the region, the lands near the lake were allotted for development of ring road post 1990 during which there was industrial development

The Bellandur catchment extends from 12°50'N to 13°1'47"N in latitude and 77°33'14"E to 77°41'1"E in longitude with an area of 171.17 km². The Bellandur Lake itself encompasses an area of 338.29 hectares. Bellandur lake catchment and its drainage network



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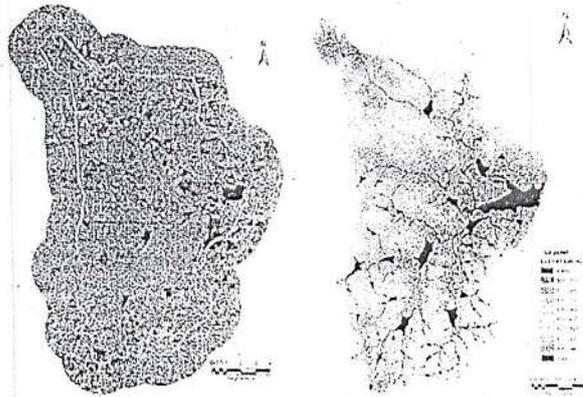


Figure 4: FCC and DEM

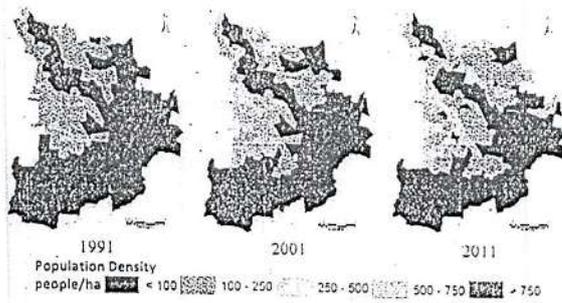


Figure 5: Population Density



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represented in figure 3. The false colour satellite composite of Bellandur catchment (Figure 4) highlight the heterogeneity of the landscape. The digital elevation model (figure 4) depicts the undulating terrain with interconnected water bodies. The terrain altitude gradually varies from City center (North western part of catchment) 962m to 850m above MSL at the lake. Population in the catchment given in Table 1 show an increase from 1425105 (1991) to 3410383 (2011)

The population density (figure 5) in the Bellandur catchment has shown a sharp increase from 100 persons per hectare (2001) to over 141.96 (2011) and 750 persons per hectare (in 2011) in certain wards, mainly due to migration.

Table 1: Population of all the wards under Bellandur catchment

Year	Population	Population density persons / ha
1991	1425105	59.32
2001	2417744	100.63
2011	3410383	141.96

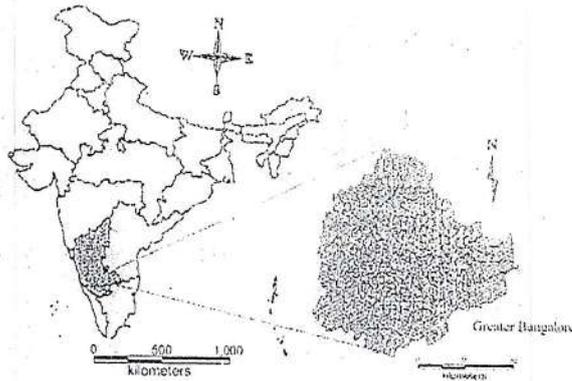


Figure 1: Greater Bangalore



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Threats faced by Wetlands in Bangalore: Greater Bangalore had 207 water bodies in 1973 (Figure 6), which declined to 93 (in 2010). The rapid development of urban sprawl has many potentially detrimental effects including the loss of valuable agricultural and eco-sensitive (e.g. wetlands, forests) lands, enhanced energy consumption and greenhouse gas emissions from increasing private vehicle use (Ramachandra and Shwetmala, 2009). Vegetation has decreased by 32% (during 1973 to 1992), 38% (1992 to 2002) and 63% (2002 to 2010).

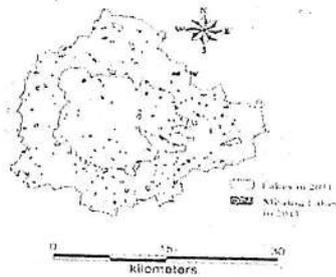


Figure 6: Lakes encroached by land mafia

Disappearance of water bodies or sharp decline in the number of water bodies in Bangalore is mainly due to intense urbanisation and urban sprawl. Many lakes (54%) were encroached for illegal buildings. Field survey of all lakes (in 2007) shows that nearly 66% of lakes are sewage fed, 14% surrounded by slums and 72% showed loss of catchment area. Also, lake catchments were used as dumping yards for either municipal solid waste or building debris (Ramachandra, 2009a; 2012a). The surrounding of these lakes have illegal constructions of buildings and most of the times, slum dwellers occupy the adjoining areas. At many sites, water is used for washing and household activities and even fishing was observed at one of these sites. Multi-storied buildings have come up on some lake beds that have totally intervene the natural catchment flow leading to sharp decline and deteriorating quality of water bodies. This is correlated with the increase in built up area from the concentrated growth model focusing on Bangalore, adopted by the state machinery, affecting severely open spaces and in particular water bodies. Some of the lakes have been restored by the city corporation and the concerned authorities in recent times. Threats faced by lakes and drainages of Bangalore:

- 1) Encroachment of lakebed, flood plains, and lake itself;
- 2) Encroachment of rajakaluyes / storm water drains and loss of interconnectivity;
- 3) Lake reclamation for infrastructure activities;
- 4) Topography alterations in lake catchment;
- 5) Unauthorised dumping of municipal solid waste and building debris;
- 6) Sustained inflow of untreated or partially treated sewage and industrial effluents;
- 7) Removal of shoreline riparian vegetation;
- 8) Pollution due to enhanced vehicular traffic.



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These anthropogenic activities particularly, indiscriminate disposal of industrial effluents and sewage wastes, dumping of building debris have altered the physical, chemical as well as biological integrity of the ecosystem. This has resulted in the ecological degradation, which is evident from the current ecosystem valuation of wetlands. Global valuation of coastal wetland ecosystem shows a total of 14,785/ha US\$ annual economic value. Valuation of relatively pristine wetland in Bangalore shows the value of Rs. 10,435/ha/day while the polluted wetland shows the value of Rs.20/ha/day (Ramachandra et al., 2005). In contrast to this, Varthur, a sewage fed wetland has a value of Rs.118.9/ha/day (Ramachandra et al., 2011). The pollutants and subsequent contamination of the wetland has telling effects such as disappearance of native species, dominance of invasive exotic species (such as African catfish, water hyacinth, etc.), in addition to profuse breeding of disease vectors and pathogens. Water quality analyses revealed of high phosphates (4.22-5.76 ppm) levels in addition to the enhanced BOD (119-140 ppm) and decreased DO (0-1.06 ppm). The amplified decline of ecosystem goods and services with degradation of water quality necessitates the implementation of sustainable management strategies to recover the lost wetland benefits.

SEZ in Bellandur Wetlands: Irrational decision of setting up SEZ at Bellandur wetland would affect the lake. The Mixed Use Development Project - SEZ (Figure 6) is proposed along Sarjapur Road in a wetland between Bellandur and Agara Lake, extending from 77°38'28.96" E to 77°38'57.99" E of Longitude and 12°55'24.98" N to 12°55'44.43" N of Latitude with an area of 33 hectare. The proposal of the project is to construct residential areas, offices, and retail and hotel buildings in this area.



Figure 6: SEZ

Significance of the Region:

1. Wetlands with remediation functional ability (function as *kidneys* of the landscape). Removal of wetlands will affect the functional ability of the lake and would result in the death of Bellandur lake;
2. Considering severe water shortage to meet the drinking water requirement in Bangalore, there is a need to remove deposited silt in the Bellandur lake, which will enhance the storage capacity and in turn helps in mitigating the water requirement;
3. Wetlands aid in recharging groundwater as soil are permeable;



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4. Belanduru lake provide food (fish, etc.) and fodder;
5. Retain the excess water and prevent flooding in the vicinity;
6. Large number of farmers in the downstream is dependent on Belanduru lake water for agriculture, vegetable, etc.

Realizing these, BDA has aptly earmarked these regions in CDP 2005 for "ENVIRONMENT PROTECTION AND HERITAGE CONSERVATION". The masterplan includes the protection of valleys and tanks as part of the vision and enforcing the ban on construction over protected areas. CDP 2015: As per CDP 2015, valley region are "No Development Zone"

- 1) In case of water bodies a 30.0 m buffer of 'no development zone' is to be maintained around the lake (as per revenue records) with exception of activities associated with lake and this buffer may be taken into account for reservation of park while sanctioning plans.
- 2) If the valley portion is a part of the layout/ development plan, then that part of the valley zone could be taken into account for reservation of parks and open spaces both in development plan and under subdivision regulations subject to fulfilling section 17 of KTCP Act, 1961 and sec 32 of BDA Act, 1976.
- 3) Rajakaluve/ storm water drains categorized into 3 types namely primary, secondary and tertiary. These drains will have a buffer of 30, 25 and 15m (measured from the centre of the drain) respectively on either side. No activities shall be permitted in the buffer zone.

SEZ in the wetland and assessment of damages

Drainage network and Land-cover of the wetland region were mapped using temporal Google earth (<http://www.googleearth.com>) for the period 2007 to 2012, and the changes in land use and drainages (network as well as width of the channel/drain). Figure 7 depicts drastic land use changes evident from the conversion of wetland to open land (at the proposed SEZ site) during 2000 to 2012. Temporal change analysis done for the region is given in Table 1. Figure 8 illustrates land use changes between 2007 and 2012. Wetlands have decreased from 32.8 Ha to 5.95 Ha whereas the Open land (Conversion of Wetlands to SEZ Construction site) has increased from 0.6 Ha to 27.46 Ha.

Table 1: Change in Land use

Year	Wetland in Ha	Open land in Ha
2007	32.80	0.60
2008	30.22	3.18
2009	24.31	9.10
2010	19.17	14.23
2011	16.63	16.77
2012	5.95	27.46



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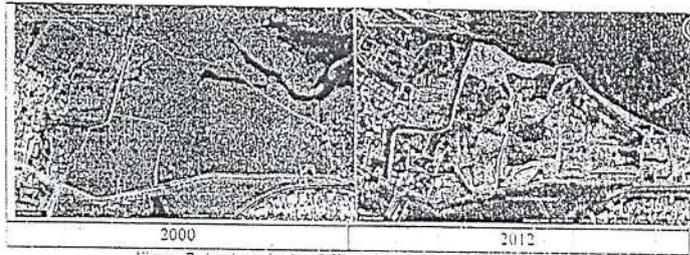


Figure 7: land use in the SEZ region during 2000 and 2012

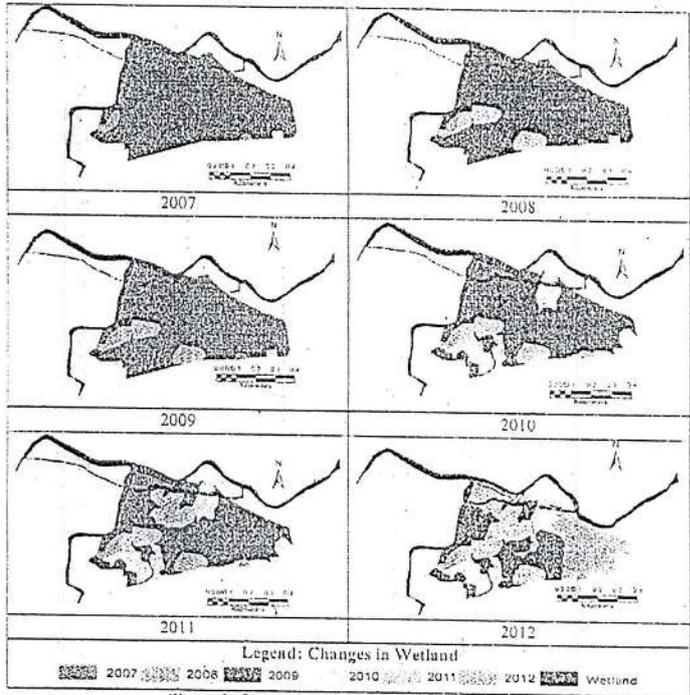


Figure 8: Change in wetland between 2007 to 2012



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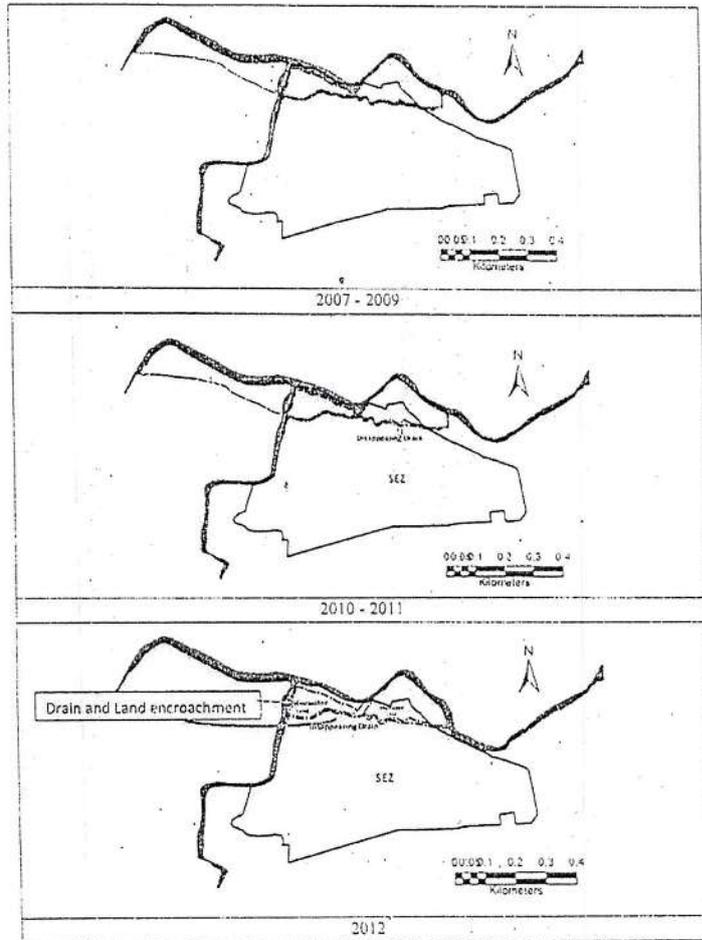
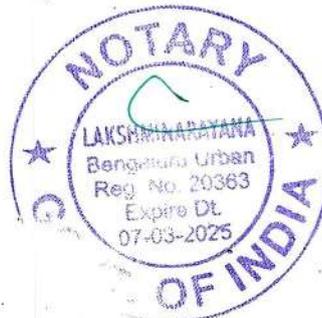


Figure 9: Change in drain network



The change in drainage pattern between 2007 and 2012 is shown in figure 9 and table 2 gives the extent of encroachment of drainage and wetland.

Table 2: Encroachment of drainage and wetland

Description	Area in Ha	Length in m
Altered drain width and encroachment	0.5	390
Encroached a drain	0.56	586
Encroached Wetland	2.06	-

Effect on vehicle traffic in the region: Figure 10 gives the existing road network (Main Roads) in the region; the length between 2 signals on either side of the SEZ is approximately 1.88 km (Google Earth) the width of road is 15.5 m, 4 lanes and two ways. The capacity of urban roads is listed in table 3.

Table 3: Capacity of urban Roads as per IRC

No. of Traffic Lanes and width	Traffic Flow	Capacity in PCU per hour for traffic condition		
		Roads with no frontage access, no standing vehicles, very little cross traffic	Roads with frontage access, but no standing vehicle and high capacity intersections	Roads with free frontage access, parked vehicles and heavy cross traffic
Two lane 7.0-7.5 m	One way	2400	1500	1200
Two lane 7.0-7.5 m	Two way	1500	1200	750
Three lane 10.5 m	One way	3600	2500	2000
Four lane 14.0 - 15.5 m	One way	4800	3000	2400
Four lane 14.0 - 15.5 m	Two way	4000	2500	2000
6 lane 21 m	Two way	6000	4200	3600

Source: S.K.Khanna & C.E.G.Justo, (2005). Highway Engineering, 8th Edition, Table 5.8, pp 185-211

Road maximum capacity: As per IRC (<http://www.irc.org.in> - Indian Road Congress) for a 4 lane road with traffic flow on both sides, for roads with no frontage access, no standing vehicles, very little cross traffic (intersection) capacity is 4000 PCU/hour (PCU- Passenger Car Unit). The capacity for Sarjapur road was estimated to be 3500 PCU/hour, on either side of the road, with average length of a PCU as 4 m at an average speed of 45 kmph and driver reaction time of 0.7 seconds. Along sarjapur road, during the highest peak hour



22.0
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traffic, the number of vehicles is approximately 2000 PCU's/hour. With this the level of service (LOS) based on the ratio of observed to maximum capacity is

$$V/C = 2000/3500 = 0.571$$

For the ratio of 0.57, the current Level of service is under category "C" as per Table 4.

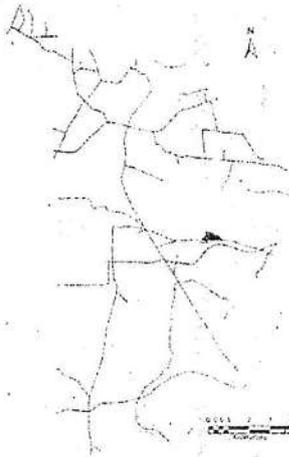


Figure 10: Bellandur Catchment Road Network

Table 4: Category of Roads based on traffic and service

V/C ratio	LOS	Performance
0.0 – 0.2	A	Excellent
0.2 – 0.4	B	Very Good
0.4 – 0.6	C	Average / Fair
0.6 – 0.8	D	Poor
0.8 – 1.0	E	Very Poor
1.0 – 1.2	F	Very Very Poor

Source: IRC

The SEZ has a capacity of over 14000 Car units, in addition to this because of the Floating population that travel in their own mode of transit yields an additional vehicular population.



ENVIS Technical report 55 | 2013

With added 14000 cars, assuming 8 hour of traffic in a day, the density of car units would increase by 1750 units per hour increasing the traffic to 3750 PUC's/hour. Then the V/C ratio is

$$V/C = (2000 + 1750) / 3500 = 1.07$$

The ratio of 1.07 is equivalent to an LOS category of "F" indicating very very poor traffic conditions indicating higher chances of traffic congestion. The current bottle necks along the Sarjapur Road is as depicted in figure 10(a) and likely bottleneck due to the addition of 14000+ vehicles, is depicted in figure 10(b). Traffic bottlenecks also have higher levels of pollutants such as particulate matter, CO₂, NO_x, SO₂.

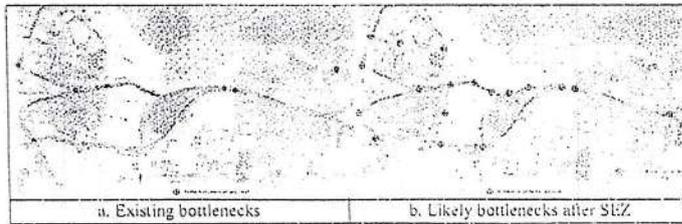


Figure 11: Traffic bottlenecks

Major Violations:

- i). Development in the wetland - Violation of CDP 2015 as valley zone is supposed to be protected as the region is "No Development Zone";
- ii). the wetland removal with vegetation effects the ecological functioning. The plants and algae in wetlands aids in bioremediation by uptake of nutrient and heavy metals;
- iii). this activity enmeshes flooding in the vicinity due to
 - a. Encroachment of drains / rajakalaves;
 - b. Alterations in topography;
 - c. encroachment of lakebed; and
 - d. encroaching of lake itself by dumping debris and filling up of same
- iv). construction activity in the lake floodplain;
- v). violation of 30 m buffer (lake floodplain);
- vi). encroachment of a drain and land (2.06 hectares);
- vii). gradual encroachment of another drain (by filling with building debris);
- viii). filling of a portion of lake with building debris;
- ix). alterations in topography;
- x). traffic congestion (due to additional vehicle movement). The density of traffic would increase, the road's current level of service (LOS) is under category C, the increase in vehicles upto 14000+ would worsen the traffic condition with LOS



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under category F: enhanced levels of vehicular pollutants; likely increase in respiratory diseases;

- xi). insufficient drinking water in Bangalore (how decision makers can make provision for large quantity of water requirement during construction and operation phase);

The proposed plan to set up SEZ by KIADB needs to be stopped and wetland to be restored considering

Activities	Norms
Location of the project (SEZ by Karnataka Industrial Areas Development Board (KIADB)) in the valley zone	This is contrary to sustainable development as the natural resources (lake, wetlands) get affected due to this decision. Eventually this kills the lake. This reflects the ignorance of the administrative machinery on the importance of ecosystems and the need to protect valley zones
The proposed activity is in valley zone	To be protected considering ecological function And are 'NO DEVELOPMENT ZONES' as per CDP 2005, 2015
Location of SEZ in flood prone zone of the lake and in wetland - 30 m buffer zone of the water body is to be no development zone	In case of water bodies a 30.0 m buffer of 'no development zone' is to be maintained around the lake (as per revenue records) <ul style="list-style-type: none"> ✓ As per BDA, RMP 2015 ✓ section 17 of KTCP Act, 1961 and sec 32 of BDA Act, 1976 ✓ Wetlands (Conservation and Management) rules 2010, Government of India
Alterations in topography	Adjacent localities would be vulnerable to floods
Removal of rajakaluve (storm water drain) and gradual encroachment of rajakaluve as well as lake bed	Removal of lake connectivity enhances the episodes of flooding and associated disasters The Hon'ble Supreme Court in Civil appeal number 1132/2011 at SLP (C) 3109/2011 on January 28, 2011 has expressed concern regarding encroachment of common property resources, more particularly lakes and it has directed the state governments for removal of encroachments on all community lands. Eviction of encroachment: Need to be evicted as per Karnataka Public Premises (eviction of unauthorised occupants) 1974 and the Karnataka Land Revenue Act, 1964.
The proposed action by KIADB to	High Court of Karnataka (WP No. 817/2008)

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<p>set up SEZ, violates Hon'ble High Court of Karnataka's verdict to protect, conserve, rehabilitate and wisely use lakes and their watersheds in Bangalore all lakes in Karnataka and their canal networks (about 38,000)</p>	<ul style="list-style-type: none"> • Protects lakes across Karnataka, • Prohibits dumping of Garbage and Sewage in Lakes • Lake area to be surveyed and fenced and declare a no development zone around lakes • Encroachments to be removed. • Forest department to plant trees in consultation with experts in lake surroundings and in the watershed region • Member Secretary of state legal services authority to monitor implementation of the above in coordination with Revenue and Forest Departments. • Also set up district lake protection committees
<p>Additional 10000 to 14000 vehicles</p>	<p>Increases traffic bottleneck in the region and air pollution (with the increase in density of vehicles)</p>
<p>Increase in vehicular traffic and enhanced pollutants</p>	<p>Traffic congestion (due to additional vehicle movement). The density of traffic would increase, the road's current level of service (LOS) is under category C, the increase in vehicles upto 14000+ would worsen the traffic condition with LOS under category F, enhanced levels of vehicular pollutants; likely increase in respiratory diseases;</p>
<p>Water shortage The estimate shows that SEZ requires 4587 Kilo Liters per day (4.58 MLD – Million liters per day)</p>	<p>Bangalore is already experiencing severe water shortages as water yield in rivers (Cauvery, etc.) has come down due to large scale land cover changes. Neither Cauvery, T-G Halli nor groundwater can sustain Bangalore's growing water demand.</p> <p>BWSSB has not given NOC and has indicated inability to supply such huge quantity of water on regular basis.</p>
<p>Pathetic water scenario and insufficient drinking water in Bangalore</p>	<p>At the 1% population growth rate of Bangalore over the past 50 years, the current population of Bangalore is 8.5 million (2011). Water supply from Hessarghatta has dried, Tippegondanahally is drying up, the only reliable water supply to Bangalore is from</p>



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	<p>Cauvery with a gross of 1,410 million liters a day (MLD). There is no way of increasing the drawal from Cauvery as the allocation by the Cauvery Water Disputes Tribunal for the entire urban and rural population in Cauvery Basin in Karnataka is only 8.75 TMC ft (one thousand million cubic - TMC ft equals 78 MLD), Bangalore city is already drawing more water— 1,400 MLD equals 18 TMC—than the allocation for the entire rural and urban population in Cauvery basin.</p>
<p>Ecological and Environmental Implications:</p> <ul style="list-style-type: none"> • <i>Land use change:</i> Conversion of watershed area especially valley regions of the lake to paved surfaces would alter the hydrological regime. • <i>Loss of Drainage Network:</i> Removal of drain (Kajukalivis) and reducing the width of the drain would flood the surrounding residential as the interconnectivities among lakes are lost and there are no mechanisms for the excessive storm water to drain and thus the water stagnates flooding in the surroundings. • <i>Alteration in landscape topography:</i> This activity alters the integrity of the region affecting the lake catchment. This would also have serious implications on the storm water flow in the catchment. The dumping of construction waste along the lakebed and lake has altered the natural topography thus rendering the storm water runoff to take a new course that might get into the existing residential areas. Such alteration of topography would not be geologically stable apart from causing soil erosion and lead to siltation in the lake. • <i>Loss of Shoreline:</i> The loss of shoreline along the lakebed results in the habitat destruction for most of the shoreline birds that wade in this region. Some of the shoreline wading birds like the Stilts, Sandpipers; etc will be devoid of their habitat forcing them to move out such disturbed habitats. It was also apparent from the field investigations that with the illogical land filling and dumping taking place in the Bellandur lakebed, the shoreline are gobbled up by these activities. • <i>Loss of livelihood:</i> Local people are dependent on the wetlands for fodder, fish etc. estimate shows that wetlands provide goods and services worth Rs 10500 per hectare per day (Ramachandra et al., 2005). 	



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Decision makers need to learn from the similar historical blunder of plundering ecosystems -as in the case of Black Swan event (http://blackswanevents.org/?page_id=26) of evacuating half of the city in 10 years due to water scarcity, contaminated water, etc. or abandoning of Fatehpur Sikhri and fading out of Adil Shahi's Bijapur, or ecological disaster at *Easter Island* or Vijayanagara empire.

It is the responsibility of Bangalore citizens (for intergenerational equity, sustenance of natural resources and to prevent human-made disasters such as floods, etc.) to stall the irrational conversion of land in the name of development and restrict the decision makers taking the system (ecosystem including humans) for granted as in the case of Bellandur wetlands by KIADB.

Acknowledgement

This report is prepared for Koramangala Residents Association in support of their noble cause to protect Bellandur lake, a life line for South East Bangalore. We thank Mr. Vijayan Menon, Major P. Kapoor, Muralidhar Rao, Nitin for suggestions during the discussion and field visit. This report is dedicated to the residents of Koramangala for their endless struggle against irrational decision of bureaucracy leading to senseless act of removing kidney of the landscape – wetlands, a fragile ecosystem.

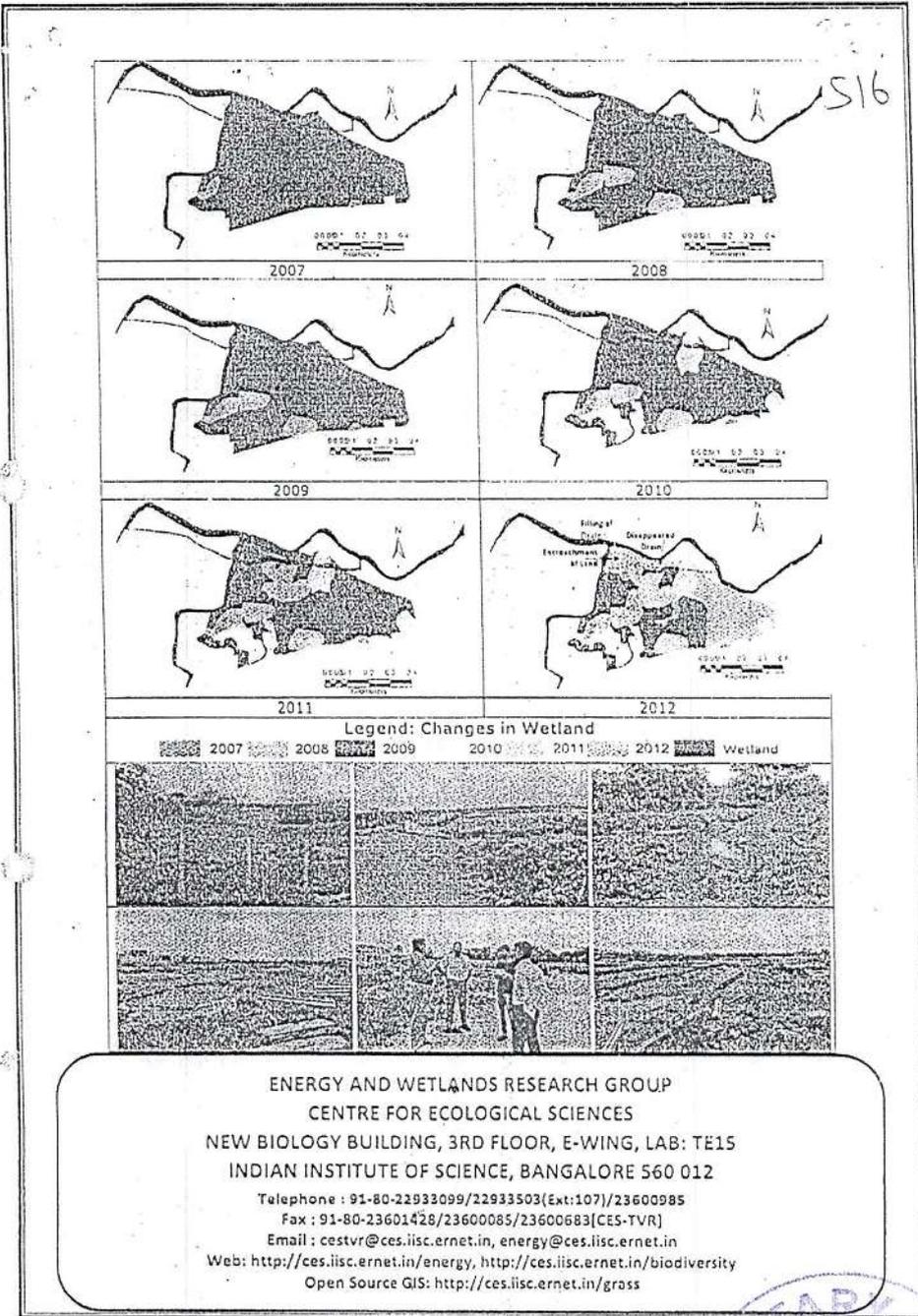
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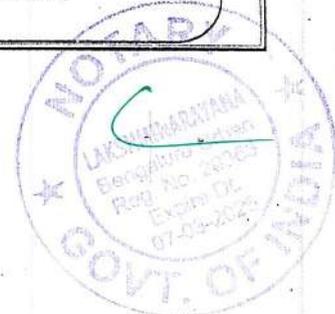


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ANNEXURE-A / 10

Inspection Report of Bellandur lake as per the report published in HINDU
Paper on June 3rd 2013

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Date of Inspection : 12-06-2013

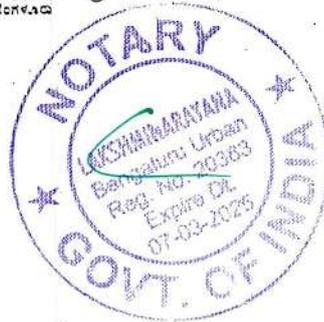
Officers Present : Shri.S.R. Nagaraj, EE LDA
Shri.C. Nagesh Rao, AEE LDA

As per the instructions of CEO LDA Dated 4-06-2013 the above said lake was inspected along with Sri. Nagesh AEE. The report published in "The Hindu" newspaper on June 3rd 2013, mentions that the KIADB has initiated a colossal "mixed - use development project" in the catchment area of Bellandur lake. The report also mentions that the development project by KIADB WILL HAVE ADVERSE EFFECT ON THE WATER WHICH FLOWS TO Bellandur Lake.

Bellandur lake is one of the big lakes which falls in Koramangala - Challagatta valley having an extent of 356 Hectares. It is dependent on the monsoon rains and receives water from the upper reaches. Bellandur lake receives water from

- a. Kempapura Valley : Kempapura Village
- b. Airport Valley : Vimananagara, Murugeshapalya, Aerodrome & Belur village
- c. Domlur Valley : Jayamahal, Contorment, Ulsoor, Ashok Nagar, Domlur, Kodihalli
- d. Chhallagatta Valley : Chhallagatta & Nagasandra
- e. Koramangala Valley : Udhamanagara, Austin Town, Neelasandra, Ijipura & Koramangala
- f. Madivala Valley : Tilaknagar, Sarakki, Madivala, Hulimavu, Begur. A gara wet crops
- g. Ibbalur valley I & II : Ibbalur Village

Rameshwaraj
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ಬೆಂಗಳೂರು



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Out of the above mentioned valleys, the above mentioned reference pertains to Madivala valley where excess water from Agara waste weir flows in Jakkasandra area and enters into Bellandur lake. At the time of inspection the storm water drain is constructed for a length of around 150 mtr to 200 mtr approximately and afterwards it is left open and is not lined. At this juncture the width of rajakaluve is reduced and all along the rajakaluve encroachments with construction debris are observed due to huge developmental activities. Due to reduced width of rajakaluve at this stretch the flow of water into lake is restricted. (Photos enclosed)

Previously the down stream of Agara lake originally it was agricultural lands where farmers of Agara village use to cultivate wet crops by using lake water. The excess water from these irrigated lands along with open land adjoining was a part of catchment area for the Bellandur lake.

At the time of inspection it was observed that huge construction activities were observed in this catchment area and on enquiry it was informed that the above said land was acquired by the KIADB for SEZ and allotted for different agencies for construction of apartment complexes, malls, etc., Due to huge construction activities in this catchment area there is change of land use and directly impacting the catchment of Bellandur lake. (Photos enclosed)

As per the Para 2 of the report, it is reported that the wet land (a marshland ecosystem typically found around water bodies) has shrunk. It is not the wetland of Bellandur lake. It is about land of Agara lake. Originally Bellandur lake was with MI Department and MI has not constructed any wetland in Bellandur lake. It is catchment area which was shrunk due to allotment of agricultural land by KIADB to different agencies for construction of apartment complexes, malls etc.,

Hence KIADB's colossal "mixed - use development project in the catchment area of Bellandur will probably have adverse effect to Bellandur lake.

(Signature)
(S.R. Nagaraj)
EELDA

C. N. L. R
(C. Nagesh)
AEE/LDA

(Signature)
ಮರಣಿ ಮಲ್ಲಿ ಮಂಜು
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(Signature)
W. J. ...



ANNEXURE - A/11.

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

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Original Application No. 217 of 2017

And

Original Application No. 125 of 2017
(M.A. No. 440 of 2017)IN THE MATTER OF:D. Kupendra Reddy Vs. State of Karnataka & Ors.
And
Court on its own Motion Vs. State of KarnatakaCORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBEROriginal Application No. 217 of 2017

Present:	Applicant:	Ms. Guneet Khehar, Adv.
	Respondent:	Mr. Attin Shankar Rastogi, Adv for Ministry of Environment, Forest and Climate Change
		Mr. Devraj Ashok, Adv. for State of Karnataka
		Mr. Rajesh Mahale, Adv., Mr. G. Vidyasagar, CEO, and Mr. K.G. V. Murthy, Legal Advisor, KSCLDA
		Mr. R. Rakesh Sharma, Adv. for State of TN & TNPCB
		Mr. Raj Kumar, Adv. and Mr. Bhupender Kumar, LA for Central Pollution Control Board

Original Application No. 125 of 2017

Present:	Applicant:	Mr. Raj Panjwani, Sr. Adv. and Mr. Saraneh Jain, Adv. for Intervener - NBF
		Mr. B. C. Thiruvengadam and Mr. Ravi. Agarwal, Adv. for KSIIDC
		Mr. Raj Kumar, Adv. and Mr. Bhupender Kumar, LA for CPCB
		Mr. Attin Shankar Rastogi, Adv. for Ministry of Environment, Forest and Climate Change
		Mr. Rajesh Mahale, Adv., Mr. G. Vidyasagar, CEO, and Mr. K.G. V. Murthy, Legal Advisor, KSCLDA

Date and Remarks	Orders of the Tribunal
Item No. 01 & 02 April 19, 2017	<u>M.A. No. 440 of 2017</u> In furtherance to the previous orders of the Tribunal various officers from the State of Karnataka, Public Authorities, Bodies and the concerned Departments are present before us. First and foremost, we are concerned with the circular dated 30 th March, 2017 issued by Bruhat Bangalore Mahanagara Palike the opinion contained therein and the directions issued for following the same



<p>Item No. 01 & 02 April 19, 2017</p>	<p style="text-align: right;">52</p> <p>has a direct impact and renders the judgment of the NGT dated 4th/7th May, 2016 ineffective. However, before we could direct initiation of contempt or other proceedings against the officers i.e the Commissioner and Joint Commissioner of the Palika, the Learned Counsel appearing for the Authorities, on instruction from the Joint Commissioner present in court, has tendered unconditional apology for writing such a letter and has further given an undertaking to the Tribunal that the said circular shall be withdrawn forthwith. It is also stated before the Tribunal that if a party has been given any benefit in furtherance to the circular dated 30th March, 2017, the same shall be withdrawn immediately and the party would be informed accordingly.</p> <p>The undertaking given on behalf of Mr. Sarfaraz Khan, Joint Commissioner of the Palika is accepted by the Tribunal and it is on the basis of unconditional apology tendered and the undertaking given, not to give effect to the circular dated 30th March, 2017, that we direct that the Notice issued to this officer be dropped and no further action need to be taken in this matter, at this stage. But we make it clear that in the event of such default being brought to the notice of the Tribunal again, it would be compelled to take a serious view of the matter and deal with the defaulting officers, in accordance with law.</p> <p>Next we are concerned with the legal opinion given by the Additional Secretary, Law, and in reference to which a letter has been issued by the Secretary, Urban Development Department on 16th February, 2017. This letter uses improper language against the Tribunal and Courts. Further, it comments upon the judgment in an</p>
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<p>Item No. 01 & 02 April 19, 2017</p>	<p style="text-align: right;">52</p> <p>unacceptable manner and in fact expresses opinion totally contra not only to the judgement of the Tribunal dated 04th May, 2016, but also to the established principles of the law. We do not expect an officer of the rank of the Additional Secretary, Law to use such language and express opinion which are contrary to the judgment, which is not acceptable. The attempt was primarily to frustrate the judgement of the Tribunal. However, before we could proceed to take action against the concerned officer, the Learned Counsel appearing for State of Karnataka has filed an affidavit tendering unconditional apology and also made statement before the Tribunal that the said opinion and letter dated 16th February, 2017 will not be given effect to, and shall be withdrawn. He further states that if any benefit has been given to any builder or body or person, on the basis of this letter, the same shall be withdrawn immediately. Undertaking of Mr. Mahendra Jain, Additional Chief Secretary, Urban Development Department has been accepted by the Tribunal. It is only on the basis of the acceptance of such undertaking that we drop the further proceedings against the officers concerned, but we do express a hope that such senior officers in the Government or in the local bodies would not in future try to undermine administration of justice and interfere in dispensation of justice by expressing such untenable opinion by using impertinent language, which cannot be accepted.</p> <p>With the above directions, the M.A. No. 440 of 2017 stands disposed of.</p> <p>Main Matter</p> <p>Fire in lakes in city of Bangalore, particularly in</p>
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<p>Item No. 01 & 02</p> <p>April 19, 2017</p>	<p>relation to Bellandur Lake is nothing new or strange. The history shows that the lake has been on fire, in its difference sections, over a long period. The Bellandur Lake is spread in nearly 900 Acres of land and is surrounded by heavy development and even industries.</p> <p>The judgment of the Tribunal dated 04th May, 2016 had issued various directions in relation to protection of the ecology and environment in the city of Bangalore, particularly with reference to water bodies and Rajakaluves. According to the Applicant the directions issued by the Tribunal have not been complied with by the Government, Local Bodies and other Stakeholders. However the same is disputed by the Learned Counsel appearing for the State and other authorities, except the Learned Counsel appearing for the Lake Development Authority and Karnataka Pollution Control Board.</p> <p>At the threshold, we may also notice that the directions contained in the judgment of the Tribunal dated 04th May, 2016 have not been complied with in its entirety. On the one hand, while the two circulars/letters issued on 30th March, 2017 and 16th February, 2017 was a clear attempt to overreach the judgment of the Tribunal by giving incorrect interpretation to it and setting principles of laws which are not acceptable. We had in fact proposed to initiate proceedings for contempt as well as to take other punitive action against the officers who were instrumental in issuing these letters which intended to frustrate the impact and compliance of the judgment. However, since unconditional apology has been tendered and an undertaking given to withdraw this circulars as well as the benefit that might have accrued to the parties on their</p>
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<p>Item No. 01 & 02 April 19, 2017</p>	<p>basis, we decided not to proceed further against the Government or any of its official. Thus we have noticed and place on record that the Government, Local Authorities and instrumentalities of the State have not responded appropriately to the directions contained in the judgment as well as miserably failed to take preventive and restorative measures for ensuring that the water bodies are not put to fire again and again.</p> <p>The Additional Chief Secretary, Urban Development has stated that Bangalore has serious shortage of water and they in fact receive water from 150 Kms away from the city. This is the reason which should persuade the authorities concerned to protect the water bodies, rather than pollutes them to the extent that either they are put on fire or there is a fire in the lake by human acts or otherwise. It is not disputed, on behalf of the Government, that there are varied pollutants being discharged into the lake. According to the Applicant, it includes discharge of chemical pollutants by the industries, domestic discharge, sewage (treated and untreated), C&D waste and even municipal solid waste which is dumped into the lake. The lake from being a water body, has become a dumping ground causing irreparable damage to its bio-diversity, aquatic life and health, much less to say that the water could be used for human consumption. It is incapable of even being touched as it has huge quantity of froth, chemical, faecal coliform and other waste. It may be hazardous to the health of the people who are living around the lake.</p> <p>Firstly, it is evident from the record before us that the Bellandur Lake caught fire in the year 2015. A report</p>
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<p>Item No. 01 & 02 April 19, 2017</p>	<p>was prepared, titled as "Expert Committee Report Rejuvenation of Bellandur Lake". This was prepared under the Chairmanship of the Additional Chief Secretary. In this report, it was clearly stated that foam caught fire perhaps due to compounds with high flammability i.e. hydrocarbons and organic polymers that came from industries in the vicinity of Bellandur Lake. Discharge of untreated effluents (rich in hydrocarbon) with accidental fire (like throwing cigarettes, beedi) has lead to the fire in the lake on 16th May, 2015.</p> <p>In this report it was noticed that there are heavy metals in the Bellandur Lake, frothing increased Green House Gases (GHC) contamination of ground water, fish mortality, spreading of water <i>hyacinth</i> and also stated the causes of the problem. A period of 2 years has gone by, but nothing seems to have improved. The health of the lake has gone down, from bad to worst.</p> <p>Here we may also notice that in September, 2015 a report on action taken by Karnataka Pollution Control Board in BBMP area was also prepared. According to the Pollution Control Board, amongst others, the following patent deficiencies were pointed out and it was unambiguously stated that chemicals were present in the water from domestic sewage. In the Sewage Treatment Plant, there was no means to treat and remove Nitrate and Phosphate. The consent had been granted for discharge of the sewage on the land and not in the water bodies. The relevant part of the said report could be usefully reproduced at this stage:-</p> <p><i>"(14) In spite of all these monitoring and persuasion by the KSPCB, it is observed that the concerned department viz., BBMP, BWSSB, BDA are not complying to the directions even after one year and</i></p>
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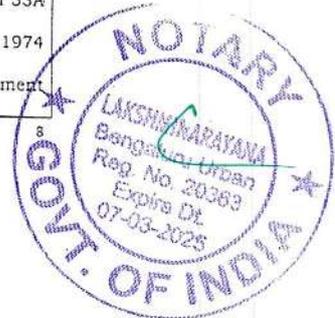


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<p>Item No. 01 & 02 April 19, 2017</p>	<p>hence, there is no co-ordination for proper implementation of the measures suggested in the directions stated above (7 points). Hence, the Board has ultimately decided to file criminal case under section 41/44/48 of water (prevention and control of pollution) Act, 1974 against the BWSSB in the jurisdictional magistrate of Court of Bangalore. The Board is further monitoring the issue in line with the directions issued on 20.03.2015.</p> <p>(16) It is observed that the foam is formed mainly because of the chemicals present in the water from domestic sewage viz., surfactants like the soap solutions, shampoos, etc., which do contain following chemicals of foam forming chemicals.</p> <p>Linear Alkylbenzene Sulfonic Acid (LAS acid) Sodium Carbonate Fatty acid (hysteric, Lauric, CocoNut Fatty Acid (CNFA)) Alkaline Silicate Sodium Sulphate Perfumes</p> <p>3. KSPCB has issued consent for establishment for 278 apartments in around Varthur and Bellandur lakes with an estimated waste water generation around 40MLD. In view of KSPCB's insistence to provide STP to all the apartments covered under consent network about 28 MLD of treated waste water from 133 apartments is being reused/recycled thereby reducing burden to such extent on BWSSB.</p> <p>5. The KSPCB has given the consent to BWSSB to use the treated sewage for on land for irrigation, whereas BWSSB is discharging the treated effluent to lakes & water bodies."</p> <p>Furthermore in the rejuvenation plan, a specific stipulation was provided that there shall be one time cleaning of lake, specially for removal of accumulative silt which was to be completed by April, 2017. This was to be done by the Bangalore Development Authority. Certainly nothing has been done. However, according to the Learned Counsel appearing for the Government, they have taken some effective steps, the correctness thereof we would examine at the time of final hearing the matter.</p> <p>When the lake was on fire on 17th February, 2017, it cannot be stated to be a minor one. It was a major fire and by no stretch of imagination it could be called an accident, capable of being overlooked either in terms of extent of fire</p>
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<p>Item No. 01 & 02 April 19, 2017</p>	<p style="text-align: right;">526</p> <p>or of heavy pollution that it caused, adversely effecting the environment and public health in relation to the people living around the lake and even at some distance. Photographs, Media reports and affidavits have been filed on record to show the extent of fire, the resultant pollution and the carelessness with which the issue was being dealt with by the concerned stakeholders.</p> <p>According to the Learned Counsel appearing for the Lake development Authority, the lake is certainly in a very undesirable condition and re-occurrence of fire is a matter which ought not to be ignored. According to him, for the last 9 months they are trying to take some effective steps to prevent and control the pollution. According to the Learned Counsel appearing for Pollution Control Board, in their report they have referred in detail, the measures which are required to be taken but none of the Authorities have really taken the measures seriously. The Pollution Control Board served Notice upon people, the Local Authorities and even filed criminal case. In our considered opinion that is not a sufficient action to be taken by the statutory board which is responsible for prevention and control of pollution and is vested with wide powers including that of closure, disconnection of electricity and water and also to prosecute the defaulters. No documents has been placed by the Pollution Control Board which shows what directions, as contemplated under Section 5 of the Environmental Protection Act, 1986 and the order passed by the Tribunal, have been issued by the Board. The Board had, however, issued orders under Section 33A of Water (Prevention and Control of Pollution) Act, 1974 directing PWSSP, BBMP, Bangalore Lake Development</p>
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<p>Item No. 01 & 02 April 19, 2017</p>	<p>Authority, KUWSSB that there should be stoppage of throwing waste; the sewage should not be discharged into the lake; to undertake cleaning of water bodies to take preventive measures to prevent the entry of any new outlet and not to discharge untreated or polluted matters into the lake. This was issued on 20th March, 2014, that is, prior to the fire of 2015 and also 2016. There is definite failure on the part of the authorities to comply with the directions contained under section 33A of the Water Act. The criminal prosecution related to both the Notices issued prior or after fire in question has been initiated by the Board. The apathy in the action of the State Government and its instrumentalities is evident. The polluters are not being put to inconvenience, much less, required to face the legal consequences of their polluting acts. None has bothered to invoke 'Polluter Pays' Principle' till date. Developments are being sanctioned at an increasing rate with the passage of time without ensuring any preventive, restorative and controlling measures to be taken either by the concerned State Agencies or by the private stakeholders who are polluters in terms of environmental jurisprudence.</p> <p>In light of the above, we have to issue certain interim orders, after hearing the Learned Counsel appearing for the parties, Government officers and stakeholders. Thus we issue the following directions:-</p> <ol style="list-style-type: none"> 1. All the industries which are located in the catchment area of the Bellandur Lake and are discharging their effluent (treated or untreated) into the water body are hereby directed to be closed forthwith. No industry shall be permitted to operate unless they have been subjected to an inspection by the joint
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<p>Item No. 01 & 02 April 19, 2017</p>	<p>inspection team and their analysis of the effluent are found to be within the permissible limit. The Pollution Control Board shall ensure that these industries are shut down immediately and if any industry or person is found to be violating these instructions or directions, the same shall be sealed by the Pollution Control Board and the Government would provide all assistance and help, including the police aid, to the Pollution Control Board.</p> <p>2. No waste of any kind including municipal solid waste or C&D or domestic waste shall be dumped into the lake or on the buffer zone of the lake which we have already fixed in terms of our judgment dated 04th May, 2016. If anybody is found to be dumping waste of any kind either in the lake or in its buffer zone, shall be liable to pay environmental compensation of Rs. 5 Lakh per event. The CEOs and the Senior most Officers of the Lake Development Authority, Pollution Control Board and the Bangalore Development Authority, shall be personally responsible for compliance of this order, without default and delay.</p> <p>3. The Committee consisting of the Karnataka Pollution Control Board, Lake Development Authority and Bangaluru Development Authority, which will nominate their officers not below the rank of an Additional Secretary to the Government of Karnataka or equivalent rank, is constituted. This Committee shall be presided over by the Additional Chief Secretary, Urban Development, State of Karnataka. The Committee shall undertake one time cleaning of</p>
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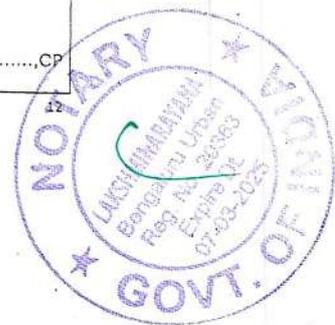
S29

<p>Item No. 01 & 02 April 19, 2017</p>	<p>the entire Bellandur Lake. This would include de-silting, removal of municipal solid waste and C&D waste from the lake and the surface cleaning of the lake, including chemicals which are stated to be stored in the lake. This process shall be completed within one month from today. The work shall be executed by a specialized agency which the Government of Karnataka may appoint. But the Committee constituted under this direction shall be personally responsible and submit a compliance report to the Tribunal.</p> <p>4. All local authorities shall ensure that no untreated sewage water is permitted to enter into Bellandur Lake. All such outlets shall be intercepted forthwith. Untreated sewage shall be transported so as to dump it on a site or land and not to be released into any water body. The State of Karnataka shall plan establishment of STPs to ensure that such collected waste or untreated sewage can be transported to that plant for treatment. The waste water so generated should be used for discharge on land or agriculture purposes or gardening or for power sector for cooling purposes.</p> <p>5. Any Society or group of builders or residents who are discharging their sewage into the Rajakaluves, leading to the lake or directly into the lake shall stop doing so forthwith. They shall ensure that from the outlet point, all their effluent or sewage should be collected by suction trucks and transported to the site as notified by the State Government, within one month and which should be at an appropriate</p>
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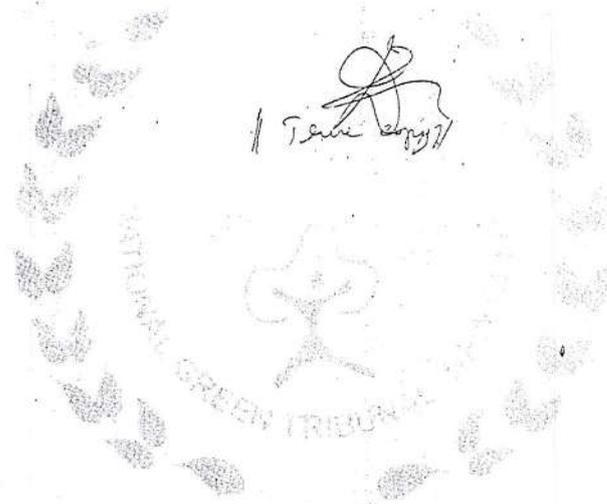
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<p>Item No. 01 & 02 April 19, 2017</p>	<p>distance from the residential colonies.</p> <p>6. The State of Karnataka would be entitled to invoke 'Polluter Pays Principle' and require the builders and developers to bear their corporate social responsibility and ensure that the sewage is carried and transported at their own cost to the destination notified by the State Government.</p> <p>7. We hereby direct the State Government and all other authorities and stakeholders to place before the Tribunal, within two weeks from today, their action plan to completely prevent and control of pollution of Bellandur Lake in future as well as for its restoration and rejuvenation in all respect.</p> <p>8. Karnataka State Pollution Control Board shall submit details of the industries and their pollution status, in catchment area of the lake specifically pointing out whether any surfactant or polymer chemical industries are in operation. Karnataka State Pollution Control Board shall also give details of sewage generation in the catchment area of lake, its treatment, existing STP capacity, actual treatment done (operational capacity) over a period of last six months and the quality of treated sewage.</p> <p>We will pass further directions once such plan is placed before the Tribunal.</p> <p>With the above directions we order that the matter be listed for further arguments and reporting compliance, on 18th May, 2017.</p> <p>.....CP (Swatanter Kumar)</p>
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Item No. 01 & 02 April 19, 2017JM (Raghuvendra S. Rathore)
EM (Bikram Singh Sajwan)
EM (Dr. Ajay A Deshpande)



ANNEXURE-D/12

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BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 125 of 2017
And
Original Application No. 217 of 2017
(M.A. NO. 761/2017, 1073/2017, 1098/2017 & 1471/2017)

IN THE MATTER OF :

Court on its own Motion Vs. State of Karnataka
And
D. Kupendra Reddy Vs. State of Karnataka & Ors.

CORAM : HON'BLE MR. JUSTICE U.D.SALVI, ACTING CHAIRPERSON
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Present: Applicant:
Respondents

Mr. Attin Shankar Rastogi, Adv. for Ministry of Environment, Forest and Climate Change
Mr. Saransh Jain, Adv. for NBF-Intervener
Mr. Rajesh Mahale and Mr. Krutin R. Joshi, Advs. for KLCDA
Mr. Devraj Ashok, Adv. for State of Karnataka

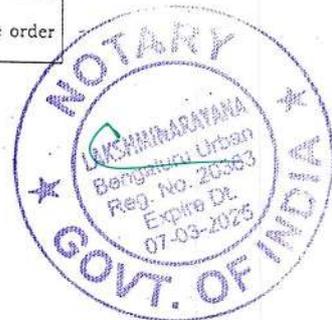
Present: Applicant:
Respondent:

Mr. P. Ramprasad Adv. and Ms. Gunect Khehar, Advs.
Ms. Supriya Jain, Adv. for Imp. Applicant B.A.F.
Mr. Attin Shankar Rastogi, Adv for MoEF
Dr. Abhishek Atrey, Adv. for Ministry of Environment, Forest and Climate Change
Mr. Raj Kumar, Adv. with Ms. Urmila Thakur, LO and Mr. Bhupender, LA for Central Pollution Control Board
Mr. Saransh Jain, Adv. for NBF-Intervener
Mr. Rajesh Mahale and Mr. Krutin R. Joshi, Advs. for KLCDA
Mr. Devraj Ashok, Adv for BBMP
Mr. Devraj Ashok, Adv. with Mr. Aditya Sondhi, AAG for State of Karnataka

Date and Remarks	Orders of the Tribunal
Item No. 32 & 33 January 29, 2018 ss	State of Karnataka places before us consolidated Action Plan dated 27 th January, 2018 with timeline in respect of rejuvenation of Bellandur Lake particularly for curbing the menace of continuing pollution. Copy be furnished to the applicant. All this began with fire in Bellandur Lake almost a year before i.e. on 16 th February, 2017. We issued suo-moto Notice on 20 th February, 2017 to the State and other concerned authorities and asked them to furnish reason why appropriate direction to protect the environment be not issued by us. In view of the directions which were passed thereafter, the report



<p>Item No. 32 & 33</p> <p>January 29, 2018</p> <p>ss</p>	<p style="text-align: right;">533</p> <p>"Expert Committee Report and Rejuvenation of Bellandur Lake" regarding the previous incident of fire in Bellandur Lake in the years 2015 was placed before us. It was noticed that the said report prepared under the Chairmanship of Additional Secretary stated that the foam containing Hydro-carbon polymers and such other highly inflammable compounds caught fire and the source of such compounds was the industries in the vicinity of Bellandur Lake. We, therefore, directed closure of the industries located in the catchment area of Bellandur Lake and discharging their effluent, treated or untreated, into the water body and further directed not to permit any industry to operate without the inspection by the joint inspection team and analysis of their effluents in order to ensure that effluents generated were within the permissible limits. We also prohibited the dumping of municipal solid waste or construction and demolition waste/debris or domestic waste into the lake or on the buffer zone of the lake as fixed in terms of our order dated 04th May, 2016.</p> <p>The Committee consisting of Karnataka Pollution Control Board and Bangalore Lake Development Authority, the Additional Secretary, Government of Karnataka and presided over by the Additional Chief Secretary, State of Karnataka was directed to undertake one time cleaning of the entire Bellandur Lake and submit compliance report to the Tribunal. All Local Authorities were to ensure that no untreated sewage was permitted to enter the Bellandur Lake and discharge of sewage into the Rajakaluves leading to the lake was prohibited vide order</p>
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<p>Item No. 32 & 33</p> <p>January 29, 2018</p> <p>ss</p>	<p>dated 19th April, 2017.</p> <p>We are now informed that action in pursuance to the said directions was taken and the industries which were discharging their effluents in the Bellandur Lake and Varthur Lake were closed. The statement is made on instructions by the Learned Counsel appearing on behalf of the State that no industry releases or had released at any point of time any effluent in Agara Lake.</p> <p>After having noticed that the Agara Lake, Bellandur Lake and Varthur Lake fall in common water shed and are interlinked, we had extended the scope of the issue before us to all these three lakes vide order dated 18th May, 2017 for compliance of the directions issued by us. From time to time we had directed the State to place before us a complete Action Plan in relation to:</p> <ol style="list-style-type: none"> 1. "Removal of silt from the lake. 2. Municipal solid waste and all other waste deposited in or around the lake. 3. Treatment of the sewage which is going into the lake, untreated or partially treated. 4. Establishment of STPs by all the residential complexes around/near the lake. 5. The action that should be taken against the residential complexes which are causing pollution, generating sewage, sending detergents and allied pollutants to the lake, the time frame thereof. 6. The existing STPs, their capacity, technology and the parameters which they are capable of providing to the effluent upon treatment." <p>The Status Report-cum-Action Plan dated 04th September, 2017 (Annexure R-2 Page 265 Vol. III-A) with affidavit dated 06th September, 2017 of the Additional Secretary, Urban Development Department, Government of Karnataka was placed before us on 04th January, 2018. It was pointed out that the authorities had failed to comply with the directions passed by us as well as by the</p>
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<p>Item No. 32 & 33</p> <p>January 29, 2018</p> <p>ss</p>	<p>Hon'ble High Court.</p> <p>On 05th January, 2018 we had directed the State of Karnataka to place on record a comprehensive Chart and Action Plan giving squarely status of activity and timelines for achieving the objectives and the agencies responsible for it in order to free the water bodies (Agara Lake, Bellandur Lake and Varthur Lake) from the menace of continuing pollution. The report filed today is the result of these directions, particularly of the another episode of fire in Bellandur Lake on 19th January, 2018. Cause of the latest fire incident, the report reveals, is the dry grass/organic waste generated due to growth of grass and water hyacinth fed on the sludge and sediments packed with nutrients which comes from the sewage released in Bellandur Lake. Short term remedial measures suggested in the report are (i) de-weeding, regular harvesting of macrophytes (grass and water hyacinth) reduction. (ii) Reduction of velocity of the flow at the waste weirs and the extent of drop by constructing ramps at the waste weirs. (iii) Improvement in level of aeration (iv) Fencing and removal of encroachment as long terms measures. The report indicates de-silting and reduction/stoppage of untreated sewage in Bellandur Lake, disposal of sludge and silt, harvesting of macrophytes at regular intervals. The report further speaks about short term and long term remedial measures to be taken by the Bangalore Water Supply and Sewerage Board as well as Karnataka Lake Conservation and Development Authority. The stoppage of untreated sewage from the apartments and construction of STPs are suggested as short term and long</p>
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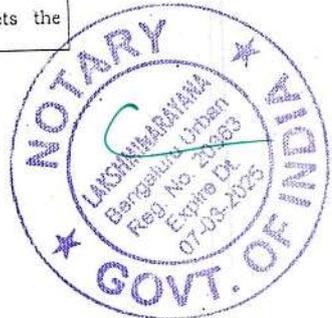
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<p>Item No. 32 & 33</p> <p>January 29, 2018</p> <p>ss</p>	<p>term remedial measures respectively to be taken by the Bangalore Water Supply and Sewerage Board.</p> <p>Considering the role of macrophytes in rendering the quality of water in lakes below the acceptable levels, it is necessary that the macrophytes menace is terminated once and for all. We, therefore, direct a pilot study to be carried out of the life cycle of macrophytes and water hyacinth/grass and the biological removal/eradication of such macrophytes by the Indian Institute of Sciences, Bangalore. In the meanwhile physical removal of these macrophytes from the said lake shall be carried out at regular intervals and compliance report shall be placed before the Tribunal every month. Liberty is granted to the Indian Institute of Sciences, Bangalore to take such necessary assistance from other institutions/expert bodies in the field. Expenses for such study shall be borne by the State of Karnataka.</p> <p>The report further reveals that there are 99 apartment projects which have not installed STPs and are releasing/discharging domestic sewage in Bellandur Lake and Varthur Lake catchment area. It further reveals that the Apartment Owners Association of these projects had submitted their representation to the Board in response to the action taken by the Karnataka Pollution Control Board. Apartment Owners Association, as the report reveals have broadly given three reasons (i) Economic (ii) Availability of requisite free space for installation of STPs (iii) Structural instability due to installation of STP. We do not know whether all these 99 projects are also consisting of commercial complexes. Economic reasons are no factor</p>
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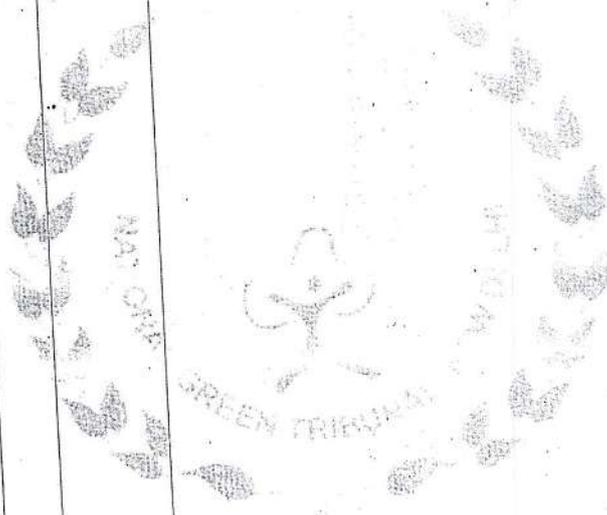
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<p>Item No. 32 & 33</p> <p>January 29, 2018</p> <p>ss</p>	<p>for consideration vis-à-vis the environmental interests are concerned. It further reveals that all representations made by the Apartments Owners/Associations have been rejected as the State Pollution Control Board found no merit in the said representations. However, the State Pollution Control Board also appears to have granted time to 99 apartment projects to provide STPs by December, 2018. Environmental justice requires immediate steps for stopping the continuing pollution of the Bellandur Lake. This will also stop the growth of macrophytes which nurture on sewage.</p> <p>We, therefore, direct the State Pollution Control Board to initiate action for issuance of direction to the said 99 apartment projects to install modular STPs in lieu of STPs, which can be placed in the available free space particularly the basements of such buildings and do not pose any structural threats to the structure of such projects. The report does not reveal any action plan with the timelines as in the case of Bellandur Lake with regard to other two lakes i.e. Agara Lake and Varthur Lake which are in the common water shed. We, therefore, direct the State Government to prepare a comprehensive Action Plan as regards Agara Lake and Varthur Lake and place it before us, within three weeks, so as to ensure that rejuvenation or remediation of all these three lakes shall proceed simultaneously in a holistic manner. Action Plan regarding municipal solid waste in catchment area shall also be placed before us. Strict vigil shall be maintained regarding discharge of the industrial pollutants/effluents so as to ensure that no such pollution meets the</p>
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Item No. 32 & 33 January 29, 2018 ss	catchment area of this lake. List these cases on 28 th February, 2018. ACP (U.D. Salvi) EM (Dr. Nagin Nanda)
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[Handwritten signature]
M. T. ...

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NDOH- 23-02-2018

THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

ORIGINAL APPLICATION No.222/2014

IN THE MATTER OF:-

Forward Foundation & Ors.,Applicants

-Versus-

State of Karnataka & Ors.,Respondents

PROOF OF SERVICE

Respondent Nos.	Advocates	
Applicant No. 1 to 3:	Mr. Rishabh Parikh, Adv.	<i>22/2/18</i>
Respondent No.1, 3, 4, 5	Mr. Devraj Ashok, Adv. for State of Karnataka	
Respondent No. 2:	Mr. Attin Shankar Rastogi, Adv. for Ministry of Environment, Forest and Climate Change	
Respondent No.6	Mr. Rajesh Mahale and Mr. Krutin R. Joshi, Advs. for KLCDA	
Respondent No.7	Mr. B. R. Srinivasa Gowda, Adv.	
Respondent No. 8:	Mr. Ankur S. Kulkarni, Advs.	
Respondent No. 10:	Mr. Devashish Bharuka, Adv.	
Respondent No. 11 and 12	Mr. Saransh Jain, Adv.	

Dated: 22-02-2018

Through,

SHEKHAR G DEVASA,
Advocate for Respondent No.9
OFFICE: 77, Tower No.13,
4th Floor, Supreme Enclave
Mayur Vihar-1, Delhi-110091
9868464180, 9910011551
E-mail: shekhargdevasa@gmail.com



IN THE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)
CIVIL APPEAL No.5016 of 2016

IN THE MATTER OF:-

Mantri Techzone Pvt., Ltd.APPELLANT

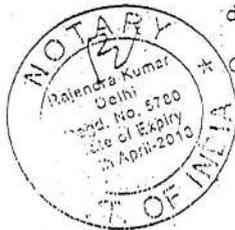
-VERSUS-

The State of Karnataka & Ors.,RESPONDENTS

ADDITIONAL AFFIDAVIT OF APPELLANT

I, Girish Gupta H. S., S/o., Sri Satyanarayana Gupta,
Aged about 48 years, office at: Mantri House, No.41,
Vittal Mallya Road, Bangalore-560 001, Karnataka
State, do hereby solemnly affirm and declare as
follows:-

1. That I am the authorized representative of the Appellant Company-Mantri Techzone Pvt., Ltd. I know the facts of the case on the basis of the records in the office of the Appellant and therefore, I am competent and duly authorized to swear and affirm to the contents of this affidavit.
2. That in terms of order dated 12-07-2016 by this Hon'ble Court, the Appellant is filing this affidavit undertaking to abide by some of the conditions stipulated by the Hon'ble National Green Tribunal in the impugned order dated 04-05-2016, as undertaken before this Hon'ble Court.

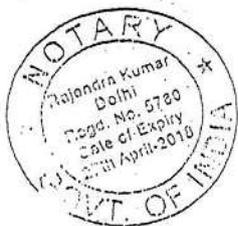


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3. The 12th Respondent (Namma Bengaluru Foundation) and the 13th Respondent (Citizen's Action Forum) had, prior to filing of the Original Application before the Hon'ble National Green Tribunal, instituted a Writ Petition before the Karnataka High Court seeking to restrain construction activity of the Appellant in a Public Interest Litigation (Writ Petition No. 36567-574/2013). In the said Petition, the land acquisition for the project was also questioned. The associates of the 12th and 13th Respondents, namely, the 1st Respondent (The Forward Foundation), the 2nd Respondent (Praja RAAG) and the third Respondent (Bangalore Environment Trust) filed an application before the Hon'ble Green Tribunal (Southern Bench at Chennai) on 12 February 2014 being Application No. 114 of 2014. In the application, the Green Tribunal granted an ex-parte interim stay on the 16th April 2014 against construction activities on the surmise that no environmental clearance had been obtained for the project. However, the Tribunal was not informed of the pending Writ Petitions in the Karnataka High Court or of the fact that environmental clearance for the project was issued on 17th February 2012 itself. Subsequently, the aforesaid application was heard at length and they came to be transferred before the Principal Bench of the



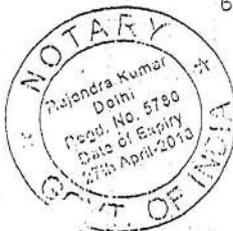
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Tribunal at New Delhi and was renumbered as O.A.No.222 of 2014.

4. After hearing arguments on various aspects, the Green Tribunal by judgement and Order dated 07th May 2015 directed payment of penalty but declined to pass any direction or order to stop further progress of the project and of demolition of the project and any part thereof at that stage. The Tribunal, however, constituted a Committee to inspect the project in question and submit a Report thereafter.
5. Being aggrieved by the Order dated 7th May 2015 on the ground that the Appellants were not heard on merits, the Appellants preferred an appeal before this Hon'ble Court in Civil Appeal No. 4832 of 2015 this Hon'ble Court by its Order dated 20th May 2015 directed the Tribunal to recall the Order on merits and decide the matter afresh after hearing Counsel for the parties. It may be noted that this Hon'ble Court took note of the submission that the Tribunal had permitted the Appellants to proceed with the construction and left it to the Tribunal to pass appropriate Orders.
6. An application for recalling of its Order dated 7th May 2015 was filed by the Appellant on 28th May 2015. An Interlocutory Application was filed by the Appellant in



(Signature)



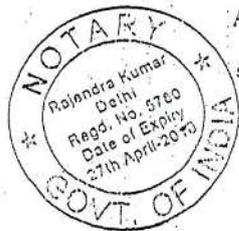
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December 2015 in M. A. No. 1283/2015 before the Tribunal seeking further permission to continue the construction and also liberty to create third party rights. The Tribunal by Order dated 22nd December, 2015 granted the said application. A true copy of the said Order dated 22-12-2015 by the Tribunal is marked at Annexure-A/1 (Pg. 13 to 16).

7. Subsequent upon the passing of the Order dated 22nd December 2015, the Appellant continued construction.

8. The first Respondent filed Civil Appeal No. 214/2016 seeking to challenge the interim Order passed by the Tribunal permitting further construction and creation of third party rights. The said Appeal was dismissed. A true copy of the Order of this Court dated 20th January 2016 passed by this Hon'ble Court is annexed hereto as Annexure-A/2 (Pg. 17 to 18).

9. On 04th May 2016, the Tribunal passed the impugned Order. On 12th May 2016, this Hon'ble Court was pleased to pass an interim Order; in view of the statement that the status quo would be maintained, the Appellant has not restarted the construction. The Appellant craves leave to be relieved of the said statement and seeks the liberty of this Hon'ble Court to recommence the construction.



(Signature)



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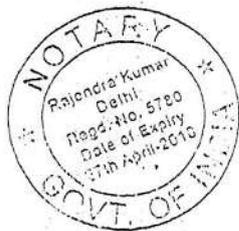
10. When the matter was listed on 12th July 2016, Learned Senior Counsel appearing on behalf of the Appellant submitted that an affidavit would be filed indicating compliance with relevant conditions as contained in the Order passed by the Tribunal and also in the Committee's Report.

11. The Appellant also wishes to bring to this Hon'ble Court that the pendency of these proceedings are being adverted to for extraneous purposes by an organisation called the South East Forum for Sustainable Development. It is relevant to note that the said organisation has informed the Punjab National Bank Cantonment Branch, Bangalore, in which the Appellant have Bank Account as follows:

"We understand that you have a loan exposure to M/s Mantri Techzone P Ltd in respect of a project called 'Mantri Agara' on Sarjapur Road Bangalore.

Please be aware that this entire land parcel is the subject of a case just concluded at the National Green Tribunal, Delhi in which the plan sanctions and Environmental Clearance accorded to M/s Mantri Techzone P Ltd have been set aside. The information has been widely reported in the media as well.

There is therefore a clear risk that the loans granted by you to the project proponent M/s



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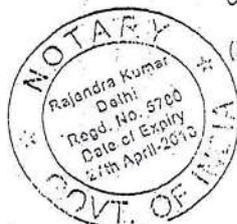
Mantri Techzone P Ltd could turn into a doubtful asset classification.

We therefore request you to assess your asset quality with regard to the above exposure in light of this new information and take whatever steps you deem prudent.

A copy of this letter is being shared with Reserve Bank of India (Banking Regulation Department) and with the Ministry of Finance, Government of India for information.

A true copy of the representation dated 29th August, 2016 made by the South East Forum for Sustainable Development before Punjab National Bank is enclosed herewith as Annexure-A/3 (Pg. 19 to 20).

12. I state that the condition with regard to the government land or land forming part of the Lake measuring 3 Acres 10 guntas in Sy. No.43 has always been out of the boundary of the Appellant and accordingly, the said land is surrendered to the competent authority, being the Karnataka Industrial Area Development Board, Bangalore (KIADB) by the correspondence 06-07-2016. True Copies of correspondence by the appellant to the Karnataka Industrial Area Development Board, Bangalore dated 06-07-2016 and is marked as Annexure-A/4



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13. The appellant declares that none of its activities have been in the past and will be in future carried on within the said parcel of land. The appellant undertakes that as soon as the Competent Authority takes possession of the land and marks the clear boundary for such land, a compound wall will be erected by the Appellant to clearly bifurcate that land from the land allotted by KIADE to it. It is prayed that a suitable direction in this regard may kindly be issued to KIADE(R-10). The plan showing the deleted portion of 3 acres 10 guntas of land is annexed herewith as Annexure-A/5 (Pg.....30.....).

14. This Appellant undertakes that it will fully abide by the direction to maintain the requisite air quality monitoring during the construction and will not spill over or dump or let lose any soil or other construction material into the lake or Raja Kaluve located on the Southern and Western side of its boundary during the construction phase or operational phase of its project. The Appellant undertakes that it shall ensure that the topography and slopping pattern of the Project Land is maintained at the end of the construction such that the surface water runoff from the project land is not unduly altered or adversely affected. However, during the



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course of digging and laying of foundation during the construction phase, it may not be possible to maintain such topography at such locations where buildings or other facilities are created. However, all and every reasonable efforts will be made to ensure the surface run off water is not obstructed from reaching the water bodies. The compound wall of the appellant will also contain such openings as are reasonable and suitable considering safety and other aspects of the property to facilitate the surface runoff of the water.

15. The appellant has already undertaken Traffic Management Study as indicated in the Order of the Hon'ble Tribunal and it will make appropriate changes in the design and other parameters of its building to provide suitable pass through and provision for visitor and occupant parking at the site of the Appellant. True

Copy of traffic Management Study report, dated 15-07-2016, marked at Annexure-A/6 (Pg. 3)

16. The Appellant submits that it will undertake to use as far as possible, recycled water during construction phase and during operation phase by purchasing water from BWSSB or other agency as long as the water so provided are acceptable under the normal standards and parameters. It will use recycled water generated



True



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within the facility and for this purpose will carry out double piping and use maximum recycled water for flushing and other uses as per standards. It will also consume the recycled water for gardening and other non-human uses. It is already planned and will establish necessary Sewerage Treatment Plants for recycling of waste water generated within its facility.

17. It is submitted that the Appellant has complied with and has carried out construction in full compliance of all the conditions imposed by all the authorities including the Environmental Clearance granted on 17-02-2012. True Copy of Environment Clearance issued by State Level Environment Impact Assessment Authority, Karnataka (SEIAA) dated 17-02-2012 is marked at Annexure-A/7 (Pg. 75 to 92).

18. As stated earlier, the Appellant has already prepared a plan with regard to Environmental Management during construction and the same will be submitted to the competent authority detailing the matter and all actions will be carried out as suggested by such Competent Authority (KSPCB and SEIAA). The Plan includes the methodology to avoid any obstruction for safe disposal of run off to the Rajakaluves, prevent

excavated material or any construction material

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escaping either to the Rajakaluves or Bellandur Lake, so that said condition is complied with and no damage and caused either to the Rajakaluves or Bellandur Lake.

19. I state that the construction of the Appellant is limited to the lands that are allotted to the Appellant and those which have been under private negotiation that too since they form integral part of the rest of the lands. Although, the purchase of contiguous parcels of land ad measuring 6 acres 19 guntas are under negotiation with private parties, however, for the present construction will be limited to the extent of 63.94 acres as shown in the Map annexed herewith. True copy of the sanctioned plan of the Appellant's project site by the competent authority is marked at Annexure-A/8 (Pg.....92.....).

20. I state that the Hon'ble Tribunal has directed this Appellant to retain the entire buffer zone as a no-construction zone and that the same shall be in addition to the green belt prescribed under any law relating to planning. It is submitted that since the Plans have already been sanctioned and construction has commenced, the Appellant will not be able to maintain any buffer zone in addition to what is specified in the Sanction Plan based on the applicable



Praveen

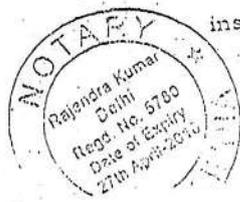


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planning laws. However, subject to result of the appeal, it will follow such restrictions in the lands where construction has not commenced and the land is available as vacant land not occupied by any proposed building. The buffer zone so provided will also be used for permitted uses. However, as an interim measure, the Appellant will not construct within 75-meter of the Bellandur Lake. In respect of two buildings identified as A and B in the annexed map, no construction, shall be made until the disposal of the Appeal. This undertaking is without prejudice to the rights and contentions of the parties.

21. In view of the above, it is humbly and respectfully prayed that this Hon'ble Court may be pleased to modify its Order dated 12th May 2016 and permit the Appellant to undertake further construction in accordance with the undertakings contained in the affidavit affirmed herewith. The undertakings contained in Paragraph 20 shall abide by the final result. The Committee which was constituted by the Tribunal which has undertaken an inspection of the site in question has not found any illegality.

22. I crave leave and liberty on this Hon'ble Court that the instant affidavit may be taken on record. I may state



Rajendra



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that the said affidavit is being filed pursuant to the liberty granted by this Court on 12th July 2016. I further seek the condonation, of this Hon'ble Court in filing of the affidavit in view of the fact that internal clearances were necessary before making the commitments contained in the instant affidavit.

(Signature)
DEPONENT

VERIFICATION:-1, Girish Gupta H.S., S/o., Sri Satyanarayana Gupta, above named deponent, that the facts stated in the above said paragraphs No.1 to 11 of my additional affidavit are true and correct to the best of my knowledge and nothing material has been concealed there from.

Verified at Bangalore City, Karnataka on this the 19th day of October, 2016.

NOTARY
Rajendra Kumar
Delhi
Regd. No. 5730
Date of Expiry
27th April-2016
GOVT. OF INDIA

(Signature)
DEPONENT

ATTESTED

RAJENDRA KUMAR
NOTARY, DELHI-R-5730
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND, NEW DELHI
Register Part No. 19/10/2016

Ph. 011-24010000
0090

CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS BELIEVED PERFECT TO UNDERSTAND & APPROVED THE POLED SIGNATURE AT DELHI ON 19.10.2016. *(Signature)*
WITNESSED IN MY PRESENCE

IDENTIFY THE EXECUTANT DEPONENT WHO HAS SIGNED IN THE PRESENCE OF

(Signature)

NOTARY
LAKSHMIKARAYANA
Bangalore Urban
Reg. No. 20363
Expire Dt.
07-03-2025
GOVT. OF INDIA

1 ANNEXURE-F1

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A.NO.3 OF 2016 IN

CIVIL APPEAL NO. 5016 OF 2016

MANTRI TECHZONE PVT. LTD.

Appellant(s)

VERSUS

FORWARD FOUNDATION & ORS.

Respondent(s)

ORDER

We had while issuing notice to the respondents directed the competent authority to take over possession an extent of 3 acres 10 guntas of land referred to in the impugned order passed by the Tribunal. We had also directed the competent authority to remove/demolish any construction put up on the said extent of land. We had further directed that since the appellant company had not resumed its construction activity the parties shall maintain status quo on the spot. The operation of the impugned order insofar as it directed award of a monetary compensation of Rs.117.35 crores was however stayed until further orders.

Mr. Gopal Subramaniam learned senior counsel appearing for the appellant company submits on instructions, that the company has without prejudice to its contention in this appeal decided to comply with the direction issued by the Tribunal other than those regarding payment of compensation. He submits that the Tribunal

Signature valid
Date: 07/03/2025
Place: Bangalore



had directed the company to obtain a fresh environmental clearance certificate and to maintain the 75 meter distances as buffer zone and to remove the debris from the construction site. He submits that the company is willing to comply with all the terms and conditions imposed by the environmental clearance granted on 17.2.2012. He draws our attention to an affidavit filed in I.A.No.3 to the above effect. He submits that this Court could modify order dated 12.5.2016 and permit the petitioner company to resume construction activities on the basis of the undertaking so furnished.

Dr. Singhvi learned senior counsel appearing for respondent No.1 submits that although the appellant company offers to comply with the conditions stipulated by the Tribunal before this Court but the submission made by the learned counsel does not match the documents filed on record. He urged that this Court could leave the matter to the Tribunal to examine whether the conditions stipulated by it in its order are satisfied/complied with in which event the company can be permitted to resume constructions if the Tribunal records such a finding.

We find merit in the submission of Dr. Singhvi. We do not consider it appropriate for us to go into the question whether the company has or has not complied with the conditions stipulated by the Tribunal. In our opinion, the question whether there is sufficient compliance with the directions or not can be left to be



examined with the Tribunal. It is for the Tribunal to also look into and verify the relevant facts by appointing a local commissioner if considered necessary. All that we need say is that if the petitioner company wishes to resume the construction and the condition on which such resumption has been permitted in terms of its previous orders are satisfied by the company, our order dated 12.5.2016 directing the parties to maintain status-quo shall not be treated as an impediment for such resumption.

With these observations, I.A.NO.3/2016 is disposed of.

The recovery of the compensation awarded by the Tribunal shall, however, remain stayed.

.....CJI
(T.S. THAKUR)

.....J.
(SHIVA KIRTI SINGH)

New Delhi,
November 11, 2016



ITEM NO.11

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A.No. 3/2016 in Civil Appeal No(s). 5016/2016

MANTRI TECHZONE PVT. LTD.

Appellant(s)

VERSUS

FORWARD FOUNDATION & ORS.

Respondent(s)

(for further direction and office report)

Date : 11/11/2016 This application was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Appellant(s)

Mr. Gopal Subramaniam, Sr. Adv.
Mr. R. Venkataramani, Sr. Adv.
Mr. Shekhar G. Devasa, Adv.
Mr. K.V. Bhuvendra, Adv.
Mr. Manish Tiwari, Adv. for
M/s. Devasa & Co.

For Respondent(s)

Mr. S.K. Kulkarni, Adv.
Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, Adv.

Mr. Anup Jain, Adv.

Mr. Devashish Bharuka, Adv.

Dr. A.M. Singhvi, Sr. Adv.
Mr. Mahesh Aggarwal, Adv.
Mr. Rishabh Parikh, Adv.
Mr. E. C. Agrawala, Adv.

Mr. Shyam Diwan, Sr. Adv.
Mr. Saransh Jain, Adv.
Mr. Pravaeen Sehrawat, Adv.
Mr. Naresh Kumar, Adv.
Mr. O. P. Bhadani, Adv.

Ms. Kiran Suri, Sr. Adv.
Mr. S.J. Amith, Adv.



Dr. (Mrs. Vipin Gupta, Adv ,

UPON hearing the counsel the Court made the following
ORDER

I.A.NO.3/2016 is disposed of in terms of the signed
order.

The recovery of the compensation awarded by the Tribunal
shall, however, remain stayed.

(USHA BHARDWAJ)
AR-CUM-PS

(TAPAN KUMAR CHAKRABORTY)
COURT MASTER

Signed order is placed on the file.

A True copy



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ANNEXURE - G

INSPECTION REPORT OF THE COMMITTEE CONSTITUTED BY HON'BLE NGT IN O.A.No.222/2014

1. Hon'ble NGT vide its order dated September 8, 2017 directed the team constituted by the Tribunal on 4th May 2016 to conduct inspection of the project of Respondent NO.9 (Mantri Tech Zone) and also directed to submit the inspection report prior to the next date of hearing.
2. Accordingly, the Committee held its first meeting on 11.10.2017 and discussed about the directions issued by the Hon'ble NGT in OA No.222/2014 with regard to Respondent No.9 and requested the BDA, BBMP, KIADB, KLCOA & Revenue Department to provide the action taken report. The copy of the proceedings is enclosed herewith as Annexure - 1.
3. The Committee also decided to conduct inspection of property of Respondent No.9 to verify the compliance to the directions issued by Hon'ble NGT on 25th October 2017. The Committee also requested all the Authorities to file their action taken report on the orders of the Hon'ble NGT. Only, BDA has submitted their action taken report. The other agencies have not yet responded. The copy of the action taken report submitted by BDA is enclosed as Annexure - 2.
4. The Committee visited the property of Respondent No.9 on 25th October 2017 and the following are the observations of the Committee with regard to the directions:

DIRECTIONS:

SL.NO	SPECIFIC CONDITIONS/DIRECTIONS	OBSERVATIONS BY THE COMMITTEE
3 (i)	Reclaimed area of the lake to the extent of 3 acres 10 guntas in survey no. 43 should be restored to its original condition at the cost of project proponent. The possession of this area should be restored by Respondent No.9 to the concerned Authorities immediately. In addition, a buffer zone of 75m should be provided between the lake and the project area and this should be maintained as green area.	<p>The Committee observed that the area of 3 acres 10 guntas of Bellandur lake has been reclaimed and all along the boundary of the lake abutting to the area of the Respondent No.9, the BDA has done the chain link fencing. However, the reclaimed area is not restored to its original condition topographically.</p> <p>The Buffer zone of 75 meters of Bellandur lake is identified and marked on the ground with the flags. However, the portions of constructions which are falling in the Buffer zone of 75 meters of Bellandur lake have not been removed.</p> <p>The Buffer zone of 75 meters of Agara Lake has not been marked and attendant constructions have not been identified.</p>



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(ii)	In the remaining area, where primary Rajkaluve is abutting the project area, 50 m buffer zone on the side of the project area from the edge of the Rajkaluwa should be maintained as green belt.	It is observed by the Committee that the primary Rajkaluve which is abutting to the property of the Respondent No.9 is not marked on the ground by DDMP and hence, could not locate the buffer zone of 50 meters.
(iii)	Several irrigation canals or tertiary Rajkaluve linking off from the Agara tank were passing through the area of respondent no.9, and serve the dual purpose of irrigating paddy fields and disposal of surface run off (storm water drains) during rainy season. However, on account of the activities of the project, these drains have been totally obliterated. For the purpose of proper disposal of surface run off from the entire area falling between the Agara lake and the Belandur lake, respondent no.9 must provide required number of storm water drains based on proper hydrological study. These storm drains should have a buffer zone of 15m on either bank maintained as green belt.	The Committee in its meeting held on 11.10.2017 has requested the DDMP to provide the action taken report regarding identification of tertiary rajakaluves (drains) but so far no report has been received from the DDMP. The tertiary Rajkaluves which were existing could not be identified as no hydrological study was conducted to identify and mark them on the ground.
(iv)	The cumulative quantity of earth excavated for the construction of project is around 4 lakhs cubic meter, in the depth range of 0 to 9 meters. This has created huge hillock like structure obstructing the natural flow patterns of surface runoff from Agara Lake side to Belandur Lake side or Primary Rajkaluwas. For this purpose, during construction phase garland drain should be constructed around the existing dumping site for safe disposal of runoff to the rajakaluves. For the disposal of excavated material, a proper muck disposal plan duly approved by SELAA shall be prepared. In any case the plan should ensure that no muck/sediment flows into rajakaluves and/or Belandur lake.	No action seen on the ground either regarding garland drain or the scientific disposal of the excavated earth.
(v)	The kharab land identified by Revenue Dept. admeasuring 1 acre 2 guntas should be demarcated and maintained separately as green belt.	The Revenue Department has not submitted any details regarding the demarcation of 01 acre 02 guntas of kharab land. Therefore, the Committee could not identify the status of the land on site.
(vi)	The entire green belt created under the directions of this Tribunal should not to be considered as part of	Not applicable.



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	green belt of the project as part of EC condition and will be over and above the green belt as indicated in the EC.	
(vii)	In view of the heavy traffic load in the adjoining Sarjapur road, a proper study on the basis of traffic density, foot falls expected, etc, a proper plan needs to be prepared and the concept of service road exclusively for the project needs to be worked out and additional parking space created within the project area and incorporated as a part of the overall project layout, within a period of 3 months.	The Committee could not verify the compliance to this direction, however the Committee submits that as and when the fresh EC is considered for the project, the same condition may be insisted upon.

Date: 25.10.2017

Place: Bangalore.

1. *T.V. Ramachandra*
(Dr. T.V. Ramachandra), IISC *25/10*

2. (Sri Naganna),
Chairman, SEAC,
Karnataka

3. *Seema Garg*
(Smt. Seema Garg), IAS,
CEO, KLCDA

4. *Sridhar Pabhisetty*
(Sri. Sridhar Pabhisetty), CEO,
Mamma Bengaluru Foundation

5. *Prjayan Menon*
(Sri. Prjayan Menon)
Representative from Respondent

6. *G.V. Ranga Rao*
(Sri. G.V. Ranga Rao), IFS,
Member Secretary, KSPCB &
Member Convener of the Committee.

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ANNEXURE-A

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, AT NEW DELHI

ORIGINAL APPLICATION NO. 222 OF 2014
(Civil Appeal No. 501G/2016 & 10992/2016)

IN THE MATTER OF:

Forward Foundation & Ors.

APPLICANTS

versus

State of Karnataka & Others

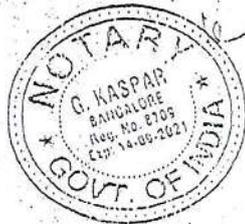
RESPONDENTS

AFFIDAVIT

Filed on behalf of Respondent/KLCDA in compliance with the
directions issued by this Hon'ble Tribunal vide Order dated
04.05.2016 & 26.05.2017

I, Smt Seema Garg, Daughter of Shri Saligram Garg, aged about
51 years, No 49, 2nd Floor, Parisara Bhavan, Church Street, Bangalore
560 001 do hereby solemnly affirm and state on oath as follows:-

1. I am the Chief Executive Officer of the Karnataka Lake Conservation and Development Authority and I am fully conversant with the facts of the case, hence I am competent and authorized to file this affidavit.
2. The Government of Karnataka has enacted 'The Karnataka Lake Conservation and Development Authority Act, 2014' (Karnataka Act No.10 of, 2015), which has come into effect from 5-3-2015. The Karnataka Lake Conservation and Development Authority (the Authority for short) created under the Act has been functional since November 2015. The Authority, even at present, is understaffed and without an adequate budget allocation.
3. This Authority is entrusted with the responsibility of protection, conservation and rejuvenation of water bodies like tanks, lakes, wetlands and their catchment areas, inlets and outlets for ensuring



[Signature]
Chief Executive Officer
Karnataka Lake Conservation & Development Authority,
Bangalore



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long term sustenance of such water bodies, and on other matters connected therewith or incidental thereto. This Respondent - Authority has to exercise regulatory control over all the lakes within its jurisdiction including prevention and removal of encroachment of lake. Even though the jurisdiction of the Authority extends to all the lakes in Karnataka State that are located within all Municipal Corporations in the State as well as areas over which Bangalore Development Authority has jurisdiction, presently the Authority is entrusted with custody of only four lakes, viz., (1) Agara Lake, (2) Hebbal Lake, (3) Nagawara Lake and (4) Vengalahnakere Lake. The other lakes in Bangalore are with custody of either the Bangalore Development Authority (BDA), Bruhat Bangalore Mahanagara Palike (BBMP) or the Karnataka Forest Department.

4. This Hon'ble Tribunal passed orders in O.A.No.222 of 2016 on 4-5-2016, interalia directing that:

"5. Both the Respondent Nos.9 & 10 shall ensure that debris or any construction material that has been dumped into the Rajakaluves, or their Banks and in the buffer zone of wetlands should be removed within four weeks from today. In the event they fail to do so, the same shall be removed by the Lake Development Authority along with the State Administration and recover charges thereof from the said respondents."

5. In obedience to the aforesaid directions, this Respondent Authority initiated necessary action and took steps against respondent Nos 9 & 10 and wrote to the said two companies to comply with the directions. In the meanwhile, the Authority also called upon other Authorities, in whose custody lakes have been entrusted, to adhere



[Signature]
Chief Executive Officer
Karnataka Conservation & Development
Bangalore



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to the aforesaid directions and implement the same, with regard to such other lakes in Bangalore,

6. Initially, Respondents 9 & 10 disputed their liability to comply with the aforementioned directions, due to which, this Authority was constrained to conduct survey of the encroached area, determine the volume of debris dumped thereon and calculate the cost of removing and transporting the debris and also took up the task of identifying a location suitable for dumping the removed debris. This Authority had identified an abandoned quarry where the debris could be dumped and sought permission of the Deputy Commissioner, Bangalore Urban District to permit this Authority to use the abandoned quarry to dump the debris.

7. While the approval was awaited, this Hon'ble Tribunal passed another order on 26-5-2017, as under:-

"We have heard the Learned counsel appearing for the parties. Nobody is on behalf of State of Karnataka. We direct that all the respondents and stakeholders shall file Status Report in regard to compliance of the directions contained in our Judgment dated 04th May, 2016.

Further, the Lake Authority as well as, all other respondents of Government of Karnataka will place on record as to how many offending structures which fall within the buffer zone as defined in the Judgment. Let the needful be done, within three weeks from today, without default."

8. In obedience to the aforesaid directions of this Hon'ble Tribunal, this Respondent - Authority directed Project Proponent M/s. Mantri Techzone Private Limited to take immediate necessary action for



Chief Executive Officer
Karnataka Lake Conservation & Development Authority
Bangalore

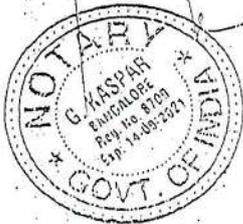


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removal of debris and other wastes on or before the 30th June 2017 without fail and to furnish a report to this Respondent - Authority supported with documentary proof and evidence so as to enable filing an Affidavit of compliance before this Hon'ble Tribunal. A copy of the letter dated 30-5-2017 is produced herewith and marked as ANNEXURE -R1.

9. The Project Proponent M/s. Mantri Techzone, Private Limited while acknowledging the letter dated 30-5-2017 issued by this Respondent - Authority reported that removal of debris and excavated soil in the land measuring 3A-10G situated in Survey No.43, Agara village in the Bellandur tank is in progress and in view of several spells of rain the progress of removal of debris had slowed down, thereby causing a delay in completing the removing of excavated soil. Hence, they requested to provide extension of time till 10-7-2017 to complete the work and submit the compliance report. A copy of the letter addressed to this Respondent - Authority by the Project Proponent M/s. Mantri Techzone Private Limited, dated 1-7-2017, together with photographs taken at the site is produced herewith and marked as ANNEXURE -R2.

10. It is submitted that in obedience to the directions issued by this Hon'ble Tribunal on 4-5-2016 and 26-5-2017, the Project Proponent has submitted a report on removal of excavated soil, informing that removal of excavated soil and debris has since been completed. A copy of the report dated 10-7-2017, together with photographs taken at the site as sent to this Respondent - Authority by the Project Proponent - M/s. Mantri Techzone Private Limited are produced herewith and marked as ANNEXURE -R3.



Chief Executive Officer
Municipal Corporation of Bengaluru
Bengaluru



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11. It is submitted that upon the receipt of the final report by the Project Proponent intimating that the entire muck has been removed from the site, the Assistant Executive Engineer of this Respondent - Authority visited the site. In his Inspection Report, the Assistant Executive Engineer has reported that the Project Proponent Mrs. Mantri Techzone Private Limited has removed debris, C&D wastes and soil until 12.7.2017 and the total quantity of muck removed so far is to an extent of 62497.5 cumts. Copies of photographs taken at the site are produced herewith and marked as ANNEXURE -R4.

12. This Hon'ble Tribunal, in its 'Order' dated 4-5-2016, had also issued the following Specific Conditions/Directions to Respondent 9:

"In addition to the above directions which should be equally part of EC condition in respect of respondents Nos. 9 & 10, following specific conditions shall apply to respondent no. 9:
i. Reclaimed area of the lake to the extent of 3 acres 10 guntas in survey no. 43 should be restored to its original condition at the cost of project proponent. The possession of this area should be restored by Respondent No. 9 to the concerned Authorities immediately. In addition, a buffer zone of 75 m should be provided between the lake and the project area and this should be maintained as green area.

13. This Hon'ble Tribunal, by the same Order, redefined the buffer zones to be maintained in respect of lakes and primary, secondary and tertiary Rajakaluves and also issued General Directions, which reads:

"This buffer/green zone would be treated as a no construction zone for all intent and purposes. This is



[Signature]
Chief Executive Officer
Karnataka Lake Conservation & Development Authority
Bangalore



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absolutely essential for the purpose of sustainable development, particularly keeping in mind the ecology and environment of the area in question.

All the offending constructions raised by Respondents 9 and 10 of any kind including boundary walls shall be demolished which falls within such areas. Whenever necessary dredging operations are required, the same shall be carried out to restore the original capacity of the water spread area and/or wetlands. Not only the existing construction would be removed but also none of these respondents - Project Proponents would be permitted to raise any construction in this zone.

All authorities, particularly, Lake Development Authority shall carry out this operation in respect of all the water bodies/lakes of Bangalore."

14. This Respondent - Authority called upon various authorities, viz. DWSSB, KSPCB, BDA, BBMP, Deputy Commissioner, Bangalore Urban District, requesting them to inform to this Authority about the steps taken by them in compliance with the aforesaid directions and directed them to strictly follow the prescribed buffer zones. A copy of the letter of this Authority dated 27.6.2016 is produced herewith and marked as ANNEXURE - B5.

15. The issue relating to the encroachment of lands adjoining lakes in and around Bangalore City came up for discussion in the Karnataka Legislative Assembly and the Speaker of the Karnataka Legislative Assembly has constituted a Legislative Committee to inquire into the issue. The Legislative Committee has held regular meetings with various agencies of the Government and has also conducted field visits. This Committee, which was already functional, when this



[Signature]
Notary Public, Bangalore
Karnataka State, India



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Hon'ble Tribunal issued directions on 4-5-2016, took note of the directions, and sought information from all the concerned agencies of the Government, vide its Letter dated 22-7-2016. A copy of the Letter dated 22-7-2016 is produced herewith and marked as ANNEXURE - R6. The letter solicits complete information from all concerned agencies regarding permissions given by the BDA, BBMP, Environment Department and other Departments, in the buffer-zone of tanks till then and directed withdrawal of such permissions and stoppage of issuance of fresh permissions. This Authority has also sought opinion of the Secretary (Ecology & Environment) with respect to earmarking of Green/Buffer Zone in the Revised Master Plan for Bengaluru, 2031. A copy of the letter of this Authority 5-11-2016 is produced herewith and marked as ANNEXURE - R7. The Legislative Committee has not yet furnished its Report.

16. As submitted earlier, this Respondent - Authority is the custodian of four lakes, viz., Agara, Nagawara, Vengalabankere and Hebbal lakes located in the BBMP limits. There are about 210 lakes which are under the custody of various Authorities of Government. The Government has nominated Departments/Authorities to be the Custodian of the lakes. In pursuance to the specific/ general directions issued by this Hon'ble Tribunal on 4-5-2016, regarding buffer zone, information has been obtained with regard to buildings and structures, both existing and under construction, in the buffer zone of four lakes. A statement indicating the details of buildings and offending structures which fall within the buffer zone of four lakes in the custody of this Respondent - Authority is produced herewith and marked as ANNEXURE - R8.

[Signature]
 Chief Executive Officer
 Kempe Lake Conservation & Development Authority
 Bengaluru



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17. As may be seen from the statement, furnished above, the constructions/buildings within the redefined buffer zone are independent houses and not projects involving multi-storied constructions, requiring environmental clearance. Many of these constructions have come up several years before the directions were issued by this Hon'ble Tribunal. At this stage, this Authority is unable to provide the correct information about the offending structures in the buffer zone of the other lakes and Rajakallives, in view of the fact that, this Authority neither has the necessary man power to conduct the surveys/measurements nor it is in possession of budgetary allocation to undertake the expenses of getting the survey done through third party agencies.

18. The directions of this Hon'ble Tribunal and compliance by this Authority, is produced hereunder in tabulated form for ready reference:

Direction Issued (Verbatim)	Compliance
1. All the offending constructions raised by Respondents No.9 and 10, of any kind including boundary wall shall be demolished which falls within such areas. Wherever necessary, dredging operations are required, the same should be carried out to restore the original capacity of the water spread area, and/or wetlands. Not only the existing construction would be removed but also non of these	Boundary wall and muck has been removed by the Project Proponent. However, as regards action for removal of other structures falling within the buffer zone, the Authorities empowered to sanction building plans or BBMP/BDA are required to provide the information and to take appropriate action. The KLDA has already requested all the departments/Authorities to comply with the



[Signature]
Chief Executive Officer
Karnataka Lakes Conservation & Development Authority
Bangalore



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<p>Respondents - Project Proponent would be permitted to raise any construction in this zone.</p> <p>All authorities particularly Lake Development Authority shall carry out this operation in respect of all the water bodies/lakes of Bengaluru.</p>	<p>said directions of the Honble NGT.</p>
<p>2. The capacity of the existing STPs to treat sewage is 729 MLD whereas another 500 MLD sewage is proposed to be treated in 10 upcoming STPs. In this context, all the STPs operating in the area whether Government or privately owned, should meet the revised standards notified by CPCB/MoEF.</p>	<p>The concerned Authorities have already been requested to take necessary action in this regard.</p>
<p>3. Bangalore city receives treated potable water of 1300 MLD from river Cauvery whereas the requirement is for another 750 MLD and the entire area falls in critical zone in terms of ground water exploitation. Information reveals that only one million litre per month of STP treated water is used by builders for construction purpose. For this reason, the BWSSB issue partial NOC to various residential and commercial projects in respect of supply of potable water. In this context, following</p>	<p>The concerned Authorities have already been requested to take necessary action in this regard.</p> <p>The proposals regarding grant of EC are not referred to the KLCDA. The SEIAA is the statutory Authority considering such proposals.</p>

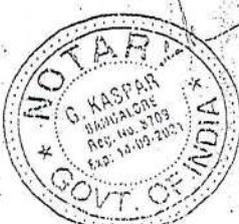


Chief Executive Officer
Karnataka Lake Conservation & Development Authority
Bangalore



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directions need to be issued.	
(i) All the time of grant of EC, the water requirement for the construction phase and operation phase should be considered separately. Due consideration should also be given for identification of source of supply of water and this should be a pre-requisite for grant of EC.	A copy of the NGT Orders dated 04.05.2016 has been forwarded by the KECDA to the all the Governmental Authorities/ Deputy Commissioners of Districts (limited to KLCDA's jurisdiction) to strictly comply with the General and Specific directions issued by Hon'ble NGT - wide KLCDA's letter dated 02/04.06.2016.
(ii) All the project proponents should necessarily use only treated sewage water for construction purpose and this should be reflected in EC as a condition for construction phase.	The proposals regarding grant of EC are not referred to the KLCDA. The SEIAA is the statutory Authority considering such proposals.
(iii) Wherever the quality of treated sewage water does not conform to the quality needed for construction, necessary upgradation in STP should be undertaken immediately.	
<u>Specific Conditions/ Directions for Respondent 9:</u>	
In addition to the above directions which should be equally part of EC condition in respect of respondents nos. 9 & 10, following specific conditions shall apply to respondent no. 9:	
1. Reclaimed area of the lake to the extent of 3 acres 10 guntas in survey no. 43 should be	The Project Proponent has submitted that the extent of 3



[Signature]
 Chief Executive Officer
 Karnataka Lake Conservation & Development Authority
 Bangalore



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<p>restored to its original condition at the cost of project proponent. The possession of this area should be restored by Respondent No. 9 to the concerned Authorities immediately. In addition, a buffer zone of 75 m should be provided between the lake and the project area and this should be maintained as green area.</p>	<p>acres 10 guntas of land in Survey No.43 does not belong to them and they have requested KLCDA to take possession of the same. Accordingly, the BDA was requested to take possession of the said land. The BDA has already taken possession of the land. KLCDA has marked 75m buffer zone as per the NCT's directions and the Project Proponent has already been requested to maintain the same as per the NCT's order.</p>
<p>ii. In the remaining area, where primary Rajkalewa is abutting the project area, 50 m buffer zone on the side of the project area from the edge of the rajkalewa should be maintained as green belt.</p>	<p>BDA is the custodian of Bellandur lake. A copy of the NCT Order dated 01.05.2016 has already been sent to the BDA for taking necessary action and to comply with the Order.</p>
<p>iii. Several irrigation canals or tertiary rajkalewas taking off from the Agara tank were passing through the area of respondent no. 9, and serve the dual purpose of irrigating paddy fields and disposal of surface run off (storm water drains) during rainy season. However on account of the activities of the project, these drains have been totally obliterated. For the purpose of</p>	<p>BBMP has already been requested to comply with the General and Specific directions of the Orders dated 04.05.2016 vide -- KLCDA's letter dated 22/24.05.2016. The Chief Engineer, Storm Water Drain (SWD), BBMP is being requested to look into these observations and initiate appropriate action expeditiously.</p>



[Signature]
 CMD, Executive Officer,
 Karnataka Water Corporation & Distribution Authority,
 Bangalore



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proper disposal of storm runoff from the entire area falling between the Agara lake and the Bellandur Lake. respondent no. 9 must provide required number of storm water drains based on proper hydrological study. These storm drains should have a buffer zone of 15 m on either bank maintained as green belt.

iv. The cumulative quantity of earth excavated for the construction of project is around 4 lakhs cubic meters in the depth range of 0 to 9 meters. This has created huge hillock like structure obstructing the natural flow pattern of surface runoff from Agara Lake side to Bellandur Lake side or primary Rajkalewas. For this purpose during construction phase garland drain should be constructed around the existing dumping site for safe disposal of runoff to the Rajkalewas. For the disposal of excavated material, a proper muck disposal plan duly approved by SIEAA shall be prepared. In any case the plan should ensure that no muck/sediment flows into Rajkalewas and/or Bellandur

No comments in so far as KLCDA is concerned. However, BBMP (SWD) has already been served with a copy of the Order dated 04.05.2016. This observation pertains to SWD of the BBMP



[Signature]
 Chief Executive Officer
 Karnataka Lake Conservation & Development Authority
 Bengaluru



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<p>lake.</p> <p>v. The Kharab land identified by Revenue Dept. admeasuring 1 acre 2 guntas should be demarcated and maintained separately as green belt.</p>	<p>The KLCDA has no comments to offer, as it falls under the jurisdiction of Revenue Department. Copies of NGT Orders dated 04.05.2016 has already been sent to the concerned Deputy Commissioners of the District with a request to comply with the aforesaid directions</p>
<p>vi. The entire green belt created under the directions of this Tribunal should not to be considered as part of green belt of the project as part of EC condition and will be over and above the green belt as indicated in the EC.</p>	<p>This direction does not directly pertain to KLCDA. The concerned Authorities viz., SEIAA has to consider this direction and take appropriate action.</p>
<p>vii. In view of the heavy traffic load in the adjoining Sarjapur road, a proper study on the basis of traffic density, foot falls expected, etc. a proper plan needs to be prepared and the concept of service road exclusively for the project needs to be worked out and additional parking space created within the project area and incorporated as a part of the overall project layout within a period of 3 months.</p>	<p>KLCDA has no comments, since this direction is required to be examined and implemented by the BBMP (Traffic Engineering Cell/ Project/ Road Infrastructure).</p>
<p><u>General Directions:</u></p> <p>1. We direct SEIAA, Karnataka to issue amended</p>	

It is for the competent Authorities to take action as per



[Signature]
 Chief Executive Officer
 Karnataka Urban Conservation & Development Authority
 Bangalore



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<p>order granting Environmental Clearance within four weeks from today incorporating all the conditions stated in this judgement and such other conditions as it may deem appropriate in light of this judgment and Inspection Note of the Expert Members. The 10 Project Proponents would be permitted to commence activity only after issuance of appended Environmental Clearance order.</p>	<p>the directions.</p>
<p>2. SEIAA Karnataka and MoEF shall ensure regular supervision and monitoring of the project and during the construction and even upon completion to ensure that activity is carried out strictly in accordance with the conditions of the order granting Environmental Clearance. this Judgment, Notification of 2006 and other laws in force.</p>	<p>it is for the competent Authorities to take action as per the directions.</p>
<p>3. The distances in respect of buffer zone specified in this Judgment shall be made applicable to all the projects and all the Authorities concerned are directed to incorporate such conditions in the projects to whom</p>	<p>All the concerned Authorities have already been requested to take necessary action to comply with the Order dated 04.05.2010 passed by the NCT.</p>



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Environmental Clearance and other permissions are now granted not only around Belandur Lake, Rajkulewas, Agara Lake, but also all other Lakes/ wetlands in the city of Bengaluru.

4. We hereby direct the State of Karnataka to submit a proposal to the MoEF for demarcating wetlands in terms of Wetland Rules 2010 as revised from time to time. Such proposal shall be submitted by the State within four weeks from today and the MoEF shall consider the same in accordance with law and grant its approval or otherwise within four weeks thereafter. After such approval is granted by MoEF, the State would issue notification notifying such areas immediately thereafter in accordance with Rules and law.

5. Both the Respondents Nos. 9 and 10 shall ensure that debris or any construction material that has been dumped into the Rajkulewas, or on their banks and on the buffer zone of wetlands should be removed within four weeks from today. In the event they

In obedience to the directions issued by the NOT regarding Notification of Wetlands, steps have been taken by the KLCDA to obtain information from all the concerned custodians of lakes in Karnataka (limited to the jurisdiction of KLCDA) and to consolidate information regarding wetlands, and thereafter to make available the information for being sent to Government.

The Project Proponent has already cleared the muck dumped in the buffer zone. However, the KLCDA is directing the Respondent No.9 to completely adhere to clear the entire muck material including the one dumped in Rajkulewas and to submit compliance report.



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fail to do so, the same shall be removed by the Lake Development Authority along with the State Administration and recover charges thereof from the said Respondents

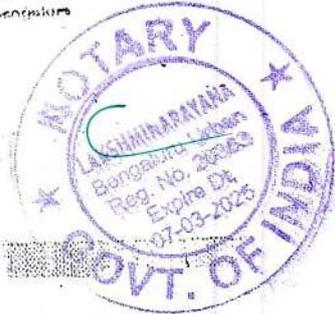
6. There is a serious discrepancy even in regard to the measurement of land as far as Respondent no. 9 is concerned. Admittedly the Respondent has been allotted and is in possession of land admeasuring 63.94 acres though Environmental Clearance has been granted for 2,82,636.03 Sq. Meters which is equivalent to 72.82 acres. For this reason alone, Environmental Clearance cannot be given effect to. While issuing the amended Environmental Clearance, SEIAA Karnataka shall take into consideration all these aspects and, if necessary, would require Respondent no. 9 to submit a fresh layout plan and the entire project may be revised in accordance with law.

No comments

7. The amount of environmental compensation will be deposited prior to issuance of amended Environmental Clearance.



Chief Executive Officer
Karnataka Lake Conservation & Development Authority
Bangalore



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Directions in judgment dated 26-05-2017	The statement indicating the details of buildings and offending structures which fall within the buffer zone of four lakes in the custody of KLCD is as shown below.
Offending structure which fall within the buffer zone as defined in the judgment	

19. In view of the above, it is submitted that this Authority has taken prudent steps to comply with the order of this Hon'ble Tribunal. This Authority submits that it shall abide by all future directions that may be issued by this Hon'ble Tribunal for the effective conservation and rejuvenation of the lakes in Bangalore.

K. Srinivas
Identified by me (V. SURESH)
A. Srinivas
VERIFICATION

[Signature]
DEPONENT
Chief Engineer
Karnataka Lake Conservation & Development Authority
Bangalore

I, the above named deponent do hereby verify on this the 25th day of July, 2017 at Bengaluru that the contents of paragraphs 1 to 19 of this Affidavit are true and correct based on my personal knowledge and no material fact is suppressed there from.



[Signature]
DEPONENT
Chief Engineer
Karnataka Lake Conservation & Development Authority
Bangalore

SWORN TO BEFORE ME
[Signature]
G. KASPAR
Notary Public
GOVT. OF INDIA

[Signature]
True copy



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ANNEXURE-I

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No.222 of 2014

IN THE MATTER OF:-

The Forward Foundation & Ors.,Original Applicants

-VERSUS-

The State of Karnataka & Ors.,Respondents

STATEMENT OF COMPLIANCE BY THE RESPONDENT

NO. 9

The Respondent No. 9 humbly submits as follows:-

1. It is submitted that this Hon'ble Tribunal passed Final Order dated 04-05-2016 and issued certain Special and General Conditions on Respondent No. 9 and also issued certain General Conditions. By an Order dated 24-03-2017, Respondent No. 9 has been directed to file a Statement of Compliance. The Respondent No. 9 is submitting this statement before the Hon'ble Tribunal of the compliance achieved by it.

2. It is submitted that Respondent No. 9 has challenged the Final Order dated 04-05-2016 passed by this Hon'ble Tribunal before the Hon'ble Supreme Court in Civil Appeal No. 5016/2016 and the Hon'ble Supreme Court has directed this respondent as follows:

".....Keeping in view the fact that if the Petitioner Company has not resumed its construction activity so far, we direct that it shall maintain status quo on the spot....."

A Copy of the order dated 12-05-2016 passed by the Hon'ble Supreme Court in Civil Appeal No. 5016/16 is enclosed herewith.



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3. It is submitted that the Respondent No. 9 filed an interlocutory application in I.A. No. 3/2016 before the Hon'ble Supreme Court in Civil Appeal No. 5016/2016 seeking permission to resume construction and the Hon'ble Supreme Court, by an order dated 11-11-2016 observed the following:-

".....All that we need say is that if the Petitioner company wishes to resume the construction and the condition on which such resumption has been permitted in terms of its previous orders are satisfied by the Company, our order dated 12-5-2016 directing the parties to maintain status-quo not be treated as an impediment for such resumption....."

A Copy of the order dated 11-11-2016 passed by the Hon'ble Supreme Court in Civil Appeal No. 5016/2016 is produced herewith.

4. It is submitted that the Respondent No. 9 is not intending to resume construction and hence, even sans the Order having been passed, has not resumed construction activities in view of the order dated 12-05-2016 by the Hon'ble Supreme Court directing this respondent to maintain Status-Quo and this Respondent No. 9 has maintained status quo at the project site in compliance of the said Order.

5. It is submitted that in the meanwhile, the Respondent No.3, (SEIAA-Karnataka), by an order dated 23-02-2017, bearing No. SEIAA 30 CON 2011, has withdrawn the Environment Clearance and directed Respondent No. 9 not to take up any construction activities in the project site.



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A copy of the order dated 23-02-2017 bearing no. SEIAA 30 CON 2011 issued by the Respondent No.3 is produced herewith.

6. The Respondent No. 9 in the meanwhile has, to the extent permissible in obedience of the Orders of the Hon'ble Supreme Court and the Hon'ble Tribunal, complied with several of the directions/conditions imposed on it as per the Orders mentioned above and has tabulated the compliance carried out by it in the form of the attached statement, which may kindly be read along with this Statement. In the light of the above, the Respondent No. 9, is submitting the following Statement of Compliance as directed by this Hon'ble Tribunal on 14-03-2018, which may kindly be taken on record in the interest of justice and equity.

Dated: 19-03-2018
Place: New Delhi


Advocate for Respondent No. 9



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SLN o.	General /Specific conditions/ directions applicable to Respondent No.9 in the Order dated 04.05.2016 in O A 222/2014.	Ref. in the Order dated 04.05.2016	Status of Compliance as on 16.03.2018	Document Referred
1.	<p>The distance in the case of R-9 and R-10 from Rajakaluve, water bodies and wetlands shall be maintained as below:</p> <p>(i) In the case of lakes, 75 meters from the periphery of water body to be maintained as Green Belt and buffer zone for all the existing water bodies i.e., Lakes/wetlands.</p> <p>(ii) 50 meters from the edge of the Rajakaluves.</p>	General Conditions or Directions No.1	<p>IN COMPLIANCE.</p> <p>There are no standing buildings within the buffer zones specified. Some foundations and footings have been made and are in a condition of status-quo.</p> <p>R9 has been advised that in view of the Order dated 12.05.2016 in Civil Appeal No. 5016/2016 passed by the Hon'ble Supreme Court directing R9 to maintain Status-Quo on the Spot, no change can be undertaken. Necessary actions will be taken as and when permitted.</p>	Order dated 12.05.2016 made in Civil Appeal No. 5016 of 2016 by the Hon'ble Supreme Court, order is enclosed herewith.



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<p>(iii) 35 meters from the edges in the case of Secondary Rajakalaves.</p>	<p>(iv) 25 meters from the edges in the case of tertiary Rajakalaves.</p>	<p>This buffer / green zone would be treated as no construction zone for all intent and purposes.</p>	<p>All the offending constructions raised by Respondents No.s 9 and 10 of any kind including boundary wall shall be demolished which falls within such areas.</p>	<p>Wherever dredging operations are required, the same should be carried out to restore the original capacity of</p>
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<p>the water spread area and/ or wetlands. Not only the existing construction would be removed but also none of these respondents - project proponent would be permitted to raise construction in this zone.</p>	<p>Reclaimed area of the lake to the extent of 3 acres 10 guntas in Survey No.43 should be restored to its original condition at the cost of project proponent. The possession of this area should be restored by Respondent No.9 to the concerned Authorities immediately.</p>	<p>Specific conditions or Directions for Respondent No.9. (i)</p>	<p>COMPLIED: BDA has erected chain link fencing on the area of 3A10 G. 666 This land is taken over by BDA in its original Condition. R9 has offered further works as may be directed by KLCDA.</p>	<p>1. Affidavit of KLCDA dated 26-07-2017, is enclosed 2. Letters of R9 to various authorities dated 06.07.2016 by Govt. of Karnataka Revenue Secretary and KIADB. Letters dated 01-08-2016 to 24.08.2016 KIADB.</p>
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<p>16.12.2016 & 07.01.2017 KLCDA.</p>				<p>3. Letter dated 25.05.2017 and 10.07.2017 for removal of Debris to KLCDA.</p>
	<p>No construction of any kind is abutting any Primary Raja Kaluve. 50 meter buffer is in existence. As stated before, in view of the direction to maintain status quo compound wall is removed.</p>	<p>Specific conditions or Directions for Respondent No.9</p>	<p>ii.</p>	
	<p>In the remaining area, where primary rajakalve is abutting the project area, 50m buffer zone on the side of the project area from the edge of the rajakalve should be maintained as green belt.</p>	<p>Specific conditions or Directions for Respondent No.9</p>	<p>iii.</p>	
<p>Letter dated 20.06.2016 by R9 to the Assistant Director of Land Records.</p>	<p>Hydrological Study has been commissioned and it has to be tracked to survey map. Letter was written to Additional Director of Land Records to</p>	<p>Specific conditions or Directions for Respondent No.9</p>	<p>iii.</p>	<p>4. Several irrigation canals or tertiary Rajakalve taking off from the Agara tank were passing through the area of respondent no.9, and serve the dual purpose of irrigating paddy</p>

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<p>fields and disposal of surface run off (storm water drains) during rainy season. However, on account of the activities of the project, these drains have been totally obliterated. For the purpose of proper disposal of surface run off from the entire area falling between the Agara lake and the Belandur lake, respondent no.9 must provide required number of storm water drains based on proper hydrological study. These storm drains should have a buffer zone of 15m on either bank maintained as green belt.</p>	<p>identify the irrigation canals and provide map.</p> <p>At present, the construction activity is completely stopped in view of the interim order passed by the Hon'ble Supreme Court directing this Respondent to maintain Status-Quo.</p>	<p>Letters of R9 to KLCDA and Compliance Affidavit filed by KLCDA.</p>
<p>5. The cumulative quantity of earth excavated for the construction of project is around 4 lakhs cubic meter in the depth range of 0 to 9 meters. This has created huge hillock like structure obstructing the natural flow patterns of surface</p>	<p>Specific Conditions/ Directions for Respondent No.9 - iv</p> <p>Hillock like structure is removed at the cost of R9 and under the supervision of officials of KLCDA.</p>	<p>COMPLIED.</p>



Lawyer. R. K. Desai
1989

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<p>runoff from Agara Lake side to Belandur Lake side or Primary Rajakalaves.</p> <p>For this purpose, during construction phase garland drain should be constructed around the existing dumping site for safe disposal of runoff to the rajakalaves. For the disposal of excavated material, a proper muck disposal plan duly approved by SE/AA shall be prepared. In any case the plan should ensure that no much/sediment flows into rajakalaves and/or Belandur lake.</p> <p>6. The kharab land identified by Revenue Dept. admeasuring 1 acre 2 guntas should be demarcated and maintained separately as green belt.</p>	<p>Specific conditions or Directions for Respondent</p>	<p>While handing over the lands to R9 there was no mention of Karab land in the lands allotted by the KIADB. Requested Revenue Department to identify the Kharab Land if any since the Allotment Letter dated 20.06.2016 by R9 to the Assistant Director of Land Records.</p>
<p>Remaining portion of the directions can be complied only upon commencement of construction.</p>		



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		<p>No.9-v.</p>	<p>Letter of KIADB did not demarcate the Kharab Land.</p>
<p>7.</p> <p>The entire green belt created under the directions of this Tribunal should not be considered as part of the green belt of the project as part of the E.C. condition and will be over and above green belt as indicated in the EC.</p>	<p>Specific conditions or for Directions Respondent No.9 -vi.</p>	<p>Will be in compliance when construction is commenced. As on today the entire area is lying vacant.</p>	
<p>8.</p> <p>In view of the heavy traffic in the adjoining Sarjapur road, a proper study on the basis of traffic density, foot falls expected, etc., a proper plan needs to be prepared and the concept of service road exclusively for the project needs to be worked out and additional parking space created within the project area and incorporated as a part of the overall project layout, within a period of 3</p>	<p>Specific conditions or for Directions Respondent No.9 -vii.</p>	<p>COMPLIED</p> <p>Traffic Study was conducted in 2016-17 for application to modified EC. Submitted for issue of Amended Environmental Clearance. EC was withdrawn by order dated 23.02.2017 by SEIAA-KARNATAKA</p>	



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<p>9.</p> <p>months.</p> <p>Both Respondent No.9 and 10 shall ensure that the debris or any construction material that has been dumped into the Rajakaluve or on their Banks and on the buffer zone of Wetlands should be removed within four weeks from today. In the event they fail to do so, the same shall be removed by the Lake Development Authority along with the State Administration and recover charges thereof from the said Respondents.</p>	<p>Second General Condition No.5</p>	<p>COMPLIED to the satisfaction of Lake Development Authority.</p>	<p>Letter dated 11.04.2017 of R9 to KLCDA to further conduct cleaning of Rajakaluve and drains at the cost of R9.</p> <p>Compliance Affidavit filed by KLCDA</p>
<p>10.</p> <p>There is a serious discrepancy even in regard to the measurement of land as far as Respondent No.9 is concerned. Admittedly, the Respondent has been allotted and in possession of land admeasuring</p>	<p>Second General Condition No.6</p>	<p>COMPLIED</p> <p>Submitted for issue of Amended Environmental Clearance. EC withdrawn by order dated 23.02.2017 by SEIAA-KARNATAKA.</p>	



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<p>63.94 acres, though Environmental Clearance has been granted for 292636.03 sq. meters which is equivalent to 72.22 acres. For this reason alone, Environmental Clearance cannot be given effect to. While issuing the amended Environmental Clearance, SEIAA Karnataka shall take into consideration all these aspects and if necessary would require Respondent No.9 to submit fresh layout plan and the entire project may be revised in accordance with law.</p>	<p>Second General Condition No.7</p>	<p>COMPLIED. Submitted for issue of Amended Environmental Clearance. EC withdrawn by order dated 23.02.2017 by SEIAA KARNATAKA</p>	<p>Letter dated 15.02.2017 to SEIAA for grant of modified EC.</p>
<p>11. Both the Respondents shall submit an appropriate plan in view of the conditions imposed in this judgment and the amended Environment Clearance that would be issued.</p>			

Handwritten notes:
G. S. ...
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872-351

12.	The amount of environmental compensation will be deposited prior to issuance of amended Environmental Clearance	Second General Condition No.8	Interim Order of Stay of deposit dated 12.05.2016 made in C A 5016 of 2016 by the Hon'ble Supreme Court.	
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[Signature]
 Advocate for Respondent No.9

New Delhi
 Dated: 19-03-2018



872

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No.222 of 2014

IN THE MATTER OF:-

The Forward Foundation Ors.,Original Applicants

-VERSUS-

The State of Karnataka &Ors.,Respondents

AFFIDAVIT

I, Girish Gupta H/S, S/o. Sri. Satyanarayan Gupta Aged about 51 years, office at Mantri House, No.41, Vittal Mallya Road, Bangalore 560 001, Karnataka State, do hereby solemnly affirm and declare as follows:-

1. That I am the authorized representative of the Applicant- Mantri Techzone Pvt., Ltd; I know the facts and circumstances of the case on the basis of the records in the office of the Applicant and therefore, I am competent and duly authorized to swear and affirm to the contents of this affidavit.

2. That the accompanying Statement of Compliance contains the statement drawn by my Advocate under my instructions. I have read and understood the contents of the above said and I say that the same are true and correct to my knowledge and belief and I believe the same to be true.

3. That the Annexure enclosed with the Statement of Compliance are true copies of their respective originals.

(Signature)

DEPONENT

VERIFICATION:-I, Girish Gupta H.S, the deponent, do hereby verify that the contents of Para-1 to Para-3 of above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from. Solemnly affirmed on this 16th Day of March, 2018 at Bengaluru City.

SWORN TO BEFORE ME-

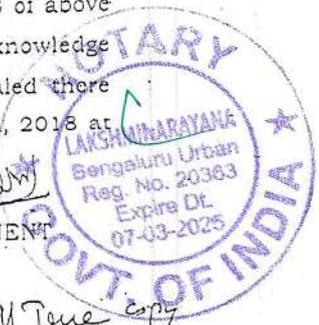
DEPONENT



P. ANURADHA, M.A., M.L., M. PHIL. ADVOCATE & NOTARY PUBLIC # 792, 'Akshaya Lakshmi Nilaya'

10/3/18

1 True copy



ANNEXURE-A

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State Level Environment Impact Assessment Authority-Karnataka

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

Proceedings of the 130th SEIAA Meeting held on 23rd February 2017
at Room No. 709, M.S Building, Bangalore.

Members present:-

- | | |
|----------------------|-------------------------|
| 1. Dr. H.S. Ramesh | Chairman, SEIAA |
| 2. Dr. H.R. Rajmohan | Member, SEIAA |
| 3. Sri. Ramachandra | Member Secretary, SEIAA |

The Chairman welcomed the members and initiated the discussion. The subjects discussed and the decisions made under each of the agenda point are as follows:

130.1 Confirmation of the proceedings of 129th SEIAA Meeting held on 15th February 2017.

Proceedings of 129th SEIAA Meeting held on 15th February 2017 was read and as there were no comments the same was accepted.

130.2 Action Taken report on the proceedings of 129th SEIAA Meeting held on 15th February 2017.

The Authority noted that the action is being taken on the proceedings of 129th SEIAA Meeting held on 15th February 2017.

130.3 Review of Action taken on the orders of the Hon'ble NCT in OA No. 222 of 2014

The Authority noted that the Hon'ble NCT in OA No. 222 of 2014 have issued certain directions to the Authority on 4th May 2016. The directions issued and the compliance on the said directions, are as follows:

Sl. No.	Direction	Compliance
1.	We direct SEIAA, Karnataka to issue amended order granting Environmental Clearance within four weeks from today incorporating all the conditions stated in this judgement and such other conditions as it may deem appropriate in light of this judgment and Inspection Note, of the Expert Members. The Project Proponents	Letter dated 10.05.2016 addressed to the Respondent No. 9, M/s Mantri Techzone Pvt. Ltd. (formerly called Manpal ETA P Ltd.) Mantri House, No. 41, Vittal Mallya Road, Bangalore 560001 and Respondent No. 10, M/s Coremind Software and Services Private Limited.



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130th SEIAA Meeting Proceedings

Dated 23rd February 2017

<p>would be permitted to commence activity only after issuance of amended Environmental Clearance order.</p>	<p>Floor, Salarpuria Windsor, Ulsoor Road, Bangalore 560042 seeking information on compliance of the specific directions issued and relevant information / documents including revised conceptual plan and fresh layout plan in accordance with the orders of the Hon'ble NCT.</p>
<p>2. SEIAA Karnataka and MoEF shall ensure regular supervision and monitoring of the project and during the construction and even upon completion to ensure that activity is carried out strictly in accordance with the conditions of the order granting Environmental Clearance, this Judgment, Notification of 2006 and other laws in force.</p>	<p>The Hon'ble Supreme Court vide order dated 12.05.2016 have directed to maintain status quo on the spot in Civil Appeal No. 5016 of 2016 and order dated 8.8.2016 in Civil Appeal No. Diary No(s). 17976/2016 linked to Civil Appeal No. 5016 of 2016.</p>
<p>3. The distances in respect of buffer zone specified in this judgment shall be made applicable to all the projects and all the Authorities concerned are directed to incorporate such conditions in the projects to whom Environmental Clearance and other permissions are now granted not only around Belandur Lake, Rajkulewas, Agara Lake, but also all other Lakes/ wetlands in the city of Bengaluru.</p>	<p>The SEIAA, Karnataka is ensuring compliance to this direction of Hon'ble NCT, while issuing Environmental Clearance for the projects/ activities considered under EIA Notification, 2006.</p>
<p>4. There is a serious discrepancy even in regard to the measurement of land as far as Respondent no. 9 is concerned. Admittedly the Respondent has been allotted and is in possession of land measuring 63.94 acres, though Environmental Clearance has been granted for 2,92,636.03 Sq. Meters which is equivalent to 72.22 acres. For this reason alone, Environmental Clearance cannot be given effect to. While issuing the amended Environmental Clearance, SEIAA Karnataka shall take into consideration all these aspects and, if necessary, would require Respondent</p>	<p>Respondent no. 9 was requested vide letter dated 10.05.2016 to furnish fresh layout plan incorporating all the specific conditions/directions and other information required to enable the Authority to issue amended Environmental Clearance. The Respondent No.9 did not submit the information sought and the fresh layout plan quoting the reason that the Hon'ble Supreme Court have ordered status quo. However, the Respondent No. 10</p>



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130th SEIAA Meeting Proceedings

Dated 21st February 2017

<p>no. 9 to submit a fresh layout plan and the entire project may be revised in accordance with law.</p>	<p>while replying to the Authority letter dated 10.5.2016 have expressed inability to furnish the information sought and have requested to keep the Environmental Clearance bearing No. SEIAA 37 CON 2012 dated 30th September 2013 in abeyance.</p> <p>The Authority was therefore unable to issue amended Environmental Clearance.</p>
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The Authority further noted that a reminder was sent to the Respondent No. 9, M/s Mantri Techzone Pvt. Ltd. vide letter dated 23.01.2017 requesting them to furnish the information sought vide letter dated 10.05.2016, on or before 10th February 2017.

The Respondent No. 9, M/s Mantri Techzone Pvt. Ltd. while replying to the above said letter vide letter dated 3.02.2017 have informed that they are not likely to proceed with the construction at their site for the time being and have requested to defer taking any action with respect to the EC issued till the disposal of Civil Appeal No. 5016 of 2016 by the Hon'ble Supreme Court.

The Authority during the meeting held on 15th February 2017 had perused the reply submitted by Respondent No. 9, M/s Mantri Techzone Pvt. Ltd and Respondent No.10, M/s Core Mind Software and Services Private Limited.

The Authority while inviting reference to the orders of the Hon'ble NCT under General Condition No.6 observed that, all the aspects in the said order need to be taken into consideration and the Respondent No. 9 required to submit a fresh layout plan revising the entire project in accordance with law. The Authority observed that this was essential requirement for issue of amended Environmental Clearance. The Authority noted that amended Environmental Clearance could not be issued in accordance with the directions of the Hon'ble National Green Tribunal for the reason that the Respondent No. 9 and 10 did not submit the required information and fresh layout plan as requested.

The Authority after discussion and after taking note of the above development had decided to call upon Respondent No. 9, M/s Mantri Techzone Pvt. Ltd and Respondent No.10, M/s Core Mind Software and Services Private Limited to provide an opportunity of being heard before the Authority on 23.02.2017 with all relevant information along with the information / documents sought vide the Authority letter dated 10.05.2016 to enable the Authority to issue amended Environmental Clearance incorporating the conditions / directions of the Hon'ble NCT. The Authority also had



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Dated 23rd February 2017130th SEIAA Meeting Proceedings

decided to inform that failing to appear before the Authority and non submission of the required information, the Authority will be constrained to revoke the Environmental Clearance granted for the project.

Accordingly, intimation has been sent vide letter dated 15.02.2017 to the Respondent No. 9, M/s Mantri Techzone Pvt. Ltd. and Respondent No.10, M/s Core Mind Software and Services Private Limited to furnish the information sought and to appear before the Authority to show cause why the Environmental Clearance granted should not be revoked for non-submission of the information sought.

Representatives of both Respondent No. 9, M/s Mantri Techzone Pvt. Ltd. and Respondent No.10, M/s Core Mind Software and Services Private Limited appeared before the Authority and submitted the information. Details of submissions made in brief and decision of the Authority in each of the above case is as follows:

- 1) Construction of mixed use development with residential, retail, hotel, office, SEZ & Non-SEZ at various Sy. No. of Agara Village and Jakkasandra Village, Begur Hobli, Bangalore South Taluk, Bangalore by M/s Mantri Techzone Private Limited (formerly called Mantral P Ltd.) Mantri House, No. 41, Vital Mallya Road, Bangalore 560001. (SEIAA 30/CON/2011)

The Authority perused the letter received on 21.02.2017 submitted by the proponent along with details regarding modification of the project including the revised layout plan.

Smt. Sowmya Somaprakash, Shri V. Damotharan and Shri Jagdish M. representing M/s Mantri Techzone Private Limited appeared before the Authority today and furnished following details:

- (1) The project proposal has been revised confining to total area of 63.94 Acres instead of 72.22 Acres for which E.C. has been issued by this Authority subject to the result of the appeal before the Hon'ble Supreme Court.
- (2) A buffer of 75m from the periphery of the lake and 50m from the edge of the Rajakaluve has been provided.
- (3) There are no secondary or tertiary Rajakaluve in the project site.
- (4) The 3 Acres 10 Guntas land in Sy. No. 43 is not included in the plan and is not encroached / reclaimed by them. Letter has been submitted to KIADB and other authorities to take possession of the said land. A copy of the letter addressed to KIADB on 1st August 2016 is submitted to the Authority.
- (5) A hydrological study has already been commissioned and the report will be submitted to the Authority.



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Dated 23rd February 2017

130th SEIAA Meeting Proceedings

- (6) Provision for storm water drains along with a buffer of 15m is made in the revised layout plan as per the orders of Hon'ble Green Tribunal and subject to change if any ordered in the Appeal before the Hon'ble Supreme Court.
- (7) The hillock like structure is located outside the project site. All suitable action will be taken to allow surface run-off to Rajakaluve. Carland drain will be provided to contain the excavated soil erosion due to run-off.
- (8) An estimate of excavated earth and utilization is provided instead of submitting a proper muck disposal plan in accordance with the orders of the NCT.
- (9) There is no kharab land at all within the project site delivered to them by KIADB. Area that is already occupied by building footing cannot be changed.
- (10) With regard to the greenbelt it is stated that an area of 1,14,393.9 Sqm which amounts to 47% of the site area is provided. However, the details of greenbelt that is to be maintained as per the orders of the Hon'ble NCT on the area to be maintained as buffer zone adjacent to the lake, Rajakaluve and storm water drain over and above the greenbelt area that have been approved as part of E.C. is not provided.
- (11) Even though provision for exclusive service road is provided in the revised drawing submitted, it is cut-off by a private property. Continuity needs to be provided in the project site itself.
- (12) The penalty of Rs. 117.35 Crores imposed vide order dated 4.5.2016 in O.A. No. 222 of 2016 has been stayed by the Hon'ble Supreme Court vide order dated 12.5.2016 and 11.11.2016 in Civil Appeal No. 5016 of 2016.
- (13) As per the revised layout plan submitted, it is proposed to construct 12 buildings comprising of 3 Basement, Ground and 12 Upper Floors and all the buildings are proposed to be used for commercial purposes (IT/ITEs), whereas the earlier proposal which have been issued with Environmental Clearance for mixed use development comprising of residential, retail, hotel, office with a total built up area of 13,50,454.98 Sqm in various building blocks with 2 to 3 basements and upper floors varying from 12 to 15 upper floors.
- (14) Presently construction of building for residential block 2, 5 and 7 have been undertaken and stopped. The building 5 under construction is modified from that of the building approved while issuing Environmental Clearance.

Based on the submissions made by the proponent and reply submitted, the Authority observed as follows:

- (a) By way of preparing revised layout plan the project is completely revamped from the point of view of usage, building configuration and number of buildings



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Dated 27th February 2017130th SEIAA Meeting Proceedings

which resulted in change in the environmental footprint from that of the project issued with Environmental Clearance vide letter No. SEIAA 30 CON 2011 dated 17th February 2012.

- (b) The proponent has submitted that 3 Acres-10 Guntas land in Sy. No. 43 is not included in the plan and is not encroached / reclaimed by them. This is in contradiction with the orders of the Hon'ble NCT. However the proponent have submitted revised layout plan now, deleting the portions of the land which Hon'ble Tribunal have referred to.
- (c) Details of dredging operations required to restore the original capacity of the water spread area and of wetland is not provided.
- (d) Hydrological study has been commissioned by project proponent, the report is yet to be received. However, storm water drains are provided in the plan even without referring to the hydrological study based on the village map. This cannot be accepted as there are lot of changes in the terrain of the land, including dumps of excavated earth.
- (e) Garland drains are not provided around the existing dump for safe disposal of run-off to the Rajakaluve/lake, as directed by the Hon'ble NCT.
- (f) The Kharab land of 1 Acre 2 Guntas identified by the Revenue Department has not been demarcated and maintained separately as greenbelt as per the directions of the Hon'ble NCT.
- (g) Greenbelt area maintained as per the Environmental Clearance and greenbelt developed in the buffer zone of lake/ Rajakaluve/ storm water drain/ kharab land are not indicated separately.
- (h) Details of parking provided over and above indicated in the Environmental Clearance is not provided. The service road is interrupted by a private property.

In view of the above observations the Authority opined that as the project proponent, i.e., M/s Mantri Techzone have submitted the project proposal which is envisaged is entirely different from the project for which Environmental Clearance has been granted and no specific details with regard to ensuring compliance to the orders of the Hon'ble NCT is forthcoming. Hence, amended Environmental Clearance cannot be granted without a fresh appraisal to ensure environmental sustainability. Further, the project proponent has not complied the orders of the Hon'ble National Green Tribunal and the observations made in the inspection note of the Expert Members of the Hon'ble Tribunal. Hence, the Authority decided to revoke the Environmental Clearance already granted vide letter No. SEIAA 30 CON 2011 dated 17th February 2012.



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130th SEIAA Meeting Proceedings

Dated: 23rd February 2017

Further, the Authority also decided to get the spot mahazar conducted to confirm whether there is any violation/deviation of the conditions of the Environmental Clearance issued vide letter dated 17th February 2012, including the building configuration and footprint of the blocks which have been constructed so far and to initiate credible action following the procedure of law, if prima facie violation is established. The Authority have authorized the Member Secretary of the Authority to get the mahazar done immediately and to take legal course as per law. The Authority also observed that revoking the Environmental Clearance granted will not absolve the project proponent from paying for environmental damages if any caused due to such violations.

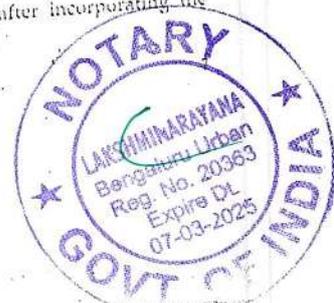
- 2) Construction of "Sattva Domain", Office Building (software technology park) at various Sy.Nos. of Agara village, Begur Hobli, Bengaluru South Taluk, Bengaluru District project nr by M/s. Coremind Software & Services Pvt. Ltd., #3, 4th Floor, Salaripuria Windsor, Ulsoor Road, Bengaluru- 560042. (SEIAA 37 CON 2012)

The Authority noted the following information with regard to the project in question:

- i) The proponent vide letter dated 23.05.2016 submitted that a Civil Appeal have been filed before the Hon'ble Supreme Court in this regard and therefore, the Environmental Clearance granted vide letter No. SEIAA 37 CON 2012 dated 30th September 2013 may be kept in abeyance pending disposal of the said Civil Appeal. However, no details for issue of amended Environmental Clearance are furnished.
- ii) The proponent was therefore called upon to appear before the Authority with all the required information and to show cause why the Environmental Clearance granted should not be revoked for non-receipt of the required information to issue the amended Environmental Clearance.
- iii) Shri P.K. Mishra appeared before the Authority and submitted that they are in the process of preparing revised plan in compliance with the orders of the Hon'ble NCT. He has made a request vide letter dated 22.02.2017 for issue of amended Environmental Clearance as per the directions of the Hon'ble National Green Tribunal as they will abide by the conditions / directions of the Hon'ble NCT.

The Authority noted that even though the proponent have agreed to abide by the conditions of the Hon'ble NGT and have requested for amended Environmental Clearance, his request cannot be considered for the following reasons:

- (1) As the revised layout plan incorporating the conditions/directions of the Hon'ble NCT is not yet prepared and a comparison of the project for which Environmental Clearance has been granted and the one which will be proposed after modification in terms of environmental footage is not available, the sustainability of the project which is proposed to be after incorporating the conditions are not known.



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10th SEIAA Meeting Proceedings

Dated 23rd February 2017

- (2) Even though the Hon'ble NCT have noted that the proponent have undertaken excavation and deposition of huge earth, the proponent have not provided a comprehensive plan.
- (3) The proponent have not indicated impact of maintaining buffer in accordance with the orders of the Hon'ble NCT on the conceptual plan that has been considered and approved while according Environmental Clearance.
- (4) The proponent during the discussion agreed that the project profile which has been given with Environmental Clearance will be revamped while preparing the revised plan after incorporating the directions/conditions of the Hon'ble NCT.

The Authority after discussion, opined that in view of the above observations it would not be possible for the Authority to issue amended Environmental Clearance in the absence of revised plan and without assessing the impact of the proposed plan with respect to environmental sustainability including ensuring compliance to the orders of the Hon'ble National Green Tribunal and the inspection note of the Expert Members of the Hon'ble Tribunal. Hence, the Authority decided to revoke the Environmental Clearance issued vide letter No. SEIAA 37 CON 2012 dated 30th September 2013.

Further, the Authority also decided to get the spot mahazar conducted to confirm whether there is any violation/deviation of the conditions of the Environmental Clearance issued vide letter dated 30th September 2013 including the building configuration and footprint of the blocks and to initiate credible action following the procedure of law, if the prima facie violation is established. The Authority have authorized the Member Secretary of the Authority to get the mahazar done immediately and to take legal course as per law. The Authority also observed that revoking the Environmental Clearance granted will not absolve the project proponent from paying for environmental damages if any caused due to such violations.

Meeting concluded with thanks to the Chair.

Sd/-
(Dr. H. S. RAMESH)
Chairman,
SEIAA, Karnataka

Sd/-
(Dr. H. R. RAJAMOHAN)
Member,
SEIAA, Karnataka.

Sd/-
(RAMACHANDRA)
Member Secretary,
SEIAA, Karnataka.

"Copy"

(Signature)
(RAMACHANDRA) 23/2/17
Member Secretary.

(Signature)
A True Copy



ಫ್ಯಾಕ್ಸ್ / Fax : 080-25586321
ಈಮೇಲ್ / E-mail : ho@kspcb.gov.in
ವೆಬ್‌ಸೈಟ್ / Website : http://kspcb.gov.in



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ANNEXURE-K

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ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
Karnataka State Pollution Control Board

"ಪರಿಸರ ಭವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ. 49, ಚರ್ಚ್ ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ
"Parisara Bhavana", 1st to 5th Floor, # 49, Church Street, Bengaluru - 560 001, Karnataka, INDIA

NO.PCB/235/CNP/11 **S08**
(This document contains 03 Pages)

DATE: 08 MAR 2017

Consent withdrawal order under Sec. 27(2) (B) of Water (Prevention & Control of Pollution) Act, 1974 and Sec. 21 (4) of Air (Prevention & Control of Pollution) Act, 1981

Sub: Non-compliance to the provisions of the Water (Prevention & Control of Pollution) Act 1974 and the Air (Prevention & Control of Pollution) Act 1981 by M/s. Mantri Techzone Private Limited (formerly called Manpal ETA Infotech Ltd.) for the proposed residential buildings; retail building, hotel and office building and Non-SEZ office building with built up area of 13, 50, 454.98 Sq.m at Sy. Nos. 9/1P, 12P, 13/11P, 9/2, 9/3, 9/4, 9/5, 9/6, 9/7, 9/8, 9/9, 10/P, 13/1, 13/2, 13/3, 13/4, 13/5, 13/6, 13/7, 13/8, 13/9, 13/10, 13/12, 13/13, 13/14, 13/15, 13/16, 13/17, 13/18, 13/19, 13/20, 13/21, 14, 15/1A, 15/1B, 15/2, 15/3, 15/4, 15/5, 15/6, 15/7, 15/8, 15/9, 15/10, 15/11, 15/12, 15/13, 15/14, 15/15, 15/16, 15/17, 15/18, 15/19, 15/20, 15/21, 15/22, 15/23, 15/24, 15/25, 16/1P, 17, 18/1, 18/2, 18/3, 19/1, 20/1, 20/2P, 20/3, 21/1A, 21/1B, 21/2, 21/3, 21/4, 22, 23, 24, 25, 27, 28/1, 28/2, 29/P, 30/1AP, 30/1BP, 30/2P, 30/3P, 33/P, 40/P, 41/P, 42/P, 44, 45, 46, 47, 48, 49, 50 & Sy. No. 16P, 19/2, 26, 7P, 32 of Agara Village and Sy. No. 7P of Jakkasandra Village, Begur Hobli, Bangalore - regrading

- Ref: 1. Environmental Clearance letter No: SEIAA 30 CON 2011 Dt: 17/02/2012
- 2. This Office Consent for Establishment (CFE) Order No: PCB/235/CNP/11/H645, dated 04.09.2012
- 3. Hon'ble NGT Order dated 01.03.2016 in respect of OA 222/2014.
- 4. Board Circular No. PCB/49/COC/2015-16/5419 dated 28.12.2015
- 5. SEIAA, Karnataka letter No. SEIAA 30 CON 2011 & dated 23.02.2017.
- 6. Proceedings of the consent committee meeting held on 02.03.2017.
- 7. SEIAA direction No: CFE SEIAA 2 MEET 2014 dated 01.12.2015

"ವ್ಯಾಜ್ಯ ಕ್ಷಯ ನಿವಾರಣೆ, ಪರಿಸರ ಹಾನಿ ತಡೆ"

AVOID USE OF PLASTICS-BE 'ECO' FRIENDLY



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PREAMBLE:

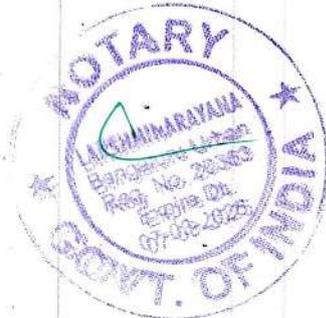
The Board has accorded consent for establishment for proposed residential building, retail building, hotel and office building and Non-SEZ office building with total built up area of 13, 50, 454.98 Sq.m to M/s. Mantri Techzone Private Limited (formerly called Manipal ETA Pvt. Ltd.,) at Sy. Nos. 9/1P, 12P, 13/11P, 9/2, 9/3, 9/4, 9/5, 9/6, 9/7, 9/8, 9/9, 10/P, 13/1, 13/2, 13/3, 13/4, 13/5, 13/6, 13/7, 13/8, 13/9, 13/10, 13/12, 13/13, 13/14, 13/15, 13/16, 13/17, 13/18, 13/19, 13/20, 13/21, 14, 15/1A, 15/1B, 15/2, 15/3, 15/4, 15/5, 15/6, 15/7, 15/8, 15/9, 15/10, 15/11, 15/12, 15/13, 15/14, 15/15, 15/16, 15/17, 15/18, 15/19, 15/20, 15/21, 15/22, 15/23, 15/24, 15/25, 16/1P, 17, 18/1, 18/2, 18/3, 19/1, 20/1, 20/2P, 20/3, 21/1A, 21/1B, 21/2, 21/3, 21/4, 22, 23, 24, 25, 27, 28/1, 28/2, 29/P, 30/1AP, 30/1BP, 30/2P, 30/3P, 33/P, 40/P, 41/P, 42/P, 44, 45, 46, 47, 48, 49, 50 & Sy. No. 16P, 19/2, 26, 7P, 32 of Agara Village and Sy. No. 7P of Jakkasandra Village, Begur Hobli, Bangalore on 04/09/2012 vide Ref(2).

Meanwhile, the Hon'ble Principal Bench of the National Green Tribunal, New Delhi has issued certain specific conditions/directions vide judgement dated 04.05.2016 in the Original Application No. 222 of 2014 to M/s. Mantri Techzone Private Limited (formerly called Manipal ETA Pvt. Ltd.,) Mantri House, No. 41, Vittal Mallya Road, Bangalore - 560 001. The Hon'ble Tribunal has also directed the SEIAA, Karnataka to issue amended Environmental Clearance within four weeks from the date of judgement incorporating all the conditions stated in the said judgement and such other conditions as the Authority may deem appropriate in light of the judgement and inspection note of the Expert Members.

The SEIAA in its letter dt: 23/02/2017, has opined that the project proposal submitted by M/s Mantri Techzone Private Limited is entirely different from the project for which environmental clearance has been granted and no specific details with regard to ensuring compliance to the Orders of the Hon'ble NGT is forthcoming. Further opined that amended Environmental clearance cannot be granted without a fresh appraisal to ensure environmental sustainability. In view of the non-compliance to the orders of the Principal Bench of Hon'ble NGT New Delhi dt: 04/05/2016 in Original Application No.222 of 2014 the Authority has revoked the Environmental clearance granted to the project authority in its letter dt: 23.02.2017 vide Ref(5).

In this regard it is to be further brought to the notice that SEIAA in its directions under Sec. 5 of the Environment (Protection) Act, 1986 has directed the Board not to issue CFE establishment/CFE expansion for the projects attracting the Environmental Clearance without prior REC from the competent authority in its letter dt: 01.12.2015 vide Ref(7).

In view of the non-compliance to the orders of the Principal Bench of Hon'ble NGT New Delhi dt: 04/05/2016 in Original Application No.222 of 2014 and the non-compliance observed by the SEIAA to the environmental clearance granted and



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revoking of the environmental clearance, the subject on Consent for establishment issued by the Board under the Water and Air Act vide Ref(2) was discussed in the consent committee meeting held on 02/03/2017. After detailed deliberation, the committee recommended to withdraw the consent for establishment issued by the Board vide Ref(2). Hence the following Order,

ORDER

In exercise of the powers vested with Karnataka State Pollution Control Board, under Section 27(2) of Water (Prevention and Control of Pollution) Act, 1974 the Board hereby "Withdraw" the Consent for Establishment issued to M/s. Mantri Techzone Private Limited (formerly called Manipal ETA Pvt. Ltd.,) at above Sy. Nos. of Agara Village and Jakkasandra Village, Kogur Hobli, Bangalore and under Section 21(4) of Air (Prevention and Control of Pollution) Act, 1981 the Board hereby "Cancels" the Consent For Establishment issued to M/s. Mantri Techzone Private Limited (formerly called Manipal ETA Pvt. Ltd.,) for the above back ground reasons.

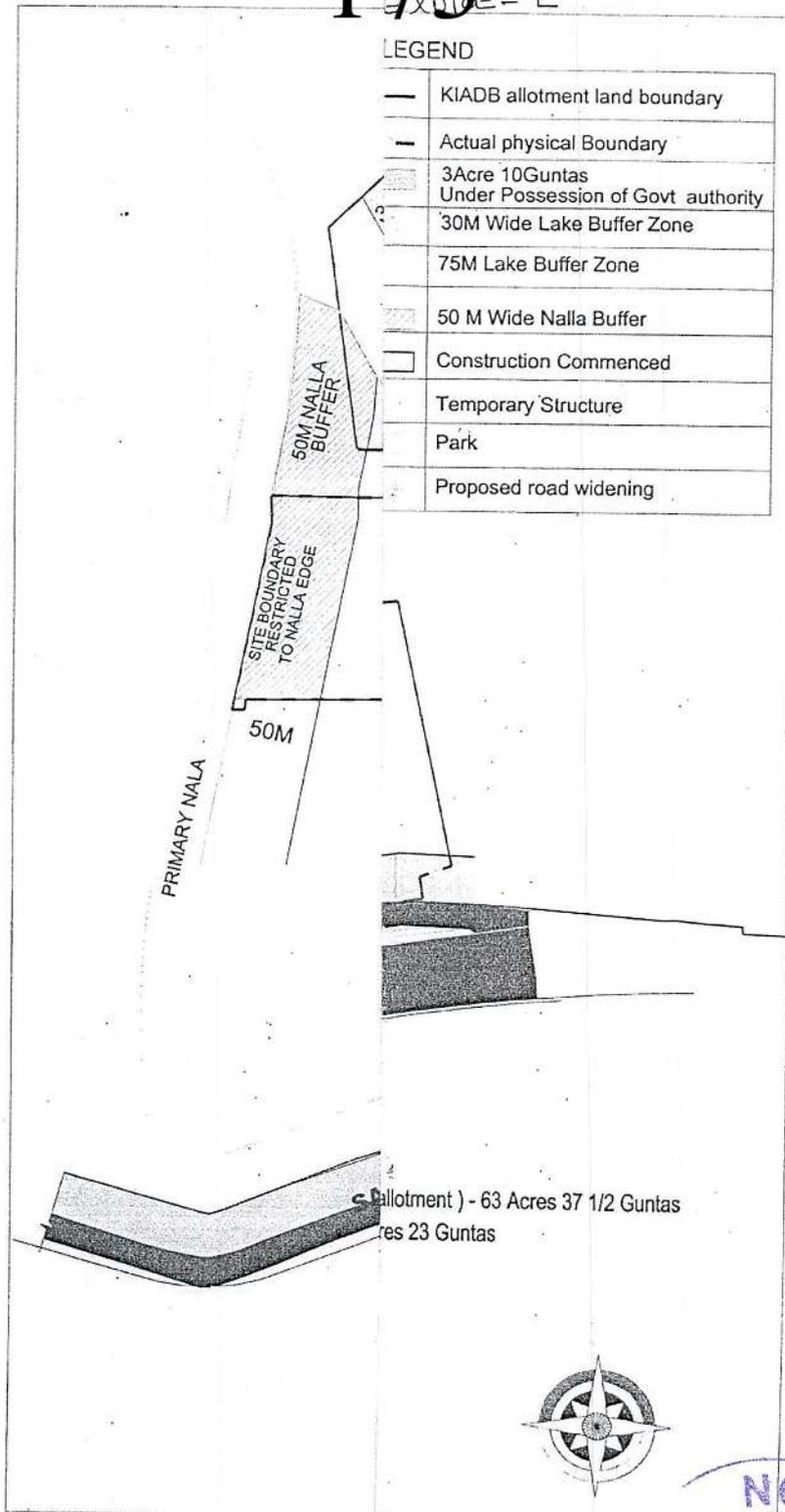
Please note that, Establishment or taking up of further construction activity without valid consent of the Board attracts Penal action under provisions of Sec. 25 read with Sec. 44 of Water (Prevention & Control of Pollution) Act, 1974, and also under provisions of Sec. 21 read with Sec. 37 of Air (Prevention & Control of Pollution) Act, 1981 which includes initiate action under 33(A) of Water Act and Sec.31-A of Closure and Direction for Cutoff Power Supply and Water Supply or any other service.

[Signature]
MEMBER SECRETARY
KARNATAKA STATE POLLUTION CONTROL BOARD
Bangalore. *[Initials]*

To,
The Occupier
M/s. Mantri Techzone Private Limited
(formerly called Manipal ETA Pvt. Ltd.,)
Mantri House, No. 41,
Vittal Mallya Road,
Bangalore-560001.

11 True copy





c Allotment) - 63 Acres 37 1/2 Guntas
 res 23 Guntas



Ram <ram.201181@gmail.com>
to rishabh, Atin, ashok.devraj, Devashish, Mahale, Saransh

887

Dear all

O.A.No.222/2014
The Forward Foundation & Ors. Versus The State of Karnataka & Ors.

I on behalf of Respondent no. 9 - Mantri Techzone Pvt. Ltd. In the captioned matter.

The Respondent no. 9 is filing a detailed Statement of Compliance with prayer for resumption of construction. The said documents is attached herewith.

Being Served to:

Mr. Ashok Devraj - ashok.devraj@yahoo.com on behalf of the State of Karnataka (Res no. 1), SEIAA (Res No. 3), KSPCB (Res no. 4), BWSSB (Res No. 5), KWA BDA (Res No. 8)

Mr. Rajesh Mahale - mahaleoffice@gmail.com on behalf of LDA/KLCD (Res No. 6)

Mr. Atin Shankar Rastogi - atinrastogi@gmail.com on behalf of the MoEF (Res No. 2)

Mr. Devashish Bharuka - dvb@mantri.com also at dvb@mantri.com on behalf of Cerenid Software & Services Pvt Ltd. (Res No. 10)

Mr. Rishabh Parikh - rishabh@colnexus.in on behalf of Forward Foundation (OA No. 1), Preja RAAG (OA No. 2) and Bangalore Environment Trust (OA No. 3)

Warm regards,
Ms. Devesa & Co.
Shakher G Devesa
Advocate



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Area Development Board, Bangalore (KIADB) by the correspondence 06-07-2016.

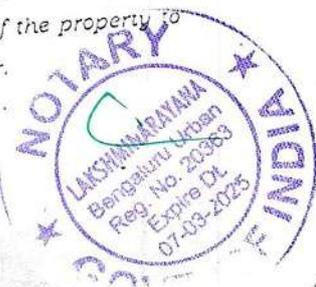
13. The appellant declares that none of its activities have been in the past and will be in future carried on within the said parcel of land. The appellant undertakes that as soon as the Competent Authority takes possession of the land and marks the clear boundary for such land, a compound wall will be erected by the Appellant to clearly bifurcate that land from the land allotted by KIADB to it. It is prayed that a suitable direction in this regard may kindly be issued to KIADB(R-10).

14. This Appellant undertakes that it will fully abide by the direction to maintain the requisite air quality monitoring during the construction and will not spill over or dump or let lose any soil or other construction material into the lake or Raja Kaluve located on the Southern and Western side of its boundary during the construction phase or operational phase of its project. The Appellant undertakes that it shall ensure that the topography and slopping pattern of the Project Land is maintained at the end of the construction such that the surface water runoff from the project land is not unduly altered or adversely affected. However, during the course of digging and laying of foundation during the construction phase, it may not be possible to maintain such topography at such locations where buildings or other facilities are created. However, all and every reasonable efforts will be made to ensure the surface run off water is not obstructed from reaching the water bodies. The compound wall of the appellant will also contain such openings as are reasonable and suitable

considering safety and other aspects of the property to facilitate the surface runoff of the water.

THIS COPY ATTESTED BY ME
02/03/2024
LAKSHMINARAYANA
Advocate & Notary Public
GOVT. OF INDIA

1st Main, 2nd Cross
near Impact College, Azara Layout, K. Cigerahalli
Bangalore Urban, Karnataka - 560092



o/c

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Ref. No-1444/2018

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BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI

Original Application No.222 of 2014

IN THE MATTER OF:-

The Forward Foundation & Ors.,

.....Original Applicants

-VERSUS-

The State of Karnataka & Ors.,

.....Respondents

With

STATEMENT OF COMPLIANCE BY THE
RESPONDENT NO.9

(VOLUME - V)

(PAPER - BOOK)

(FOR INDEX - KINDLY SEE INSIDE)



Advocate for Respondent No.9: M/s. Devasa & Co.

National Green Tribunal, New Delhi
Diary No. 1345/18
Dated 19/8/19
Sign. of Receiving Officer

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INDEX

Sl.No.	Particulars	Pages
1.	Statement of compliance with tabulated form of compliance carried out by the respondent No.9 along with affidavit.	625-638
2.	<u>Annexure-A/1.</u> True copy of the Order dated 12.05.2016 in Civil Appeal No.5016/2016 passed by this Hon'ble Supreme Court.	639-642
3.	<u>Annexure/A2</u> True copy of the Order dated 11.11.2016 in I.A. No. 3/2016 in Civil Appeal No. 5016/2016 passed by the Hon'ble Supreme Court.	643-647
7.	<u>Annexure-A/3.</u> True copy of the revocation proceedings dated 23.02.2017 by the SLEIAA, Karnataka of environmental clearance granted on 17.02.2012.	648-655
8.	<u>Annexure-A/4</u> True copy Affidavit/affidavit of compliance filed by the Lake Development Authority before this Hon'ble Tribunal dated 26.07.2017	656-672
9.	<u>Annexure-A/5.</u> True copy representation of the Respondent No. 9 dated 06.07.2016 before the Government of Karnataka Revenue Secretary.	673-674
10.	<u>Annexure-A/6.</u> True copy representation of the Respondent No. 9 dated 01.08.2016 before the KIADB.	675
11.	<u>Annexure-A/7.</u> True copy representation of the Respondent No. 9 dated 24.08.2016 before the KIADB.	676-677
12.	<u>Annexure-A/8.</u> True copy representation of the Respondent No. 9 dated 16.12.2016 before the KIADB.	678-679



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13. Annexure-A/9

True copy representation of the Respondent No. 9 dated 07.01.2017 before the KIADB.

680.

14. Annexure-A/10

True copy representation of the Respondent No. 9 dated 25.05.2017 before the KLCDA for removal of debris.

681-682

15. Annexure-A/11

True copy representation of the Respondent No. 9 dated 10.07.2017 before the KLCDA for removal of debris.

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16. Annexure-A/12

True copy representation dated 20.06.2016 by the respondent No. 9 to the Assistant Director, Department of survey & Land Records

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17. Annexure-A/13

True copy letter dated 11.04.2017 of Respondent No. 9 to KLCDA to further conduct cleaning of Raja Kaluve at the cost of Respondent No. 9.

685-686

18. Annexure-A/14

True copy letter dated 15.02.2017 to SEIAA for grant of modified environmental clearance.

687-688

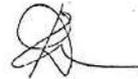
19. Annexure-A/15

True copy of the demand draft vide bearing No. 735049 drawn on Punjab National Bank in favour of Member Secretary, KSPCD for Rs. 5 lakhs in terms of order dated 14.03.2018 in O.A. No. 222 of 2014 with enclosed letter of Respondent No. 9.

689-690

New Delhi

Dated: 19.03.2018



Advocate for Respondent No. 9



ANNEXURE-A/15

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BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI

Original Application No.222 of 2014

IN THE MATTER OF:-

The Forward Foundation & Ors.,Original Applicants

-VERSUS-

The State of Karnataka & Ors.,Respondents

STATEMENT OF COMPLIANCE BY THE RESPONDENT

NO. 9

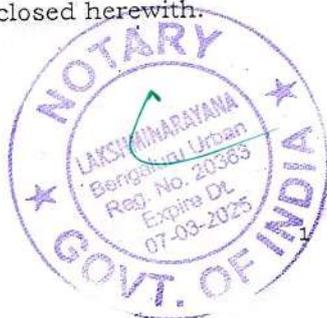
The Respondent No. 9 humbly submits as follows:-

1. It is submitted that this Hon'ble Tribunal passed Final Order dated 04-05-2016 and issued certain Special and General Conditions on Respondent No. 9 and also issued certain General Conditions. By an Order dated 24-03-2017, Respondent No. 9 has been directed to file a Statement of Compliance. The Respondent No. 9 is submitting this statement before the Hon'ble Tribunal of the compliance achieved by it.

2. It is submitted that Respondent No. 9 has challenged the Final Order dated 04-05-2016 passed by this Hon'ble Tribunal before the Hon'ble Supreme Court in Civil Appeal No. 5016/2016 and the Hon'ble Supreme Court has directed this respondent as follows:

".....Keeping in view the fact that if the Petitioner Company has not resumed its construction activity so far, we direct that it shall maintain status quo on the spot"

A Copy of the order dated 12-05-2016 passed by the Hon'ble Supreme Court in Civil Appeal No. 5016/16 is enclosed herewith.



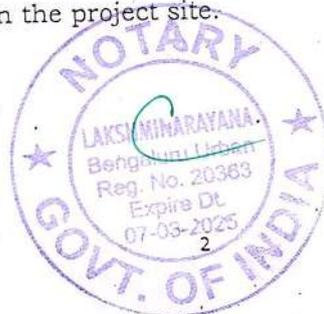
102/628

3. It is submitted that the Respondent No. 9 filed an interlocutory application in I.A. No. 3/2016 before the Hon'ble Supreme Court in Civil Appeal No. 5016/2016 seeking permission to resume construction and the Hon'ble Supreme Court, by an order dated 11-11-2016 observed the following:-,

".....All that we need say is that if the Petitioner company wishes to resume the construction and the condition on which such resumption has been permitted in terms of its previous orders are satisfied by the Company, our order dated 12-5-2016 directing the parties to maintain status-quo not be treated as an impediment for such resumption....."

A Copy of the order dated 11-11-2016 passed by the Hon'ble Supreme Court in Civil Appeal No. 5016/2016 is produced herewith.

4. It is submitted that the Respondent No. 9 is not intending to resume construction and hence, even sans the Order having been passed, has not resumed construction activities in view of the order dated 12-05-2016 by the Hon'ble Supreme Court directing this respondent to maintain Status-Quo and this Respondent No. 9 has maintained status quo at the project site in compliance of the said Order.
5. It is submitted that in the meanwhile, the Respondent No.3, (SEIAA-Karnataka), by an order dated 23-02-2017, bearing No. SEIAA 30 CON 2011, has withdrawn the Environment Clearance and directed Respondent No. 9 not to take up any construction activities in the project site.



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A copy of the order dated 23-02-2017 bearing no. SEIAA 30 CON 2011 issued by the Respondent No.3 is produced herewith.

6. The Respondent No. 9 in the meanwhile has, to the extent permissible in obedience of the Orders of the Hon'ble Supreme Court and the Hon'ble Tribunal, complied with several of the directions/conditions imposed on it as per the Orders mentioned above and has tabulated the compliance carried out by it in the form of the attached statement, which may kindly be read along with this Statement. In the light of the above, the Respondent No. 9, is submitting the following Statement of Compliance as directed by this Hon'ble Tribunal on 14-03-2018, which may kindly be taken on record in the interest of justice and equity.

Dated: 19-03-2018

Place: New Delhi


Advocate for Respondent No. 9



Sl.N o.	General /Specific conditions/ directions applicable to Respondent No.9 in the Order dated 04.05.2016 in O A 222/2014.	Ref. in the Order dated 04.05.2016	Status of Compliance as on 16.03.2018	Document Referred
1.	<p>The distance in the case of R-9 and R-10 from Rajakaluve, water bodies and wetlands shall be maintained as below:</p> <p>(i) In the case of lakes, 75 meters from the periphery of water body to be maintained as Green Belt and buffer zone for all the existing water bodies ie., lakes/wetlands.</p> <p>(ii) 50 meters from the edge of the Rajakaluves.</p>	General Conditions or Directions No.1	<p>IN COMPLIANCE.</p> <p>There are no standing buildings within the buffer zones specified. Some foundations and footings have been made and are in a condition of status-quo.</p> <p>R9 has been advised that in view of the Order dated 12.05.2016 in Civil Appeal No. 5016/2016 passed by the Honble Supreme Court directing R9 to maintain Status-Quo on the Spot, no change can be undertaken. Necessary actions will be taken as and when permitted.</p>	<p>Order dated 12.05.2016 made in Civil Appeal No. 5016 of 2016 by the Honble Supreme Court, order is enclosed herewith.</p>

604 G28



	<p>(iii) 35 meters from the edges in the case of Secondary Rajakaluves.</p> <p>(iv) 25 meters from the edges in the case of tertiary Rajakaluves.</p> <p>This buffer /green zone would be treated as no construction zone for all intent and purposes.</p> <p>All the offending constructions raised by Respondents No.s 9 and 10 of any kind including boundary wall shall be demolished which falls within such areas.</p> <p>Wherever dredging operations are required, the same should be carried out to restore the original capacity of</p>			
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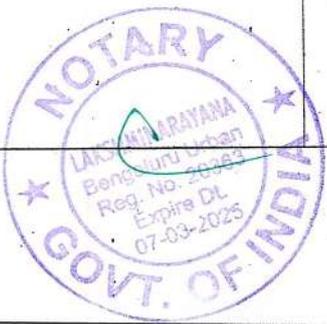
Page 629

<p>the water spread area and/ or wetlands. Not only the existing construction would be removed but also none of these respondents - project proponent would be permitted to raise construction in this zone.</p>		<p>COMPLIED: BDA has erected chain link fencing on the area of 3A10 G. This land is taken over by BDA in its original Condition. R9 has offered further works as may be directed by KICDA.</p>	<p>1. Affidavit of KICDA dated 26-07-2017 is enclosed. 2. Letters of R9 to various authorities dated 06.07.2016 to Govt. of Karnataka Revenue Secretary and KIADB. Letters dated 01-08-2016 to 24.08.2016 to KIADB,</p>
<p>2. Reclaimed area of the lake to the extent of 3 acres 10 guntas in Survey No.43 should be restored to its original condition at the cost of project proponent. The possession of this area should be restored by Respondent No.9 to the concerned Authorities immediately.</p>	<p>Specific conditions or Directions - for Respondent No.9. (i)</p>		



tot 31630

			<p>16.12.2016 & 07.01.2017 to KLCDA.</p>
<p>3. In the remaining area, where primary rajakalve is abutting the project area, 50m buffer zone on the side of the project area from the edge of the rajakalve should be maintained as green belt.</p>	<p>Specific conditions or Directions for Respondent No.9</p>	<p>No construction of any kind is abutting any Primary Raja Kaluve. 50 meter buffer is in existence. As stated before, in view of the direction to maintain status quo compound wall is removed.</p>	<p>3. Letter dated 25.05.2017 and 10.07.2017 for removal of Debris to KLCDA</p>
<p>4. Several irrigation canals or tertiary Rajakalve taking off from the Agara tank were passing through the area of respondent no.9, and serve the dual purpose of irrigating paddy</p>	<p>Specific conditions or Directions for Respondent No.9</p>	<p>Hydrological Study has been commissioned and it has to be tracked to survey map. Letter was Written to Additional Director of Land Records to</p>	<p>Letter dated 20.06.2016 by R9 to the Assistant Director of Land Records.</p>



107 631

<p>fields and disposal of surface run off (storm water drains) during rainy season. However, on account of the activities of the project, these drains have been totally obliterated. For the purpose of proper disposal of surface run off from the entire area falling between the Agara lake and the Belandur lake, respondent no.9 must provide required number of storm water drains based on proper hydrological study. These storm drains should have a buffer zone of 15m on either bank maintained as green belt.</p>	<p>5. The cumulative quantity of earth excavated for the construction of project is around 4 lakhs cubic meter in the depth range of 0 to 9 meters. This has created huge hillock like structure obstructing the natural flow patterns of surface</p>	<p>Specific Conditions/ Directions for Respondent No.9 -iv</p>	<p>COMPLIED. Hillock like structure is removed at the cost of R9 and under the supervision of officials of KLCDA.</p>	<p>identify the irrigation canals and provide map. At present, the construction activity is completely stopped in view of the interim order passed by the Hon'ble Supreme Court directing this Respondent to maintain Status-Quo.</p>	<p>Letters of R9 to KLCDA and Compliance Affidavit filed by KLCDA.</p>
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108 632

<p>6. The kharab land identified by Revenue Dept. admeasuring 1 acre 2 guntas should be demarcated and maintained separately as green belt.</p>	<p>For this purpose, during construction phase gairland drain should be constructed around the existing dumping site for safe disposal of runoff to the rajakaluves. For the disposal of excavated material, a proper muck disposal plan duly approved by SEIAA shall be prepared. In any case the plan should ensure that no much/sediment flows into rajakaluves and/or Belandur lake.</p>	<p>Specific conditions or Directions for Respondent</p>	<p>While handing over the lands to R9 there was no mention of Karab land in the lands allotted by the KIADB. Requested Revenue Department to identify the Kharab Land if any since the Allotment</p>	<p>Letter dated 20.06.2016 by R9 to the Assistant Director of Land Records.</p>
<p>runoff from Agara Lake side to Belandur Lake side or Primary Rajakaluves.</p>		<p>Remaining portion of the directions can be complied only upon commencement of construction.</p>	<p>109-11533</p>	



<p>7.</p> <p>The entire green belt created under the directions of this Tribunal should not be considered as part of the green belt of the project as part of the E.C. condition and will be over and above green belt as indicated in the EC.</p>	<p>No.9-v.</p> <p>Specific conditions or Directions for Respondent No.9 -vi.</p>	<p>Letter of KIADB did not demarcate the Kharab Land.</p> <p>Will be in compliance when construction is commenced. As on today the entire area is lying vacant.</p>	<p>Specific conditions or Directions for Respondent No.9 -vii.</p> <p>COMPLETED</p> <p>Traffic Study was conducted in 2016-17 for application to modified EC. Submitted for issue of Amended Environmental Clearance. EC was withdrawn by order dated 23.02.2017 by SEIAA-KARNATAKA</p>
<p>8.</p> <p>In view of the heavy traffic in the adjoining Saijapur road, a proper study on the basis of traffic density, foot falls expected, etc .. a proper plan needs to be prepared and the concept of service road exclusively for the project needs to be worked out and additional parking space created within the project area and incorporated as a part of the overall project layout, within a period of 3</p>	<p>7</p>		



110-634

14/6/2017

<p>months.</p>	<p>Second General Condition No.5</p>	<p>COMPLIED to the satisfaction of Lake Development Authority.</p>	<p>Letter dated 11.04.2017 of R9 to KLCD A to further conduct cleaning of Rajakaluve and drains at the cost of R9.</p>
<p>9. Both Respondent No.9 and 10 shall ensure that the debris or any construction material that has been dumped into the Rajakaluves or on their Banks and on the buffer zone of Wetlands should be removed within four weeks from today. In the event they fail to do so, the same shall be removed by the Lake-Development Authority along with the State Administration and recover charges thereof from the said Respondents.</p>	<p>Second General Condition No.6</p>	<p>COMPLIED Submitted for issue of Amended Environmental Clearance. EC withdrawn by order dated 23.02.2017 by SEIAA-KARNATAKA.</p>	<p>Compliance Affidavit filed by KLCD A</p>
<p>10. There is a serious discrepancy even in regard to the measurement of land as far as Respondent No.9 is concerned. Admittedly, the Respondent has been allotted -and in possession of land admeasuring</p>	<p>Second General Condition No.6</p>	<p>COMPLIED Submitted for issue of Amended Environmental Clearance. EC withdrawn by order dated 23.02.2017 by SEIAA-KARNATAKA.</p>	<p>Compliance Affidavit filed by KLCD A</p>



BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL BENCH

SOUTHERN ZONE, CHENNAI

Execution Application No.10 of 2023 (SZ)

IN

Original Application No.222 of 2014 (PB)

The Forward Foundation & Ors.

... Applicant(s)

-Vs-

State of Karnataka & 9 Ors.

... Respondent(s)

**VOLUME 1 : STATEMENT OF
OBJECTIONS AND TYPED SET OF
DOCUMENTS FILED ON BEHALF
OF THE 9TH RESPONDENT**

M/s. CHANDRAMOULI PRABHAKAR (MS. 4136 / 2015)

R. PRITHVIRAJ PANDIAN (MS. 422 / 2015)

NITHYAVENDHAN K (MS. 2199/2015)

R. VANDHANA PRABHU (MS. 8022 / 2021)

M/s. PC LAW CHAMBERS

Ph No: 9940469099 / 9677003795

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