

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

IN

ORIGINAL APPLICATION NO. 205 of 2021(SZ)

Applicant : Environmental Protection & Research Council

Vs

Respondents : The Government of India & Others

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Dated this the 28th day of October 2021

Rema Smrithi, Advocate
ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT 3

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

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BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL

SOUTH ZONE, CHENNAI

Application No.205/2021 (SZ)

Applicant : Environmental Protection & Research Council

Vs

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

Report filed by P. B. Sreelakshmy, W/o. J. S. Sajeev kumar, aged 39 years, now working as Environmental Engineer, Kerala State Pollution Control Board, District Office-I, Ernakulam, on behalf of 3rd respondent

1. It is respectfully submitted that the OA is filed against the illegal construction of residential project by 6th respondent M/s Jain Housing & Constructions Ltd " M/s Tuffnel Gardens" situated in Sy 485/1 of Kakkanadu Village, Thrikkakara Municipality, Kanayannur Taluk. The main allegation raised by the petitioner is that the builder had constructed the building on Paddy land (land classified as 'Nilam') and applied for Environment Clearance (EC) after starting construction. It




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Environmental Engineer
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is also alleged that the building is constructed above the built up area for which EC obtained. The Hon'ble NGT had passed orders on 22.09.2021 and directed that

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

2. It is respectfully submitted that the Kerala State Pollution Control Board (Board) had received an application for Consent to Establish on 12.09.2012 in the name of "M/s Tufnel Park", for constructing a residential complex for a built up area of 51573.6 Sqm in 8 blocks with 1217 apartments. Based on the application, the Board had conducted an enquiry in the site on 07.03.2013. Based on the enquiry, a detailed clarification was sought from the applicant builder M/s Jain Housing &

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Constructions Ltd. The builder had failed to submit the clarification and hence, Board had not issued consent to establish to the project.

3. It is respectfully submitted that the builder later applied for Consent to Operate on 18.08.2016 for built up area of 34576 Sqm and for 304 apartments. The builder proceeded with the construction even without obtaining Board's Consent to Establish. The site was inspected on 02.09.2016 and noted that construction of 2 towers had completed and the construction of other buildings was progressing. Based on the application for Consent to Operate, a hearing was conducted by the Chief Environmental Engineer on 19.01.2021 to get clarification on construction of building without obtaining Board's consent to Establish. Meanwhile, a committee constituted by MoEF comprising officers from MoEF, KSPCB and KSEIAA inspected the project site. The committee noted that the most of the condition of EC is non complied. Hence, based on the committee report, this respondent had sought explanation from the builder on the non compliance of EC. The builder has not submitted reply to the Board's letter till date. This respondent, Board has not issued consent to Operate to the unit. The Board had inspected the unit on 16.10.2021 and found that occupancy is started in one block.




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4. It is respectfully submitted that as per the order of the Hon'ble Tribunal, Joint Committee was constituted with the following members.

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

The first meeting of the joint committee was held on 18.10.2021 through video conference.

5. It is respectfully submitted that the Board had not issued either consent to establish or consent to operate to the unit. But even without obtaining statutory permissions as per Air (Prevention & Control of Pollution) Act 1981, Water (Prevention & Control of Pollution) Act 1974, Environmental (Protection) Act 1986, the builder had completed construction of four towers and started occupancy in one tower violating the Environmental Legislations.



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6. It is respectfully submitted that this respondent Board will take appropriate action against the builder for non compliance of the Environmental Legislations.

All that is stated above is true to the best of my knowledge information and belief.

Dated this, the 28th day of October 2021



A handwritten signature in blue ink, appearing to be 'Sru'.

Behalf of 3rd RESPONDENT

SREELAKSHMY P B

Environmental Engineer
KSPCB, District Office-1
Ernakulam