

**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

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Dated this the 9th day of December 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, 3rd
RESPONDENT**

Rema Smrithi, Advocate

ADDITIONAL STANDING COUNSEL FOR THE RESPONDENT 3

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE, CHENNAI

Application No.205/2021 (SZ)

Applicant : Environmental Protection & Research Council

Vs

Respondents : The Government of India

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

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 Original Application is filed against the construction of residential project by 6th respondent M/s Jain Housing & Constructions Ltd "M/s Tuffnel Gardens" situated in Sy 483/14, 484/7,485/1 of Kakkanadu Village, Thrikkakara Municipality, Kanayannur Taluk.
2. It is respectfully submitted that the M/s Jain Housing & Constructions Ltd had applied for Consent to Establish (CTE) dated 12.09.2012 before the Board for built up area of 51,573.6 Sqm while the actual area of the

project as per Environmental Clearance (EC) is 1,39,885.78 Sqm in 8 towers. The builder submitted the application for CTE after starting of the construction. The Board has not issued CTE to the project since the builder failed to submit the clarification asked by KSPCB. But, the builder progressed with the construction even without obtaining CTE.

3. It is respectfully submitted that the builder applied for Consent to Operate (CTO) dated 18.08.2016 for a built up area of 33988.02 square meters. Meanwhile, a team constituted by MoEF&CC comprising officials from KSPCB, MoEF&CC and SEIAA conducted joint inspection in the site and found that the project had not complied conditions of EC. The committee found that the builder have started the construction before obtaining EC. They started construction based on the NOC obtained from the Thrikkakkara Municipality. M/s Jain Housing & Constructions Ltd had completed construction of 4 towers and started occupancy in one tower. About 30 families are presently occupied in the apartment. The Board had called explanation from the builder for not complying conditions of Environment Clearance and for completing the construction without obtaining CTE.
4. It is humbly submitted that the builder constructed the project without CTE and started occupancy without Consent to Operate of the Board in the building which is violation of Section 25 of the Water Prevention (Control of Pollution) Act, 1974 and also violated the conditions of EC.




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

The Joint Committee constituted by the Hon'ble NGT had conducted detailed inspection in the site on 09.11.2021 and noted that the project does not have valid EC and need to obtain fresh EC for the further constructions. As per the order No. IA3-22/19/2021-IA.III[E-16436] dated 20.09.2021, MoEF&CC had directed the State Pollution Control Boards to "*Ensure that the project proponent possesses a valid prior EC in terms of the extant EIA Notification, if applicable, at the time of grant/renewal of CTO and no CTO shall be granted or renewed unless EC, if applicable has been obtained*". Hence, this respondent, Board will consider the consent application only after the Project Proponent obtain valid EC and remit the Environment Compensation towards the damages caused to the environment due to the building construction.

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

Dated this, the 9th day of December 2021



A handwritten signature in blue ink, appearing to be "Sreelakshmy P B".

BEHALF OF 3rd RESPONDENT
SREELAKSHMY P B
Environmental Engineer
KSPCB, District Office-1
Ernakulam