

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

ORIGINAL APPLICATION NO.205 OF 2021

Environmental Protection and Research Council

...Applicant

Versus

Union of India & Others.

...Respondents

REPLY FILED ON BEHALF OF THE 2ND RESPONDENT

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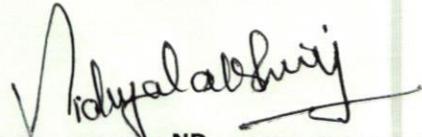
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Dated at Chennai on this 17th day of January, 2022


COUNSEL FOR 2ND RESPONDENT

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

O.A.No. 205 of 2021 (SZ)

IN THE MATTER OF:

Environmental Protection and Research Council

...APPLICANT

v.

Union of India and Ors.

...RESPONDENTS

REPLY FILED ON BEHALF OF THE 2ND RESPONDENT

I, RANI R.S., wife of Mr. Prabodh Chandran, aged about 45 years, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby solemnly affirm and sincerely state as follows:-

1. I am well acquainted with the facts of the case from the available records and I am authorized to file this Reply on behalf of the 2nd Respondent. I crave leave of the Hon'ble Tribunal to file additional reply as and when additional facts are available to the Respondent.

2. It is submitted that this respondent denies all the allegations and averments raised against this Respondent by the Applicant except those that are specifically admitted. It is submitted that the 2nd Respondent submits certain facts, which are necessary for the present application, and are placed hereunder in seriatim.

3. It is humbly submitted that the Environmental Clearance for the Construction of Residential development project of Jain Housing and Constructions Limited was granted by MoEF & CC, the 1st Respondent, herein, bearing File. No. 21-59/2021-IA.III dated 24-05-2011. It is submitted that the total built up area was 1,39,885.78 sq.m. with total number of apartments 1,216 units. And the Jain Housing and Constructions Limited applied for Extension of Validity of Environmental Clearance for the Construction of Group Housing Project at Sy. Nos. 483/14. 484/7. 485/1 at Kakkanad village. Kanayannur Talk. Emakulam District, Kerala via PARIVESH (SIN/KUMIS/185860/2020) on 01-12-2020.



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4. It is submitted that the application was under the examination of SEIAA i.e., at initial processing stage only. It is further submitted that the SEIAA/SEAC was constituted by MoEF & CC for a period of 3 years and the tenure of the SEIAA/SEAC expired on 18-09-2021. It is submitted that the application of Jain Housing and Constructions Limited can be processed only after the reconstitution of the SEIAA/SEAC.

5. It is submitted that this Hon'ble Tribunal vide its Order dated 22-09-2021, passed the following direction –

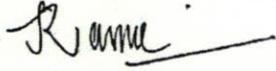
"In order to ascertain the genuineness of the allegations made in the application and also the alleged violations the court has ordered to appoint a Joint Committee consisting of the following members :

- i) *The district Collector, Ernakulam District or a senior Officer deputed by him, not below the rank of Assistant Collector or Sub divisional Magistrate.*
- ii) *A senior Officer from the Ministry of Environment, Forest and Climate Change, Integrated Regional Office. Bangalore.*
- iii) *A senior Officer from Kerala State Environment Impact Assessment Authority (Kerala, SEINA).*
- iv) *A senior Officer to be deputed by the Chairman. Kerala State Pollution Control Board (KSPCB) to inspect the area in question and submit a factual as well as action taken report if there is any violation found."*

6. It is humbly submitted that the Kerala State Pollution Control Board is the nodal agency for co-ordination and providing necessary logistics for the Joint Committee formation. It is submitted that in compliance of the order passed by the Hon'ble Tribunal, the Joint committee was constituted comprising of the following members.

- i) Shri. Vishnu Raj P. I.A.S.. Sub Collector. Fort Kochi
- ii) Dr. Murali Krishna Chimata, Scientist 'E', MoEF & CC, Integrated Regional Office (Southern Zone).
- iii) Dr. Jude Emmanuel. Environmental Scientist. SEINA. Kerala.
- iv) Smt. Sreelakshmy P.B., Environmental Engineer, KSPCB, District Office-1. Ernakulam.




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7. It is humbly submitted that pursuant to the directions of the Hon'ble Tribunal to the Joint Committee, to ascertain the queries raised in its order dated 22.09.2021, the first meeting of the committee was conducted on 18-10-2021 through video conferencing and the Joint Committee conducted a joint inspection at the project site "M/s Tufnell Gardens" of M/s Jain Housing & Constructions Limited on 9.11.2021. It is submitted that the report of the Joint Committee was filed on 09.12.2021 by the 3rd Respondent and the report addressed all the queries raised herein by this Hon'ble Tribunal and the Joint Committee had given its recommendations.

8. It is humbly submitted that this Respondent cannot take any steps or action even if there is any violation at this stage as the SEIAA is yet to be constituted as stated above.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to consider the plea and pass such order or orders as this Hon'ble Tribunal may deem fit and proper in circumstances of the case and thus render justice.

Dated at Chennai on this the 17th day of January, 2022



2ND RESPONDENT

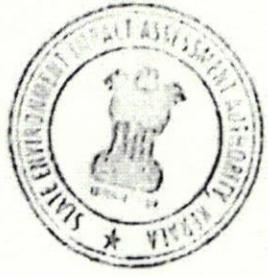
VERIFICATION

I, RANI R.S., wife of Mr. Prabodh Chandran, aged about 45 years, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby verify that the contents of paras 1 to 8 are true to the best of my personal knowledge and paras 1 to 8 are believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 17th day of January, 2022



2ND RESPONDENT



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