

IN THE COURT OF NATIONAL GREEN TRIBUNAL (SZ), CHENNAI

APPLICATION NO. 21 OF 2017

IN THE MATTER OF:

Ramesh Vellore
S/o. Late B.K.Nair,
Residing at Flat No.32/1, Jyotsna main street,
Padmavathy Nagar Extn.,
Velachery, Chennai – 600 042

... Applicant

Versus

1. The State Level Environment Impact Assessment Authority,
Represented by its Member Society,
Panagal Buildings, Saidapet, Chennai – 600 015.

2. The Chennai Metropolitan Development Authority,
Represented by its Member Secretary,
Thalamuthu-Natarajan Maligai,
Egmore, Chennai – 600 008.

3. The Corporation of Chennai,
Rep. by its Commissioner,
Rippon Buildings, Chennai

4. M/s. Esthell Homes,
Rep. by its Authorized Representative,
No.1, Royal Enclave Besant Avenue,
Adyar, Chennai – 600 020.

... Respondents

OBJECTIONS FILED BY THE 4th RESPONDENT IN O.A. 21/2017 FOR
THE JOINT COMMITTEE REPORT CONSTITUTED BY THE HON'BLE
NATIONAL GREEN TRIBUNAL

The Respectable Joint Committee failed to consider that:

1. The fourth Respondent reported that they have obtained necessary Environmental Clearance and they did not make any violation or deviation and they were complying with the conditions.
2. The fourth Respondent reported that they have completed the construction of two blocks and basement etc., have been filled up.
3. The fourth Respondent reported that they have taken all necessary safety measures before beginning the construction.
4. The fourth Respondent reported that they have taken all necessary precautions against mud-sliding on the eastern side adjacent to the Block by adopting soil shoring and nailing techniques
5. The fourth Respondent reported that the stagnated drainage water started flowing in the reverse direction on the night of 13.11.2015 due to the clogging and breakage of the existing drainage system in the adjacent streets (4th and 5th streets of Padmavathy Nagar) resulting in the reverse flow of storm and drainage water into our property with force which loosened and damaged our soil nailing and guniting resulting in the mud-sliding for a small area and this was not due to any act committed by them.
6. The incident happened due to heavy rain and people have to vacate the premises and they are not responsible for any of the act as alleged.
7. The fourth respondent has taken the following steps to restore the setback area so as to prevent any further damage to the neighbouring property.
8. The fourth Respondent reported that they have organized an inspection by a team consisting of Soil Consultant, Structural Consultant, Architect immediately on 21st November 2015 once the area became accessible.
9. Due to stagnation of water all around our site and due to continuous monsoon climate our plot was full of water and it was advised that immediate de-watering was not possible.
10. The fourth respondent reported that they have been advised by the soil and structural consultants not to de-water as it may result in erosion of soil
11. The reduction of water has enabled us to start piling of sand bags to the adjacent buildings in order to help us to commence de-watering on a slow pace.

12. The fourth Respondent reported that they have fully covered their side of the adjacent properties with sand bags up to a length of 70 meters and width Of 1.5 meters from the adjacent building forming their setback.
13. The fourth respondent reported that they have also obtained the partial Completion certificate from CMDA for its complex vide letter No EC/S-1/7715/2017 dated 06.12.2017.
14. The fourth respondent has produced the copy of certified compliance Obtained from Regional office, MoEF & CC and CTO for Phase I obtained from TNPCB.
15. The Respectable Joint committee has failed to note that the damage to the applicant residence has happened only due to the Act of God.
16. The damage ascertained by the respectable joint committee is highly excessive and not maintainable.

C. Vidhusan
COUNSEL FOR 4TH RESPONDENT