

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

**Original Application No. 21 of 2021 (SZ)**

Dr. Anupkrishnana.V  
Flat 7173, Tower 7, Prestige Bella Vista,  
Ayyappanthangal Village, Mount Poonamallee Road,  
Kanchipuram District, Chennai – 600056.  
Mobile no. 9445727579, 9447527579  
Email: anupkrishnanviswanath@gamil.com

...Applicant(s)

Versus

Ministry of Environment & Forest and Climate Change  
Represented by its Director, MoEF & CC RO (SEZ)  
HEPC Building, No.34, Cathedral Garden Road,  
Nungambakkam, Chennai - 600034  
Ph: 044 28222325 & 5 others.

...Respondent(s)

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Advocate for the Respondent: TNPCB  
Tr. S. Sai Sathya Jith,  
Advocate, Chennai

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**REPORT FILED ON BEHALF OF THE 6<sup>th</sup> RESPONDENT  
TAMIL NADU POLLUTION CONTROL BOARD.**

I, R.Vijayabaskaran, son of Thiru. E.Ratnam, Hindu, aged about 58 years, having my office at No. 76, Mount Salai, Guindy, Chennai – 32, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am filing this Report on behalf of the 6<sup>th</sup> Respondent TNPC Board and as such I am well acquainted with the facts of the case as per records.

2. It is respectfully submitted that the applicant filed this application with the prayer to

  
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*"i. To direct the respondents 4 & 5 to stop operating the incomplete residential complex Prestige Bella Vista. Respondents 4 & 5 have violated several stipulations of the EIA clearance letter no F.No./SEIAA/FN/F430/2011-1A.III dated 16/10/2012.*

*ii. To instruct the respondents 4 & 5 to comply with all stipulations in the Environmental Clearance letter and to ensure the implementation of the enactments specified in the Schedule I of the National Green Tribunal Act, 2010 before putting Prestige Bella Vista Project into operational phase.*

*iii. To instruct respondents 1 & 2 to conduct a re – inspection at Prestige Bella Vista Project and to ensure the implementation of the enactments specified in the Schedule I of the National Green Tribunal Act, 2010.*

*iv. To direct respondents 1 & 2 to take strict action against Respondents 4 & 5 for not complying with the stipulations in the Environmental Clearance letter no F.No./SEIAA/FN/ F430/2011-1A.III dated 16/10/2012 and starting the Project without the Environmental Clearance Letter in January 2012 itself and putting it into operational phase without Completion Certificate.*

*v. To instruct Respondent 3 to stop issuing Completion Certificate to the PBV Project till the compliance with the stipulations in Planning Permit and EIA clearance letter are met with."*

3. It is further submitted that the Hon'ble NGT has passed order dated 05.02.2021 and directed inter alia as follows:

*"Para 7: ..... In order to ascertain the genuineness of the allegations made in the application, we feel that it is appropriate to appoint a Joint Committee comprising of (1) Senior Officer from the Regional Office of MoEF & CC, Chennai (2) Senior Officer from SEIAA and (3) Senior Scientist from the State Pollution Control Board to inspect the area in question and find out if there is any violation. The committee is directed to consider the question as to whether there is any*

  
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*violation of Environment Clearance conditions; whether any permission has been obtained for the purpose of establishing ETP or STP and if there is any violation in implementing the conditions imposed in that regard; and whether any damage has been caused on account of the non compliance of the conditions imposed and if so what is the amount of compensation to be recovered from them and submit a factual as well as action taken report in this regard. The SEIAA will be the Nodal Agency for coordination and for providing necessary logistics support for this purpose”.*

4. It is respectfully submitted that M/s. Prestige Estates Projects Ltd, has obtained Environmental clearance in the name and style of M/s. Prestige Bella Vista from MoEF vide F.No.SEIAA/F430/2011-1A-III dated 16/10/2012 for construction of Residential apartment in the total land area of 100199 S.qm with total build up area 478003 S.qm Comprising of 20 Blocks of residential building and 1 block of club house at Survey Numbers 1/1, 1/2, 2, 3/1, 3/2, 3/3, 5/1, 8/2A, 50/1A, 50/2, 50/3, 50/4, etc., Ayyappanthangal Village, Kundrathur Taluk, Kancheepuram District.

Subsequently the developer M/s. Prestige Bella Vista, Survey Numbers 1/1, 1/2, 2, 3/1, 3/2, 3/3, 5/1, 8/2A, 50/1A, 50/2, 50/3, 50/4, etc., Ayyappanthangal Village, Kundrathur Taluk, Kancheepuram District has obtained Consent to Establish vide Proc. dated 28.06.2013, for the construction of Residential apartment comprising of 33 Blocks in 20 Towers of residential building with two basement and 1 block of club house, Each tower having 2 basement + ground +

  
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16 floor in the total land area of 100199 S.qm with total build up area of 458341 S.qm.

Further, the developer of M/s. Prestige Estates Projects Ltd, - Prestige Bella Vista, Survey Numbers 1/1, 1/2, 2, 3/1, 3/2, 3/3, 5/1, 8/2A, 50/1A, 50/2, 50/3, 50/4, 51/1A(pt), 51/1B1, 51/1B3, 51/1C1, 51/1C3, 51/1D, 51/1E, 52/1, 52/2, 53, 54/1(pt), 35, 42/1, 42/2, 42/3A, 42/3B, 42/4, 42/5, 43/1, 43/2, 44/1A, 44/1B, 44/2, 44/3, 45/1A, 42/1B, 45/2, 45/3, 45/4A, 45/4B, 46/1, 46/2, 46/3, 47/1E, 48/1A, 48/1B, 48/2, 48/3, 48/4, 49/1, 49/2, 49/3, 50/1B, Ayyappanthangal Village, Kundrathur Taluk, Kancheepuram District has obtained Consent to Operate vide Proc No.T2/TNPCB/F.1918SPR/RL/SPR/A/2018 DATED: 26/11/2018 valid upto 31.03.2020, for Residential Building Complex "Prestige Bella Vista" Comprising of 25 Blocks in 17 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2083 Dwelling units & 1 Block of Club House having Double Basement floor + Ground floor + 1 floor) with total built up area (Phase -I) of 338361 Sq.m. The Consent was further extended upto 30-09-2020 for all the industries due to COVID-19.

5. It is respectfully submitted that the said residential project was inspected by the officials of Tamil Nadu Pollution Control Board on 22.09.2020 and the following were observed:

- a. The said Residential Building Complex "Prestige Bella Vista" constructed comprising of 33 Blocks in 20 Towers

  
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with 2613 dwelling units thus violating the said consent order conditions.

- b. Total build up area of residential building complex is extended from 338361 Sq.m to 352151 Sq.m thus violating consent order conditions.
- c. Sewage generation is increased as against the permitted quantity of sewage of 850 KLD.
- d. There is a discrepancy in the consent order, Environmental clearance and in actual construction made.
- e. Consent was issued in the name of M/s. Prestige Estates Projects Limited – Prestige Bella Vista - Phase I and Environmental clearance was issued in the name of M/s. Prestige Estates Projects private Limited

In view of the above show cause notice was issued to the developer vide Proc. dated 23.09.2020 under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1984 as amended . The unit has furnished its reply for the show cause notice on 03.12.2020 stating that they have applied for renewal for the 25 Blocks in 20 Towers as per the consent (CTO) approved sq.m of 338361 and the developer has assured to apply for fresh consent for the remaining 8 blocks at the earliest and requested to issue the renewal of consent to the unit according to CTO.

  
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6. It is respectfully submitted that, during subsequent inspection on 19.02.2021, the following were observed:

- a) The developer has constructed building comprising of 33 Blocks in 20 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2613 Dwelling units with total build up area of 352151 Sq.m for which the developer has not obtained necessary clearance from SEIAA, Tamilnadu and TNPCB, Chennai for increasing the blocks from 25 Nos to 33 Nos. thus violating Environmental clearance dated 16/10/2012 as per the General conditions No.6, *In Case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry and consent to operate issued to the unit on 26/11/2020 as per the Special condition No.1, The consent to operate is valid for operating the facility for the manufacture of product (Col.2) at the rate (Col.3) mentioned. Any change in the products and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained*
- b) The developer has obtained planning permission for the construction of above project from CMDA Vide Lr.No.C3/4208/2010 dated 29.12.2011 and subsequently they have obtained planning permission from CMDA vide letter

  
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dated 13.02.2013 for the construction of MSB Residential building build up with 33 blocks with 2610 Dwelling units

- c) The developer has obtained building permit from Chennai Corporation vide CEBA/CD12/00088/2012 C3/4208/2010 dated 30.12.2011 for construction of above said project.
- d) The developer has furnished partial completion certificate obtained from CMDA for construction residential apartment for 25 blocks only vide CMDA letter dated 08.01.2016, 16.03.2016. However the developer has constructed 33 blocks and during inspection it was noticed that the 33 blocks were under operable conditions. The developer has not obtained completion certificate from the competent Authority and entire building is now occupied.
- e) As per the EC, the developer shall provide adequate drinking water facility based on the Reverse Osmosis treatment technology. However during inspection it was noticed that the developer has not provided Reverse Osmosis treatment technology for adequate drinking water.
- f) The developer has provided Sewage Treatment Plants (STP's) capacity of 450 KLD, 860 KLD, 240 KLD. All the components of STP were under operation. Treated sewage analyzed through NABL Approved lab & its ROA reveal that all the parameters are within the limit prescribed by the Board.

*[Handwritten signature]*  
31/5/21

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Treated sewage samples were collected on 20.01.2021 and ROA of treated sewage is awaited

- g) The unit has provided Electro Magnetic Flow Meters (EMF's) at the inlet and outlet of the all the STP which is under operation
- h) As per the consent order the treated sewage 376 KLD utilized for toilet flushing, 216 KLD utilized for gardening. The excess treated sewage 237 KLD is to be disposed in to CMWSSB Nesapakkam Decanting Point sewer network. However during inspection it was noticed that the treated sewage partially utilized for toilet flushing and partially utilized for gardening/green belt development. The developer has not disposed the excess treated sewage to CMWSSB Nesapakkam Decanting Point. It is reported that the entire treated sewage generated from the residential complex is being utilized for toilet flushing/Green belt development in their premises. However there is no sufficient area available for gardening within the premises. The developer having 3.828 Hectare for gardening/Green belt development.
- i) The developer has not obtained authorization under Hazardous and other waste (Management & Trans boundary Movement) Rules, 2016 for disposal of hazardous waste generated from the unit.

  
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- j) The developer has installed Organic Waste Converter to compost the leaves/biomass and the same was utilized as manure for their gardening and the was in operation.
- k) The developer has provided acoustic enclosures with stack for the DG sets capacity of 725 KVA (10 Nos.), 600 KVA (5 Nos.) and 500 KVA (5Nos.) were under operable conditions and the developer has conducted ambient air quality survey/stack survey through NABL Approved lab & its ROA reveal that all the parameters are within the limit prescribed by the Board
- l) The developer has provided separate energy meters in STPs to assess the quantum of energy consumption of STPs.
- m) There is no trade effluent generated from the residential complex.
- n) The developer has provided rain water harvesting percolation system all around the boundary of the residential complex.
- o) The developer has provided Separate wet and dry bins at the ground level for facilitating segregation of waste.
- p) The developer has provided Green belt development all along the boundary of the complex.
- q) The developer has provided solar panels at the roof top for electrification of the common area.

  
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r) The developer has not handed over the property to the Owner/Society/Welfare Association so far.

7. It is respectfully submitted that, the unit was issued with direction under Section 33 A of the Water (P&CP) Act, 1974 as amended and section 31A of the Air (P&CP) Act 1981 as amended vide Board Proc dated:08.04.2021 to comply the following:

1. The developer shall apply for CTO for the entire projects as per CTE within 15 days.
2. The developer shall operate the activities only after obtaining necessary consent of the Board.
3. The developer shall provide Reverse Osmosis treatment technology for drinking purpose as per the EC conditions
4. The developer shall obtain authorization under Hazardous and other waste (Management & Trans boundary Movement) Rules, 2016 for disposal of hazardous waste generated from the unit.
5. The developer shall dispose treated sewage to CMWSSB STP at Nessappakkam.
6. The developer shall strictly abide by the outcome/order of the Hon'ble NGT (SZ) in OA No. 21 of 2021 from time to time.

8. It is respectfully submitted that, during inspection of the unit on 20.04.2021 by the DEE, it has been observed that the unit has not

  
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taken any effective steps to comply with the directions issued by the Board as on date and also continued violation of consent conditions as stipulated in the CTO. Therefore as per the "CPCB Methodology for assessing Environmental Compensation and Action Plan to utilize the fund", Environmental compensation has been computed for a period from 23.09.2020 to 23.06.2021 and show cause notice has been issued to the unit vide Proc. dated 16.08.2021, to show cause within 15 days from the date of receipt of this notice as to why Environmental Compensation shall not levied to the unit under Section 5 of the Environmental Protection Act, 1986 as per the guidelines issued by the Hon'ble NGT & CPCB for the violations caused by the unit.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

  
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TAMIL NADU POLLUTION CONTROL BOARD  
No.76, MOUNT SALAI, GUINDY,  
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**BEFORE ME**

## VERIFICATION

I, R.Vijayabaskaran, Son of Thiru. E.Ratnam, working as Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032, do hereby submits that the contents of above report are true to the best of my knowledge through records.

Verified at Chennai on this 31<sup>st</sup> day of August, 2021.

*Am P*  
*30/8/21*  
ADDL. CHIEF ENVIRONMENTAL ENGINEER  
TAMIL NADU POLLUTION CONTROL BOARD  
No.70, MOUNT SALAI, GUNDEY,  
CHENNAI-600 032.

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6<sup>TH</sup> RESPONDENT - TAMIL NADU  
POLLUTION CONTROL BOARD.**

Advocate for the Respondent: TNPCB  
Tr. S. Sai Sathya Jith,  
Advocate, Chennai

Date: 07.09.2021

Date of Hearing: 23.09.2021