

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI**  
**(filed under section 19 of the National Green Tribunal Act, 2010)**

**in**

**Original Application No 21/2021(SZ)**

**IN THE MATTER OF**

**Dr. Anupkrishnan.V**

**Flat 7173, Tower 7, Prestige Bella Vista**

**Ayyappanthangal Village, Mount Poonamallee Road**

**Kanchipuram District, Chennai- 600056**

**mobile no: 9445727579, 9447527579**

**email: [anupkrishnanviswanath@gmail.com](mailto:anupkrishnanviswanath@gmail.com)**

**..... Applicant**

**Versus**

**1. Ministry of Environment, Forest and Climate Change**

**Represented by its Director, MOEF&CC RO(SEZ)**

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**2. State Level Environment Impact Assessment Authority**

**Represented Member Secretary**

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**3. CMDA**

**Represented by its Member Secretary**

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**4. M/s Prestige Estates Projects Ltd**

**Represented by Chairman & Managing Director**

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**Bangalore-1 Karnataka, PIN: 560001**

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**5. M/s Prestige Estates Projects Ltd, Chennai**

**Represented by Head of Business Operations**

**Prestige Polygon- top floor, #471, Anna Salai**

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**6. TAMIL NADU POLLUTION CONTROL BOARD**

**Represented by its Member Secretary**

**Corporate Office, 76, Mount Salai, Guindy**

**Chennai- 600032**

**Phone: 044 22353145**

**Email: [tnpcb-chn@gov.in](mailto:tnpcb-chn@gov.in)**

**7. Managing Committee of**

**Prestige Bella Vista Flat Owners Welfare Association**

**Represented by Mr. Balachander. B as Secretary**

**Flat No. 181210, Tower 18C, Prestige Bella Vista**

**Ayyappanthangal Village, Mount Poonamallee Road**

**Kanchipuram District, Chennai – 600056**

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## 8. Managing Committee of

**Prestige Bella Vista Flat Owners Welfare Association**

**Represented by Mr. Balakrishnan. SS as President**

**Flat No. 181012, Tower 18C, Prestige Bella Vista**

**Ayyappanthangal Village, Mount Poonamallee Road**

**Kanchipuram District, Chennai – 600056,**

**Cell No: 9987377654**

**Email: president@prestige-bella-vista.com**

**ssbalki13@gmail.com**

..... Respondents

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### **REJOINDER FILED BY THE APPLICANT TO THE REPORT OF TNPCB IN OA 21/2021(SZ).**

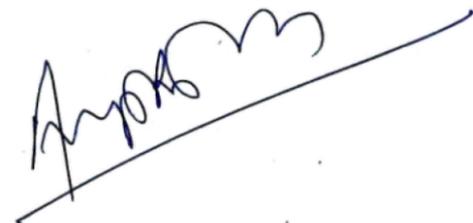
#### **MOST RESPECTFULLY SHOWETH:**

- 1) That this instant rejoinder is being filed by the applicant to the report of TNPCB dated 13-09-2021 in compliance with the Hon'ble Tribunal order dated 05-02-2021 and 25-08-2021 respectively.

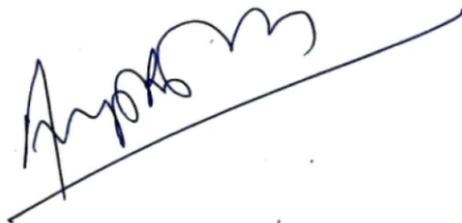
#### **Background:-**

- 2) That the applicant has filed a case against Respondent 1 – 8 before the Honorable NGT (SZ) vide O.A No. 21/2021 for violation of conditions imposed in the environmental Clearance and also regarding the other permissions granted to the respondents 4&5 for their project.

- 3) That the Hon'ble NGT(SZ), Chennai dated 05/02/2021 has ordered 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 TN State Pollution Control Board to inspect the area in question and to find out if there is any violation.
- 4) That the committee is directed to consider the question as to **(1) whether there is any violation of Environment Clearance conditions: (2) 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 (3) whether any damage has been caused on account of the non compliance of the conditions imposed and if so, (4) what is the amount of compensation to be recovered from them and (5) 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.
- 5) That DEE of TNPCB along with other members of Joint Committee inspected the said residential complex on 20-04-2021 and submitted its report on 10-08-2021 in compliance with the Hon'ble Tribunal order dated 05-02-2021.
- 6) That **Environment Clearance** was issued by MoE&F, New Delhi vide letter F. No.SEIAA/F430/2011-IA.III dated 16-10-2012 to respondents 4&5 for proposed residential complex "Prestige Bella Vista" at Ayyappanthangal, Sriperumbudhur Taluk, Kanchipuram District. *(Please refer page 21-27 of OA 21/2021).* The scope of the project was as follows,
- a) Total land area of the Project was 100,199 sq.m
  - b) Total built up area was 478,003 sq.m
  - c) **Construction of 20 blocks residential buildings and one block of club house was proposed**
  - d) Total water requirement was calculated as 1659 KLD



- e) Fresh water requirement of 859 KLD was proposed **to be sourced from bore wells and metro water. Permission to draw ground water should be obtained from the competent authority prior to construction/operation of the project.**
  - f) Waste water generation is estimated to be 1133 KLD which would be treated in STP of capacity of 1610 KLD. The treated waste water is proposed to be partly recycled for flushing in toilet and gardening. Excess waste water is proposed to be disposed through the municipal sewage collection system.
  - g) The power requirement during operation is estimated to be 16 MVA
  - h) Emergency power back up was to be provided by 26 nos of 750 KVA DG sets
  - i) Total car parking spaces provided for parking were 3769 ECS
- 7) That the Respondents 4&5 submitted Planning permit for construction of Prestige Bella Vista Project to Respondent 3 in 2011 after changing the scope of the project. Respondents 4&5 got the planning permission from respondent 3 vide PP No.C/PP/MSB-IT/38A to Ac/2012, Permit No.7115 in letter no. C3/4606/2011 dated 28/05/2012 which was re issued on 13/02/2013 (**Annexure-1**). The scope of the Project was as follows,
- a) Total land area of the project was 100,182.70 sq.m
  - b) Total built up area was changed to 443,738.16 sq.m
  - c) Construction of residential multi storied building of 33 blocks of ground floor + 16 floors + lower basement floor + upper basement floor was proposed instead of 20 blocks of residential buildings and one block of club house as was proposed in the Environmental Clearance
  - d) Total car park space provided for car parking was changed to 2215 ECS
- 8) That the **Consent to Establish** was issued to M/s Prestige Bella Vista of M/s Prestige Estates Projects Ltd located at Ayyappanthangal Village, Kanchipuram District for the construction of residential apartment by respondent 6 vide CTE Proc. No. T11/TNPCB/F.18722/OL/SPR/W&A/2013 dated 28/06/2013(refer page 25-38 of the



**Rejoinder to JC Report).** The scope of the Project was different from that of Environmental Clearance conditions and was as follows,

- a) Total land area of the Project to be 100,199 sq.m
  - b) **Total built up area of the Project was changed to be 458,341 sq.m**
  - c) **Construction of residential multi storied building of 33 blocks in 20 towers of residential building with each tower having 2 basement plus ground plus 16 floor and one block of club house instead of 20 blocks and one block of club house as was mentioned in the Environmental Clearance.**
  - d) Fresh water requirement of 859 KLD was proposed to be sourced from bore wells and metro water. **Unit shall obtain and submit NOC from competent authority for ground water abstraction.**
  - e) Waste water generation is estimated to be 1076 KLD (488+230+358) which would be treated in a STP of capacity of 1550 KLD (240+450+860). 488 KLD should be used for toilet flushing, 230 KLD should be used for gardening and 358 KLD should be discharged into the CMWSSB sewer line after approval from CMWSSB.
  - f) Emergency power back up was to be provided by 26 nos. of 750 KVA DG sets.
  - g) The unit shall comply with the conditions imposed in Environmental Clearance obtained from the MoE&F vide their letter No.F.No.SEIAA/F430/2011-IA.III dated 16/10/2012.
  - h) The unit shall ensure sufficient parking space within the premises and in no case the vehicles of the inmates or visitors be parked outside the premises or on road sides.
  - i) The unit shall develop 25% of the total area as the green belt. The open spaces inside the plot shall be suitably landscaped and covered with vegetation of suitable variety.
- 9) That the **CONSENT TO OPERATE** was issued to M/s Prestige Estates Projects Ltd – Prestige Bella Vista Phase-1 at Ayyappanthangal Village, Sriperumbudur Taluk, Kancheepuram District, vide Proc. No. T2/TNPCB/F.1918SPR/RL/SPR/W&A/2018

dated 26/11/2018 (refer page 125-131 & 151-159 of written statement to Joint Committee). The scope of Project was completely changed from that of Environmental Clearance and CTE conditions without appraisal from the Ministry of Environment and the unit was issued the Consent to Operate fraudulently.

- a) Total land area of the Project to be 100,199 sq.m
- b) **Total built up area of the Project was changed to 338,361 sq.m**
- c) **Construction of residential building complex was renamed to “Prestige Bella Vista – Phase I” and 25 blocks in 17 towers and one block of club house with each tower having two basements, Ground plus 16 floors were permitted to be constructed instead of 33 blocks in the Consent to Establish.**
- d) The unit shall comply with the condition imposed in Environmental Clearance obtained from the MoEF vide their letter No.F.No.SEIAA/F430/2011-IA.III dated 16/10/2012. (But in reality it was never complied).
- e) Waste water generation was estimated to be 829 KLD (376+216+237) which would be treated in a STP of capacity of 1550 KLD. 376 KLD should be used for toilet flushing, 216 KLD should be used for gardening and 237 KLD should be discharged into the CMWSSB – Nesapakkam Decanting point.
- f) **Emergency back up was provided by 10 DG sets of 725 KVA + 5 DG sets of 600 KVA + 5 DG sets of 500 KVA instead of 26 nos. of 750 KVA DG sets proposed in the Environmental Clearance and CTE.**

**OBJECTIONS TO THE REPORT OF TAMIL NADU POLLUTION CONTROL BOARD**

- 10) That the Respondent 6 inspected the residential project on 20-09-2020 and found out that Respondents 4&5 had constructed the residential building complex Prestige Bella

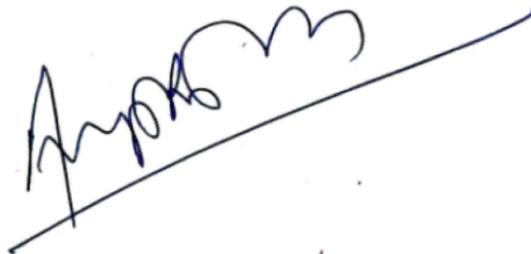
Vista comprising of 33 blocks in 20 Towers (Each Tower having 2 basements, ground plus 16 floors) with 2610 dwelling units with a total built up area of 352,151 sq.m.

Respondent 6 found out that the total built up area of the residential building was increased from 338,361 sq.m to 352161 sq.m thus violating the said consent order conditions. **Actually the built up area was increased to 443,738 sq.m instead of 3521,51 sq.m.(please refer page 20 of OA 21/2021).** Respondent 6 found out 4 more major violations during the inspection hence a show cause notice was issued vide Proc. Dated 23-09-2020.

- 11) **That the Respondent 6 issued Consent to Establish to Respondents 4&5 in 2013 to construct residential multi storied building comprising of 33 blocks of residential building having 2 basement plus ground plus 16 floor and one block of club house violating the Environmental Clearance stipulations which clearly mentioned construction of of 20 blocks and one block of club house only.**
- 12) That Respondent 3 issued planning permission to respondents 4&5 on 13-02-2013 for construction of MSB of 33 blocks of residential building with 2610 dwelling units instead of 20 blocks by blatantly flouting Environmental Clearance stipulations.
- 13) That the respondent 6 issued CTO to respondents 4&5 on 26<sup>th</sup> November 2018 which was valid up to March 31<sup>st</sup> 2020 flouting the CTE stipulations which clearly mentioned construction of 33 blocks of residential buildings and one club house. Actually Respondents 4&5 started sending the 6 monthly compliance report to MoEF&CC and Pollution Control Board from 2016 only (refer page 49 of OA 21/2021). As per the entire 6 monthly compliance reports submitted up to March 2019, the project was under construction and not operational. The Project got Compliance Certificate from MoEF&CC on 5/02/2019 only.
- 14) That Respondent 6 fraudulently issued CTO to a false name PRESTIGE ESTATES PROJECTS LIMITED – PRESTIGE BELLA VISTA-PHASE I, comprising of 25 blocks & 1

block of club house on 26-11-2018 flouting the CTE and Environmental Clearance conditions. Respondent 6 argued that CTO was issued based on the submission of two partial completion certificate by respondents 4&5 which was obtained from CMDA for 25 blocks only vide CMDA letter dated 08-01-2016 and 16-03-2016 respectively (refer page 106-109 of OA 21/2021). But this argument doesn't have any legal standing as the procedure for obtaining CTO is very clear that all the conditions imposed in the CTE should have been complied with. **The CTE to PBV Project was issued for construction of MSB with 33 blocks, not for 25 blocks. Secondly, the Partial Completion Certificate clearly mentioned that respondents 4&5 completed only 25 blocks out of 33 blocks and they satisfy the norms for the issue of partial completion certificate instead of final completion certificate of the project. So issuance of CTO for 25 blocks out of 33 blocks by respondent 6 was illegal. Respondent 6 did not record the fact that Respondents 4&5 had already constructed all 33 blocks and made it operational by 2016 itself by illegally connecting electricity, metro water and sewage to all 33 blocks.**

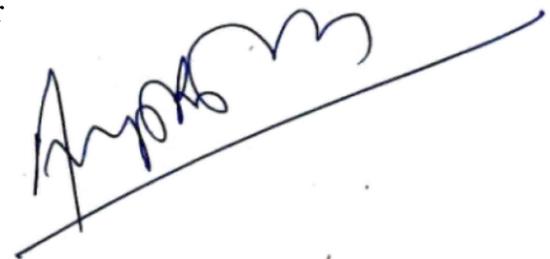
- 15) That Respondent 6 inspected the PBV Project on 19-02-2021 but failed to mention serious non compliance of STP and WTP that was commissioned inside the project. Respondent 6 did not mention anything about the log book maintained by the Project Proponent along with the readings of the Electro Magnetic flow meters installed to assess sewage quantity per day and domestic water consumption. The Proponent shall maintain the Electro Magnetic Flow Meters/water meters installed at the inlet of the water supply connection for the domestic purposes as per special conditions 5 of CTO under Water Act (refer page 128 of Written Statement submitted to Joint Committee). The project proponent shall maintain the Electro Magnetic Flow Meters with computer recording arrangement for measuring the quantity of effluent generated and treated for the monitoring purpose as per special conditions 6 of CTO under Water Act.



- 16) That Respondent 6 did not mention that Respondents 4&5 failed to obtain and submit NOC from competent authority for ground water abstraction prior to construction/operation of the project.
- 17) That Respondent 6 didn't mention that respondents 4&5 were not sending regularly the monthly water consumption returns of each of the purposes with water meter readings in Form-1 from April 2015 to March 2021 which should have been filed on or before 5<sup>th</sup> of every month. Respondent 6 failed to record that Respondents 4&5 were not sending yearly return on Hazardous wastes generated and accumulated for the period from 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2021 in Form-4 before the end of the subsequent 30<sup>th</sup> June of every year. Respondent 6 failed to record that respondents 4&5 were not sending yearly environmental statement for the period from 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2021 in Form-5 before the end of the subsequent 30<sup>th</sup> September of the every year (General Condition 16 of CTO under Water Act).
- 18) That Respondent 6 failed to mention that Respondents 4&5 didn't install 26 DG sets of 750 KVA as was stipulated in the CTE and Environmental Clearance. The applicant strongly objects to the observation of TNPCB that Adequate numbers of DG sets were provided to meet out the back up power supply. Total energy requirement during the operation of the project was 16 MVA as stipulated by EC as well as CTE, which would be sourced from the nearby TNEB power grid.

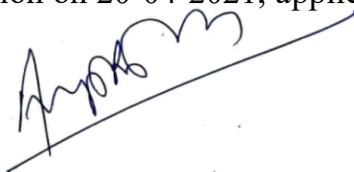
As per the brochure of PBV and Electricity Board guidelines, the 4BHK houses require 10KVA power, 3BHK require 7.5KVA, 2.5/2BHK require 5KVA and 1BHK require 3.5 KVA power which would be sourced from the nearby TNEB power grid.

268 4BHK will require 2.68MVA of power  
 842 3BHK will require 6.315 MVA of power  
 298 2.5BHK will require 1.49 MVA of power  
 602 2BHK will require 3.010 MVA of power  
 603 1BHK will require 2.11 MVA of power.



The average of 2613 apartments will require 15.6 rounded off to 16MVA of power (**FAQ 7 in page 223 and electrical specifications in page 225 of Rejoinder to the JC report**).

- 19) That 26 nos. of 750 KVA DG sets were proposed as per the EC and the CTE stipulations for emergency power back up. **The respondents 4&5 obtained a CTO for 25 blocks fraudulently instead of 33 blocks as was stipulated in the CTE. On record, Respondents connected 25 blocks to the TNEB power grid thus reducing the power requirements to 12.0 MVA only, for which the substation and transformer yard has been installed within the project site after obtaining approval from TNEB.** They installed 20 DG sets (10 nos. Of 725 KVA + 5 nos. of 600 KVA + 5 nos. of 500 KVA) with a total capacity of 12.75 MVA for emergency back up as was stipulated in the CTO. **But Respondents 4&5 connected entire 33 blocks to the 12 MVA power grid and the 20 DG sets of 12.75 MVA illegally.**
- 20) That Respondent 6 failed to record the blatant encroachment by DG outlet, illegal car park, illegal construction of WTP, Avin Booth, Piped Gas Bank construction, tennis court and TNEB Office along the boundary of the project where provision for green development was envisaged. Applicant pointed out these violations point by point during the inspection on 20-04-2021 but the members of Joint Committee failed to take note of it in their report.
- 21) **That Applicant strongly objects to the statement by Respondent 6 that Respondents 4&5 provided roof top solar panel for electrification of common area.** Respondents 4&5 failed to provide solar energy for illumination of common areas, lighting of garden and street lights in addition to provision for solar water heating. They also failed to observe that a hybrid system or full solar system for a portion of apartments as was planned in Environmental Clearance were also not provided. Respondent 6 failed to notice that 80% of the solar water heating system for top 2 floors were non functional. During the Joint Committee inspection on 20-04-2021, applicant requested the members



to inspect the solar water heating system of all 30 towers to assess the condition but none of them obliged to do so.

### **RECOMMENDATIONS**

22) That the calculation of environmental compensation by TNPCB did not include the actual number of days of violation of environmental conditions. They calculated a meager 273 days in stead of 2372 days (6½ years). The Project including 33 blocks started functioning from 2015 till now without CTO.

### **PRAYER**

It is humbly prayed that the Hon'ble National Green Tribunal(SZ) may kindly be pleased to pass appropriate further orders as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

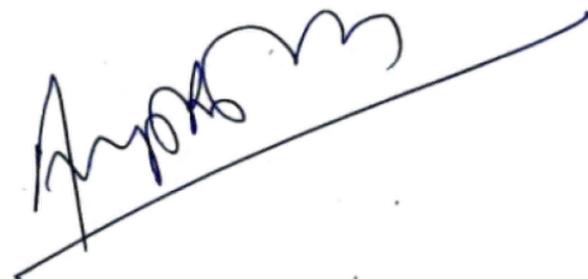


**Applicant**

**Party in Person**

### **AFFIDAVIT**

**I, Dr. Anupkrishnan. V, aged 57 yrs, son of Late K. Viswanathamenon, resident of Flat No. 7173, Tower 7, Prestige Bella Vista, Ayyappanthangal Village, Chennai-600056, do hereby solemnly affirm and declare under:-**



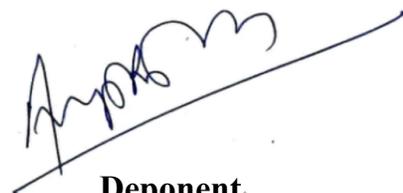
1. That I am the Applicant in the OA No. 21/2021(SZ) and I am well conversant with the facts and circumstances of the case and is competent to swear the present affidavit.
2. That I have read the contents of the Rejoinder to the Report of TNPCB and the same are true and correct and is drafted by my own instruction.



**Deponent**

**VERIFICATION:-**

Verified at Ayyappanthangal, Chennai-56 on the 15<sup>th</sup> September 2021, that the contents of the affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.



**Deponent**

## ANNEXURE-1



சென்னைப் பெருநகர் வளர்ச்சிக் குழுமம்  
Chennai Metropolitan Development Authority

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## Multi Storeyed Buildings Planning Permission Approval Details - 2012

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SNo.	P.P. NO.	DATE OF APPROVAL	FILE NO.	NAME OF THE APPLICANT (Thiruvallur)	SITE ADDRESS	VILLAGE	PROPOSED CONSTRUCTION	PLOT AREA IN SQ.MTR.	ARCHIT SURVEY ADDRE
38	7115	28/05/2012	C3/4606/2011	M/S.PRESTIGE ESTATES PROJECTS LTD., No.117, Thiyagaraya Road, Citi Towers, 7th Floor, T.Nagar, Chennai-17	S.Nos.1/1, 1/2, 2, 3/1, 3/2, 3/3, 5/1, 8/2A, 35, 42/1, 42/1A, 42/1B, 42/2, 42/3A, 3B, 4, 5, 43/1, 2, 44/1A, 1B, 44/2, 3, 45/1A, 1B, 45/2, 3, 4A, 4B, 46/1, 2, 3, 47/1E, 48/1A, 1B, 2, 3, 4, 49/1, 2, 3, 50/1A, 1B, 2, 3, 4, 51/1APart, 51/1B1, 1B3, 1C1, 1C3, 1D, 1E, 52/1, 2, 53 & 54/1Part of Ayyappanthangal Village, Mount Poonamallee Road, Chennai	Ayyappanthangal	Proposed Construction of 33 Blocks (Type-A – 18 Nos., Type-B – 8Nos, Type-C – 4Nos, Type-D – 3Nos.) of Ground Floor + 16 Floors Residential Buildings with 2610 Dwelling Units and Common Lower Basement Floor + Upper Basement Floor Connecting (i) A1 to A4, A10 to A18, B1, B6 to B8, C1 & C4 (ii) A5, B2 to B4 & C3 & (iii) A6 to A9, B5, C2 & D1 to D3 & Club House Block with Basement Floor + 2Floors.		

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