

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ),

CHENNAI

ORIGINAL APPLICATION NO. 21 OF 2021

Dr. Anupkrishnan. V

Flat No. 7173, Tower 7, Prestige Bella Vista,

Ayyappanthagal Village, Mount Poonamallee Road,

Kanchipuram District, Chennai - 600 056

... Applicant

v.

Ministry of Environment, Forest and Climate Change,

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

HEPC Building, No.34, Cathedral Garden Road,

Nungambakkam, Chennai - 600 034

And 7 Others.

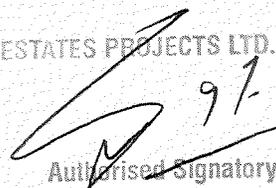
... Respondents

**OBJECTIONS FILED BY THE 4TH & 5TH RESPONDENTS TO THE FURTHER
REPORT DATED 21/03/2022 FILED BY THE JOINT COMMITTEES****The 4th and 5th Respondents named above most respectfully submit as
under:**

1. The Fourth and Fifth Respondents (*"the Answering Respondents"*) have perused the contents of the Report dated 21/03/2022 [uploaded on the portal of the Hon'ble NGT on 24/03/2022] and deny the averment and findings contained thereunder, which allege non-compliance by the Answering Respondents. The Answering Respondents further crave leave of this Hon'ble Tribunal to read the contents of its earlier Objections dated 22/09/2021 as part and parcel of this Objection.

At the outset, the Answering Respondents crave leave of this Hon'ble Tribunal to read its earlier pleadings in these proceedings as part and parcel of this Objection. The statements and contentions in the earlier pleadings are not repeated/ reiterated for the sake of brevity and to avoid repetition.

for PRESTIGE ESTATES PROJECTS LTD.

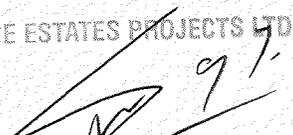


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Para-wise response:

2. The contents of the Preamble to the Report are facts on record that require no specific traversal. It is true that the Joint Committee had prepared the Report and Further Report as per the directions of the Hon'ble Tribunal.
3. The Answering Respondents now proceeds to deal with the remarks of the Joint Committee in the Report dated 21/03/2022 (uploaded on 24/03/2022), to the Objections raised by the Applicant.
4. In response to the Applicant's allegation relating to purported violations in the built-up area and number of blocks; the Joint Committee has rightly observed that there is no violation of the EC conditions committed by the Answering Respondents with respect to construction of the Project, both in respect of the number of Blocks/ Towers or the total built-up area. Hence, the Applicant's contention in this regard is untenable and unsustainable.
5. In this connection, the Answering Respondent state as follows:
 - (i) The EC in respect of the Project was issued by the First Respondent on 16/10/2012, subject to the terms and conditions. As per the EC, the total land area of the Project is 1,00,199 sq. m (24.76 acres) and the total built-up area of construction should be within 4,78,003 sq. m. It further records that the proposal involves construction of 20 blocks. The term "block" was used in the EC to denote the number of Towers proposed to be constructed under the Project.
 - (ii) The Answering Respondents obtained the approval of the Planning Permit issued by the CMDA/ Third Respondent under the Tamil Nadu Town and Country Planning Act, 1971. The Planning Permit issued by the Third Respondent duly records that the Answering Respondents were accorded approval to construct 33 Blocks within the total built-up area viz., 4,58,341 sq. m.
 - (iii) Meanwhile, the Sixth Respondent issued the CTE dated 28/06/2013 for the Project, which provided as follows:

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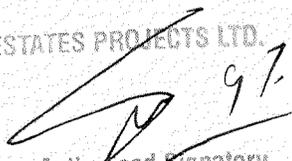


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“Construction of Residential Apartment in the total land area of 1,00,199 sq. m. with total built-up area 4,58,341 sq. m. comprising of 33 blocks in 20 towers of residential buildings with two basements and 1 block of club house, each tower having 2 basement plus ground plus 16 floors”

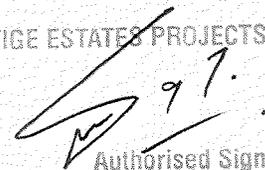
6. As such, while issuing the CTE, the Sixth Respondent has duly confirmed that 33 Blocks in 20 Towers is to be constructed within the total built-up area specified thereunder. Accordingly, the Answering Respondents have constructed 20 Towers; each of these Towers comprises of one or more blocks (to a maximum of three blocks), aggregating to a total of 33 blocks (**“Blocks”**). This is evident from a perusal of the Planning Permit and the master plan issued by the Third Respondent. The Answering Respondent further state that such construction is permissible and in due compliance of the law. Needless to state, the same is also in due compliance with the conditions of EC.
7. Most importantly, as submitted above, the Project was constructed well within the total built-up area as envisaged in the EC. In precise terms, the Answering Respondents developed and constructed the Project comprising of 33 Blocks in 20 Towers with a total built-up area of 4,49,971 sq. m. (inclusive of FSI and non-FSI areas), and 4,43,738.16 sq. m. excluding the non-FSI area, along with facilities such as club house, parks, open spaces, and car parking’s etc. At present, the residents, including senior citizens, professionals, entrepreneurs, foreign nationals, and children, are residing within the Project, peacefully with an enhanced quality of life.
8. Significantly, in the Report under response, the Joint Committee, comprising of the First Respondent authority (who had issued the EC) has confirmed that there is no violation in so far as the construction of number of Blocks and Towers under the Project and that the same are constructed well within the total built-up area. Therefore, the construction of the Project is not in violation of built-up area stipulated under the EC. The Third Respondent has also not raised any objections to the constructions under the Project.

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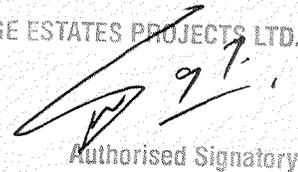
9. As regards the allegation regarding non-extension / expansion of the CTE for the Project, the Answering Respondents submit that the construction of the Project was completed in all respects for all necessary purposes, much prior to the expiry of the CTE and hence there was no requirement to seek renewal / extension / expansion of the same. In fact, upon completion of constructions, the Answering Respondents had made applications for issuance of completion certificate. Pursuant to the same, the Fire Inspection took place and subsequently, two (2) Fire Compliance Report (i.e., the first step towards issuance of the completion certificate) were issued for the entire Project (33 Blocks in 20 Towers) by March 2015 and August 2015 itself. Thereafter, two completion certificates were issued by the Third Respondent (for 25 Blocks), while the completion certificate for the balance 8 Blocks is withheld citing pendency of a litigation between the parties before the Hon'ble Supreme Court. As regards the renewal of CTO the application for the same was submitted much prior to its expiry.
10. Furthermore, in order to process the CTO-Expansion (inclusive of the 8 Blocks), the Sixth Respondent directed the Answering Respondents to pay a fee of Rs.17,37,400/- towards CTE- Expansion. Accordingly, the Answering Respondents have duly remitted the fee towards CTE-Expansion to the Sixth Respondent on 06/09/2021.
11. As regards the allegation relating to drawing ground water, the Joint Committee has also rightly observed that the bore wells within the Project premises are not currently in use. Therefore, it is submitted that there is no violation caused by the Answering Respondents in this regard.
12. As regards the Operational Phase, the Joint Committee has rightly arrived at a conclusion that the Answering Respondents are in due compliance with the EC Conditions/ CTE Conditions/ environmental laws, in respect of the following:
- (i) Installation of STPs and the treated sewage generated therefrom show that all parameters are within the prescribed limits of the Board

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- (ii) The Answering Respondents have neither provided car washing center nor a shopping mall within the Project as the same are restricted within the Project. Hence, this has avoided fugitive emissions from the shopping complex and multiplex
- (iii) The Answering Respondents have constructed collection sump to store run-offs from the terrace and percolation pits along the storm water drains to augment ground water level. Further, the Project has also been provided with silt trap to pre-treat / remove suspended matter, etc.
- (iv) The Answering Respondents have maintained prescribed standard of ambient air quality (AAQ) as per prescribed standards and the air emissions are also duly disposed.
- (v) The Answering Respondents have provided and allotted car parking slots within the Project premises and no utilization of public space is recorded.
- (vi) The Answering Respondents have provided energy conservation measures within the Project (up to about 20% of energy). The Answering Respondents submit that this is adequate and in due compliance of the environmental norms.
- (vii) No centralized air conditioning is provided. Therefore, it is submitted that Ozone Depletion Substances (Regulation & Control) Rules are inapplicable.
- (viii) The Answering Respondents have provided Environmental Management Cell to supervise and monitor the environmental related aspects of the Project.
- (ix) As per Special Conditions 31 of CTE, EMF Meters have been provided in the Project.
- (x) It has further rightly recorded that OCEMS is only required for Industries falling under Category 17. Hence, it is submitted that the Project does not require installation of OCEMS.

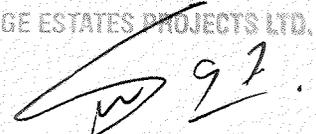
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13. However, the Joint Committee has made certain erroneous findings/ observations.
- (i) Reverse Osmosis treatment technology not provided:
14. As submitted earlier, the drinking water for the Project is being sourced from the Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB). The sourced water is pre-treated in the common water treatment plant operated & maintained by CMWSSB. In addition, the water received from CMWSSB is being treated by the three (3) Water Treatment Plant (WTP) comprising of Pressure Sand Filter (PSF) and Activated Carbon Filter (ACF) installed within the Project, as well as disinfected by chlorination. The STPs installed within the Project have a total capacity of 67.5 m³/ hour and are designed to meet the domestic water standards.
15. Most importantly, the Total Dissolved Solids (TDS) in fresh water supplied to the Project is less than 500 mg/l. It is respectfully submitted that, in O.A. No. 134 of 2015, the Principal Bench of the Hon'ble NGT, New Delhi, vide Order dated 20/05/2019 had considered the issue of consequences of Reverse Osmosis Technology and inter alia took note of the fact that RO technology reduces the extent of potable water drastically, which resource is as such extremely scarce and also has significant ramifications on the health of individuals by stripping water off essential minerals. In addition, the Hon'ble Tribunal had also observed that there is wastage of water i.e., the reject water from the plant to an extent of around 80%, and same would harm surface water and the surroundings if disposed untreated. Accordingly, the Hon'ble NGT, New Delhi inter alia directed prohibition of the use of Reverse Osmosis plants across all the states where Total Dissolved Solids (TDS) in water is less than 500 mg/l.
16. In view of the above, as mechanical compliance with the EC Conditions would in fact result in a situation that is harmful to the health of persons as also the environment, the Answering Respondents have opted for alternate mechanisms of treating fresh water. The said mechanisms are superior in technology and in being environmentally friendly, when compared to Reverse Osmosis. It is humbly submitted that the intention behind this stipulation in the EC is to ensure that the drinking water

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supplied is treated and fit for human consumption. The Answering Respondents have ensured compliance with this stipulation by putting in place adequate filtering mechanism to ensure distribution of good quality drinking water.

17. The Joint Committee has failed to take into account the justifications furnished by the Answering Respondents in the Objections dated 22/09/2021 to the earlier report. It is also pertinent to point out that Joint Committee, during inspection had neither received any instances of complaints from the residents regarding the quality of drinking water provided, nor has any material been produced to show any lack of quality in the drinking water provided.

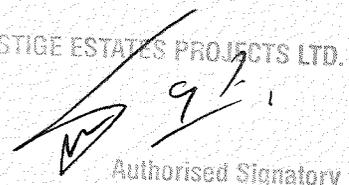
(ii) Unsegregated Solid Waste disposal:

18. It is submitted that the waste generated from the Project is being collected and segregated into bio-degradable and non – biodegradable waste at source. The biodegradable waste is being collected and treated in Organic waste convertor (OWC) i.e., an in-vessel bio conversion technique, installed within the Project premises, which converts the biodegradable waste / organic waste into compost with the help of thermal bacterial process. This was also inspected by the Joint Committee during inspection by the Answering Respondents and the photographic evidence in this regard is enclosed along with the Report submitted by the Joint Committee on 11/08/2021. The treated waste is used as manure for greenbelt within the Project. The non-biodegradable waste is duly disposed of through recyclers. The averment that the un-segregated waste is being disposed into the Iyyappanthangal Municipal Solid Waste Dump site was noticed during inspection is specifically denied as false and baseless.

(iii) DG sets and authorization under Hazardous and Other Waste (Management & Transboundary Movement) Rules, 2016:

19. It is submitted that the total power requirement for the project is 10.5 MVA (10,500 KVA) for which the substation and transformer yard has been installed within the project site by obtaining prior approval from Tamil Nadu Electricity Board (TNEB). The Answering Respondents have provided with 100% power back-up with 20 DG Sets viz., comprising of

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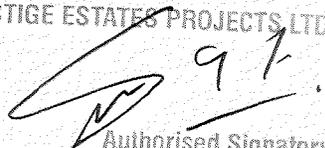

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725 KVA (10 Nos.), 600 KVA (5 Nos.) and 500 KVA (5 Nos), with a total capacity of 12.75 MVA (12,750 KVA) for the project site. Hence, the adequate numbers of DG sets are being provided to meet out 100% backup power supply for the entire Project. In fact, the Joint Committee, in its Inspection Report, had rightly observed that *“adequate numbers of DG sets were provided to meet out the back-up power supply”*. It is also pertinent to state that, in the First Report, the Sixth Respondent had also categorically recorded that the DG sets installed by the Answering Respondents *“were under operable conditions and the developer has conducted ambient air quality survey/ stack through NABL Approved lab and its ROA reveal that all the parameters are within the limit prescribed by the Board”*. As regards the Hazardous waste authorization, an application (application no 40810455) was filed by the Answering Respondents on 13/09/2021 through TNOCMMS website. However, the said application has been returned on 13/10/2021 by TNPCB’s District Environmental Engineer Office stating that the same will be issued *“only after valid consent of the Board.”* The Answering Respondents are following up with the Sixth Respondent and taking earnest steps to obtain this authorization. In fact, the Answering Respondent has engaged an agency authorized by the Sixth Respondent to dispose hazardous waste from the Project (i.e., spent oil/ waste from the DG sets). As such, the Answering Respondents have substantially complied with the mandate under the EC, and no harm whatsoever have been caused. The observation that the purported quantity of allegedly accumulated hazardous waste as on the date of the inspection was 800 liters is denied as unsubstantiated and baseless. In fact, as on date, the waste is regularly being disposed through an authorized agency.

(iv) Greenbelt provided is inadequate:

20. The Answering Respondents submit that 15 % of the land area (i. e. 3.282 Hectares) under the Project has been as landscape/green belt, thereby conforming to the TNPCB norms. Sufficient greenbelt and open spaces have been provided within the Project to cater an eco-friendly and environmentally conscious atmosphere to its residents. The Report has failed to take note of the greenbelt and open spaces under the Project and has consequently arrived at an erroneous finding, which is both false and baseless.

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(v) Installation of Solar Panels:

21. The Answering Respondents have achieved 20 - 30% energy conservation method, inclusive of solar energy, by inter-alia providing:

- a) solar water heater for the top 2 floors of 30 Blocks
- b) pressure reducing valve for water consumption
- c) dual system for flushing
- d) LED bulbs instead of CFL
- e) Variable Frequency Drive (VFD) drive panel for lifts and pumps to reduce power consumption
- f) CO2 censor for ventilation plants
- g) energy efficient level transformers to avoid power losses
- h) DG sets in consonance with CPCB norms.
- i) All these facts have not been considered by the Sixth Respondent in its Report. In addition, it is reiterated that sufficient green belt and open spaces have been provided within the Project to cater an eco-friendly and environmentally conscious atmosphere to its residents.

22. Moreover, based on the recommendation of the Joint Committee, the Answering Respondents have also proposed to harness adequate solar power for lightings at driveways and garden areas within the Project. In this regard, the Answering Respondents have already issued work order and the contractor has commenced works within the Project.

23. It is further submitted the total plot coverage area of the Project is only 21.67% and, after offsetting the OSR of 10%, the remaining area of approximately 68% (which constitutes the majority area) is only allocated towards open spaces (including roads, hardscaping, parks, and green belts). The green belt development is in conformity to the standards of the residential project. In compliance with the EC conditions, the Answering Respondents have ensured that the available green belt acts as an adequate barrier to avoid/ reduce for noise pollution (day and night). This further negates the Joint Committee's findings on the alleged inadequate greenbelt within the Project.

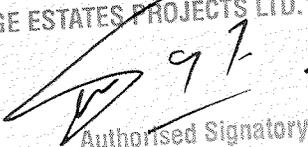
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(vi) CTO for the Project/ Additional Built-up area:

24. It is submitted that, as per the EC, the total land area of the Project is 1,00,199 sq. m (24.76 acres) with a total built-up area of 4,78,003 sq. m. The Answering Respondents also obtained the CTE to carry out the construction of the entire Project. The Answering Respondents have also obtained necessary planning and building permit for the entire Project. Accordingly, the Answering Respondents had constructed and completed the entire Project comprising of 33 Blocks [total built-up area of 4,49,971 sq. m, (inclusive of FSI & non-FSI areas) and 4,43,738.16 sq. m. (excluding non-FSI area)], in terms of inter-alia, the EC and CTE. Therefore, the entire basis and consequent findings of the Joint Committee that the Answering Respondents had constructed additional area of 1,11,610 sq. m without prior consent is erroneous, unsubstantiated, and unintelligible. The Joint Committee is put to strict proof of the same.
25. Moreover, despite completion of the constructions, the Third Respondent issued completion certificates for 25 Blocks and withheld the completion certificate for the remaining 8 Blocks by citing the pendency of an unconnected dispute between the CMDA and the Answering Respondents before the Hon'ble Supreme Court. Therefore, due to the non-availability of the completion certificate for the 8 Blocks, the Answering Respondents were constrained to apply for CTO in respect of 25 Blocks.
26. Subsequently, the CTO for these 25 Blocks was to expire by 30/09/2020. Therefore, the Answering Respondents applied for renewal of the said CTO on 27/07/2020. On examination, taking into account the fact that the entire Project was completed, the Sixth Respondent, vide letter dated 08/04/2021, directed the Answering Respondents to apply for CTO Expansion for entire Project comprising of all 33 Blocks, with total build up area of 4,49,971 sq. m., by paying the requisite fees. Accordingly, on 05/08/2021, the Answering Respondents had also applied for the same by paying the fees as directed to be paid. However, the Sixth Respondent returned the application seeking the completion certificate for the remaining 8 Blocks, which is withheld by the Third Respondent by citing the pendency of a litigation between the parties. Notwithstanding the above, in the interest of time, the Answering

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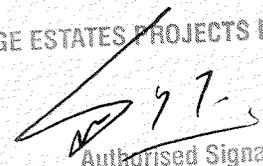


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Respondents have subsequently requested the Sixth Respondent to consider the renewal of CTC for 25 Blocks (Phase I) for which CTO was already granted and to consider the request for CTO Expansion (inclusive of the 8 Blocks under Phase II) in parallel.

27. Needless to state, the Answering Respondents have duly completed the construction of the 8 Blocks as per the EC, CTE and approved plan of the Third Respondent, but the completion certificate has been withheld by the Third Respondent, which itself has been kept pending for an unduly delayed period on account of pending litigation.
28. The Answering Respondents are taking earnest efforts in following up with the Third Respondent to obtain the said certificate. It is reiterated that the completion certificate for these 8 Blocks is not withheld by the Third Respondent by citing any violation of any law/ regulations by the Answering Respondents. In any event, the issue relates to compliance with the Tamil Nadu Town and Country Planning Act and is currently sub-judice. It may not be out of place to reiterate that the Sixth Respondent has also erroneously failed to renew the CTO, which had been granted by it earlier.
29. At this juncture, it is pertinent to submit that, generally in residential projects of this nature, STPs and DG sets are the only two major systems that could potentially raise environmental concerns. To this end, various requirements to be met by the STPs and DGs are also envisaged in the EC. The STPs and DG sets installed within the Project are also covered within the CTO issued by the Sixth Respondent for the 25 Blocks. These STPs and DG sets are sufficient for the entire Project (including the remaining 8 Blocks) and no additional STPs or DG sets are required. Moreover, the Answering Respondents are regularly monitoring these systems to ensure that there are no violations of the environmental laws. In such circumstances, it is humbly submitted that there has been no loss or harm caused by the Answering Respondents in the instant case.
30. The Show Cause Notice dated 08/04/2021 and 23/09/2021 issued by the Joint Committee and Sixth Respondent in respect of the levy of Environmental Compensation is erroneous, and untenable. These Notices were duly responded to by the Answering Respondents.

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31. As regards the Joint Committee's recommendations, it is submitted that the Answering Respondents have obtained CTE for the 3 STPS installed within the Project and the current discharge of the treated sewage is well within the consent limit. The same has been regularly monitored through an NABL Accredited Laboratory. The characteristics of treated sewage are as follows:

Parameter	Characteristics of treated sewage based on test report from NABL Accredited Laboratory	Standards (NGT (PB) Order dated 30.04.2019 in O.A. No. 1069/2018)
pH	7.04	5.5 – 9.0
Biochemical Oxygen Demand (BOD)	6 mg/l	10 mg/l
Total Suspended Solids (TSS)	6.5 mg/l	20 mg/l
Chemical Oxygen Demand (COD)	30 mg/l	50 mg/l
Fecal Coliform (FC)	<2	230

32. The consolidated report also shows that the parameters are in the same range of values, which are within the standard limits. Hence, the same are not in contravention to the consent order and the discharges are within the prescribed consent limits.
33. Furthermore, based on the "Guidelines for Continuous Emission Monitoring Systems, 2018" by Central Pollution Control Board (CPCB), it is mandatory to install Online Continuous Emission/Effluent Monitoring Systems (OCEMS) for 17 heavy Polluting Industries in order to track the discharges of pollutants into the various Environments. However, this Project is a residential one that does not fall within this list of industries which require OCEMS to be installed. Be that as it may, the Answering Respondents are continuously monitoring the Project for environmental compliances including monitoring of Ambient Air, Ambient Noise, Stack Emission, STP Treated Sewage characteristics & WTP Treated Water characteristics through an NABL accredited Laboratory. The copy of the reports is submitted vide Six monthly

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compliance report to TNPCB, CPCB & MoEF & CC. It is relevant to submit that the Answering Respondents are also in due compliance of the Solid Waste Management Rule, 2016 and Hazardous and other wastes (Management & Transboundary Movement) Rules, 2016, which are framed under the Environmental (Protection) Act, 1986.

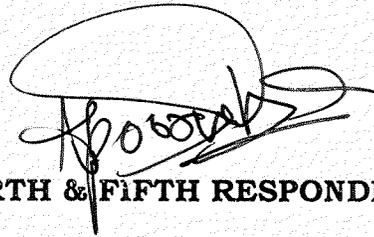
34. Therefore, the Answering Respondents reiterate that the levy Environmental Compensation is baseless and unwarranted, as outlined hereinabove, since there has not been any violation of the EC conditions and in any event no harm or adverse effect has been occasioned on the environment. Further, the findings of the Committee, in so far as they are detrimental/ unfavorable to the Answering Respondents herein may be rejected as the same is erroneous and without any basis.

For PRESTIGE ESTATES PROJECTS LTD



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FOURTH & FIFTH RESPONDENTS



COUNSEL FOR THE FOURTH & FIFTH RESPONDENTS

S. Arjun Suresh, B. Kishore,
Raghavendra Ross Divakar
Apoorva S. Vinjamur and
Gautham Balaji

Of M/s. Dua Associates
Advocates and Solicitors

Palani Centre, No. 32, Venkatanarayana Road
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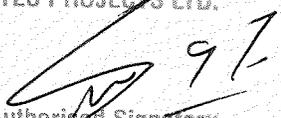
Place: Chennai

Dated: 04/04/2022

VERIFICATION

I, C. Nagaraj, S/o. Nagaraj C, son of Mr. C.R. Narasimhan, aged about 53 years, the Head – Business Operations (TN) of the Fourth and Fifth Respondents herein, having office at Prestige Polygon, Top Floor, 471, Anna Salai, Nandanam, Chennai 600, do hereby verify that the contents of paragraphs 1 to 34 above are true and correct to my personal knowledge and belief and that I have not suppressed any material fact.

For PRESTIGE ESTATES PROJECTS LTD.



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FOURTH & FIFTH RESPONDENTS

**BEFORE THE NATIONAL GREEN
TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No. 21 of 2021

Dr. Anupkrishnan. V

.... Applicant

Vs.

Ministry of Environment,
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Rep by its Director, MOEF & CC RO(SEZ)
Cathedral Garden Road,

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... Respondents

Objections to the further report of the Joint
Committee

S. Arjun Suresh

B. Kishore

Raghavendra Ross Divakar

Apoorva Vinjamur

Gautham Balaji

of M/s. Dua Associates, Advocates

COUNSEL FOR THE 4th & 5th RESPONDENT