

**BEFORE THE NATIONAL GREEN TRIBUNAL (SEZ) CHENNAI**

**Application No. 21 of 2021**

Dr. Anupkrishnan. V

Flat 7173, Tower 7, Prestige Bella Vista  
Ayyapanthangal Billage, Mount Poonamallee Rd.  
Kanchipuram District, Chennai – 600056  
mobile no: 9445727579, 9447527579  
email: anupkrishnanviswanath@gmail.com

...Applicant

-Vs-

1. 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  
Phone: 044 28222325  
Email: [ro.moefccc@gov.in](mailto:ro.moefccc@gov.in)
2. State Level Environment Impact Assessment Authority  
Represented by Member Secretary,  
3<sup>rd</sup> Floor, Panagal Maligai, No. 1, Jeenias Road, Saidapet,  
Chennai – 600015  
Phone: 044 24359974  
Email: [mstnseiaa@yahoo.com](mailto:mstnseiaa@yahoo.com)
3. CMDA  
Represented by its Member Secretary,  
Thalamuthu Natarajan Building,  
No. 1, Gandhi Irwin Road, Chennai – 600008  
Phone No. 044 28414355  
Email: [mscmda@tn.gov.in](mailto:mscmda@tn.gov.in)
4. M/s. Prestige Estates Projects Ltd.  
Represented by Chairman & Managing Director,  
Falcon House, No. 1 Main Guard Road,  
Bangalore – 1, Karnataka, PIN: 560001  
Phone: 080 25591080, 080 25591945  
Email: [irfan@prestigeconstructions.com](mailto:irfan@prestigeconstructions.com)

  
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Chennai Metropolitan  
Development Authority  
Chennai-600 008.**

5. M/s. Prestige Estates Projects Ltd, Chennai  
Represented by Head of Business Operations  
Prestige Polygon- top floor, #471, Anna Salai,  
Nandanam, Chennai – 600035  
Phone: 044 42924000  
Email: [Nagaraj.c@prestigeconstructions.com](mailto:Nagaraj.c@prestigeconstructions.com)
6. Tamil Nadu Pollution Control Board  
Represented by its Member Secretary, Corporate Office,  
76, Mount Salai Guindy – 600032  
Phone: 044 22353145  
Email: [tnpcb-chn@gov.in](mailto:tnpcb-chn@gov.in)

...Respondents

**COUNTER FILED BY THE THIRD RESPONDENT (CMDA)**

I, Anshul Mishra, I.A.S. son of Late Harishchandra Mishra, Hindu, aged about 44 years, having office at No.1, Gandhi-Irwin Road, Egmore, Chennai-600 008, do hereby solemnly and sincerely affirm as follows:

1. I am the Member Secretary of Chennai Metropolitan Development Authority (CMDA) and the Third Respondent herein. As such, I am aware of the facts of the case as borne out from records.

2. I have read the affidavit in the above Application and deny the same as false except those that are specifically admitted herein as true and correct. Before advertng to para-wise reply as against the various allegations contained in the affidavit filed by the Petitioner, it is necessary to place on record the following facts:

3. I submit that the above Application has been filed by the Applicant, praying for (1) a direction as against the Respondents 4 & 5 to stop operating the incomplete residential complex Prestige Bella Vista. (2) an instruction as against the Respondents 4 & 5 to comply with all stipulations in the Environmental Clearance letter and ensure implementation of enactments specified in the Schedule I of the National Green Tribunal Act, 2010 before putting Prestige Bella Vista Project into

  
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operational phase; (3) an instruction as against Respondents 1, 2 & 6 to conduct a re-inspection at Prestige Bella Vista Project and to ensure implementation of enactments specified in the Schedule I of the National Green Tribunal Act, 2010; (4) a direction as against Respondents 1, 2 & 6 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; (5) an instruction as against the Respondent 3 to stop issuance of Completion Certificate to the PBV Project till compliance with stipulations in Planning Permit and EIA clearance letter are met with.

4. I submit that earlier, M/s. Prestige Estate Projects Ltd (Respondent 4 & 5 herein) had obtained Planning Permission from CMDA for the construction of Multi Storied Building comprising 33 Blocks and Club House Block (Type A – 18 Nos, Type B – 8 Nos, Type C – 4 Nos, Type D – 3 Nos,) Combined Double Basement floor – 1 connecting the Blocks A1 to A4, A10 to A18, B1, B6 to B8, C1, C4 & Club House, Combined Double Basement floor – 2 connecting the Blocks A5, B2, B3, B4 & C3, Combined Double Basement floor – 3 connecting the Blocks A6 to A9, B5, C2, D1, D2 & D3, with each block consisting Double Basement floor + Ground floor + 16 Floors Residential Building with 2610 Dwelling units and Club House block consisting Basement floor + 1<sup>st</sup> floor part (Block D1 to D3 with 200 dwelling units in each Block are reserved for LIG Housing) at Mount Poonamalee High Road in S.No.1/1, 1/2, 2, 3/2, 3/3, 5/1, 8/2A35, 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, 45/1B, 45/2, 45/3, 45/4A, 45/4B, 46/1, 46/2, 46/3, 47/1E, 48/A, 48/1B, 48/2, 48/3, 48/4, 49/1, 49/2, 49/3, 50/1A, 50/1B, 50/2, 50/3, 50/4, 51/1A, 51/1B1, 51/1B3, 51/1C1, 51/1C3, 51/1D, 51/1E, 52/1, 52/2, 53, 54/1B of Ayappanthangal Village vide Planning Permission No. C/PP/MSB-IT/38 A to AC/2012, Permit No. 7115 (Valid up to 12.02.2016) in Letter No. C3(N)/4606/2011 dated 13.02.2013 under Premium FSI (Government have accorded approval in letter (Ms.) No. 09, H&UD (UD I) Dept., dated 05.01.2012) and also further, they had also

  
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obtained Building Permission from Ayyapanthangal Panchayat in No.16/2013-14 dated 23.04.2013.

5. I further submit that the Planning Permission had been issued by this 3<sup>rd</sup> respondent with a condition that *"the approved plans are released based on the interim orders passed by the Hon'ble High Court in their order dt.22.01.2013 on the appeal petition filed by the (3<sup>rd</sup> respondent) CMDA in M.P. Nos. 1 & 1 of 2013 in W.A. Nos. 147 & 148 of 2013, subject to the result of the above said appeals pending before the Hon'ble High Court"*.

6. I further submit that the 1<sup>st</sup> Partial Completion Certificate was issued in Lr.No. EC/C-I/4841/2015, CC No.EC/Central-I/04/2016 dated 08.01.2016 for completed 14 Blocks (A5, A6, A7, A8, A9, B2, B3, B4, B5, C2, C3, D1, D2 & D3) out of 33 Blocks and Club House Block Combined Double Basement floor – 2 connecting the Blocks A5, B2, B3, B4 & C3, Combined Double Basement floor – 3 connecting the Blocks A6 to A9, B5, C2, D1, D2 & D3. I further submit that each block consisting of Double Basement floor + Ground floor + 16 Floors Residential Building with 1340 dwelling units (as per approval 1337 dwelling units) in which the Blocks D1 to D3 with 603 Dwelling units (as per approval 600 dwelling units) is reserved for LIG housing vide CC No.EC/Central-I/04/2016 dated 08.01.2016.

7. I further submit that the 2<sup>nd</sup> Partial Completion Certificate was issued in Lr. No. EC/C-I/4841/2015, CC No.EC/Central-I/68/2016 dated 16.03.2016 for completed 11 Blocks and Club House Block (A3, A11 to A18, B1, B8 & Club House Block) out of 33 Blocks and Club House Block. Each Block consists of a Combined Double Basement floor – 1 connecting the Blocks A1 to A4, A10 to A18, B1, B6 to B8, C1, C4 & Club House + Ground floor + 16 floors residential building with 737 dwelling units.

8. While so, I further submit that the 3<sup>rd</sup> & Final Completion Certificate for 8 blocks was examined and M/s Prestige Estates Projects Ltd (4<sup>th</sup> & 5<sup>th</sup> Respondent) was advised to remit the balance premium FSI and I&A charges of Rs. 84,93,90,000/- subject to the outcome of the Hon'ble Supreme Court order vide 3<sup>rd</sup> respondent's Lr.

  
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No. EC/C-I/4841/2015 dt. 10.01.2019. I further submit that the M/s Prestige Estates Projects Ltd (4<sup>th</sup>& 5<sup>th</sup> respondent) had not remitted the said charges till date, instead M/s Prestige Estates Projects Ltd (4<sup>th</sup>& 5<sup>th</sup> Respondent) has filed a Curative Petition before the Hon'ble Supreme Court.

9. Subsequently, I submit that based on the Supreme Court orders dated 29.07.2019 in Civil Appeal Nos. 5642-5643 of 2019 (@SLP (C) Nos. 31274 – 31275 of 2014) & dated 06.11.2019 in R.P.(C) 2270 – 2271/2019 in C.A. 5642-5643/2019, an advice letter was sent to M/s Prestige Estates Projects Ltd vide Lr. No. C3(N)/4606/2011 dated 24.01.2020 requesting to remit the balance premium FSI charges to 3<sup>rd</sup> respondent (CMDA) within 15 days' time from the date of receipt of the advice letter dated 24.01.2020. In furtherance to the same, a reminder letter was also sent by this 3<sup>rd</sup> respondent (CMDA) in Lr. No. C3(N)/4606/2011 dated 22.04.2021.

10. I further submit that in response to the above, M/s Prestige Estates Projects Ltd (4<sup>th</sup>& 5<sup>th</sup> respondent) has vide letters dated 18.01.2021 & 29.04.2021 represented that they have preferred a Curative Petition against the orders passed by the Hon'ble Supreme Court in Civil Appeal Nos. 5642-5643 of 2019 as well as the Review Petition (C) No.2270 & 2271 of 2019 and requested that the enforcement of the demand towards premium FSI charges be kept in abeyance until disposal of the aforementioned Curative Petition.

11. I submit that in this regard, again a letter dt. 22.04.2021 was sent to M/s Prestige Estates Projects Ltd informing that the pending of a Curative Petition does not absolve the liability to pay the outstanding amount on Premium FSI charges.

12. Adverting to para-wise remarks, with respect to paragraph 1 and 2 it is submitted that the Planning Permission had been issued by CMDA vide Planning Permission No. C/PP/MSB-IT/38 A to AC/2012, permit No.7115 (Valid up to 12.02.2016) in Letter No.C3(N)/4606/2011 dated 13.02.2013 under premium FSI based on the interim orders passed by the Hon'ble High Court in their order



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புரட்சி மற்றும்  
புரட்சி மற்றும்

dated 22.01.2013 on the appeal petition filed by the CMDA in M.P. Nos. 1 & 1 of 2013 in W.A.Nos 147& 148 of 2013, subject to the result of the above said appeals pending before the Hon'ble High Court.

13. With respect to paragraph no. 3 of the Affidavit, it is submitted that it is not related to CMDA, hence no remarks.

14. With respect to paragraph no. 4 to 6, it is submitted that CMDA issued the 1<sup>st</sup> Partial Completion Certificate in Lr.No. EC/C-I/4841/2015, CC No.EC/Central-I/04/2016 dt.08.01.2016 for completed 14 Blocks out of 33 Blocks and Club House Block vide CC No.EC/Central-I/04/2016 dated 08.01.2016 and the 2<sup>nd</sup> Partial Completion Certificate was issued in Lr. No. EC/C-I/4841/2015, CC No. EC/Central-I/68/2016 dated 16.03.2016 for completed 11 Blocks and Club House Block out of 33 Blocks.

15. With respect to paragraph no. 7(A to I), 8, 9 and 10- Grounds (A, B (I to vi), it is submitted that the Environmental Clearance for the project "Prestige Bella Vista" at Iyyapanthangal village was issued by Government of India, Ministry of Environment & Forests (IA.III division) vide F. No. SEIAA/F430/2011- IA.III dt 16.10.2012. Subsequently, the Ministry of Environment & Forest, Govt. of India in Lr. No.EP/12.1/2012-13/SEIAA/16/TN/0255, dated 15.02.2019 issued a Compliance Report for the environmental clearance. And also DF&RS issued compliance certificate for the project vide their Lr. No.D.Dis.23584/C1/2014, dated 06.03.2015 in C.C. No.7/2015 for 11 Towers & Lr. No.D.Dis.8805/C1/2015, dated 25.08.2015 in C.C. No.41/2015 for 8 Towers.

16. It is further submitted that the 3<sup>rd</sup>& Final Completion Certificate for 8 blocks was examined and M/s Prestige Estates Projects Ltd (4<sup>th</sup>& 5<sup>th</sup> respondent) was advised to remit the balance premium FSI and I&A charges of Rs. 84,93,90,000/- subject to the outcome of the Hon'ble Supreme Court order vide 3<sup>rd</sup> respondent's Lr. No. EC/C-I/4841/2015 dt. 10.01.2019. But M/s Prestige Estates Projects Ltd (4<sup>th</sup> & 5<sup>th</sup> respondent) has not remitted the said charges till date, instead

  
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M/s Prestige Estates Projects Ltd (4<sup>th</sup>& 5<sup>th</sup> respondent) has filed a Curative Petition before the Hon'ble Supreme Court. Subsequently, based on the Supreme Court orders dated 29.07.2019 in Civil Appeal Nos. 5642-5643 of 2019 (@SLP (C) Nos. 31274 – 31275 of 2014) & dated 06.11.2019 in R.P.(C) 2270 – 2271/2019 in C.A. 5642-5643/2019, an advice letter was sent to the M/s Prestige Estates Projects Ltd vide Lr. No. C3(N)/4606/2011 dt. 24.01.2020 requesting to remit the balance premium FSI charges to the CMDA within 15 days' time from the date of receipt of the advice letter dated 24.01.2020. Also, a reminder letter was sent by CMDA in Lr. No. C3(N)/4606/2011 dated 22.04.2021. In response to the above, M/s Prestige Estates Projects Ltd (4<sup>th</sup>& 5<sup>th</sup> respondent) had vide letters dated 18.01.2021 & 29.04.2021 represented that, they have preferred a Curative Petition against the orders passed by the Hon'ble Supreme Court in Civil Appeal Nos. 5642-5643 of 2019 as well as the Review Petition (C) No.2270 & 2271 of 2019 and requested that the enforcement of the demand towards premium FSI charges be kept in abeyance until disposal of the aforementioned Curative Petition. In this regard, it is submitted that again a letter dt. 22.04.2021 was sent to M/s Prestige Estates Projects Ltd informing that the pending of a curative petition does not absolve the liability to pay the outstanding amount on Premium FSI charges.

It is therefore prayed that this Hon'ble Tribunal may be pleased to consider the submissions of this Respondent and thus, render justice.

  
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Chennai Metropolitan  
Development Authority  
Chennai-600 008.**

Solemnly affirmed at Chennai on  
this the 13<sup>th</sup> day of April, 2022  
and signed in my presence.

**BEFORE ME**

  
**ADVOCATE: CHENNAI**

**K. KRISHNAN LL.M.,**  
Advocate ENRL.No. MS.1146/17  
No.5, Law Chamber,  
High Court Building,  
Chennai - 600 104.  
Mobile : 98000 02613

**BEFORE THE NATIONAL GREEN  
TRIBUNAL (SEZ) CHENNAI**

**Application No. 21 of 2021**

Dr. Anupkrishnan. V  
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Ayyapanthangal Billage, Mount Poonamallee  
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...Applicant

-Vs-

1. 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  
Phone: 044 28222325  
Email: [ro.moefccc@gov.in](mailto:ro.moefccc@gov.in) & 5 others

...Respondents

**COUNTER FILED BY THE THIRD  
RESPONDENT (CMDA)**

**Tmt. P. VEENA SURESH  
COUNSEL FOR CMDA**

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