

**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)**

**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 Member Secretary,**

**3<sup>rd</sup> Floor, Panagal Maligai, No.1,**

**Jeenis 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: [mcmda@tn.gov.in](mailto:mcmda@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)**

### **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**  
**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**

**Cell No: 94443 98557**

**Email: secretary@prestige-bella-vista.com, bbala1962@gmail.com**

**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 ..... Respondents**

**ssbalki13@gmail.com**

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**REJOINDER FILED BY APPLICANT TO COUNTER AFFIDAVIT OF 3<sup>rd</sup> RESPONDENT DATED 11/05/2022 IN THE ORIGINAL APPLICATION NO. 21/2021(SZ):**



**THE APPLICANT NAMED ABOVE MOST RESPECTFULLY SHOWETH:-**

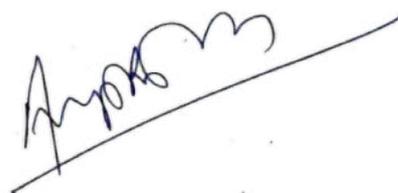
1. That the instant Rejoinder is being filed by the applicant in response to the counter statement filed on behalf of 3<sup>rd</sup> Respondent dated 11/05/2022. Applicant denies all the averments and allegations contained therein, except to the extent specifically admitted herein. Applicant puts the 3<sup>rd</sup> Respondent to strict proof of all averments and allegations that are not expressly admitted herein.
2. That the Applicant requests the Hon'ble Tribunal to read this rejoinder along with (i) The written statement filed by Applicant to Joint Committee dated 25-04-2021, (ii) Rejoinder to the Joint Committee Report filed by applicant on 28-08-2021, (iii) Rejoinder to the counter affidavit of R4 & R5 filed by applicant dated 19-10-2021, (iv) Rejoinder to the counter affidavit of 1<sup>st</sup> Respondent filed by applicant on 24-10-2021, (v) Rejoinder to TNPCB Report filed by Applicant on 15/09/2021, (vi) Objections filed by applicant to the further report of TNPCB on 10-02-2022, (vii) Objections filed by Applicant to the further report of Joint Committee on 21-03-2022, (viii) Interlocutory Application No. 11/2022(SZ) dated 08/01/2022 and (ix) Rejoinder filed by Applicant to the Counter Affidavit of Respondents 4&5 in IA 11/2022 dated 01/05/2022.
3. That the Applicant has filed a complaint dated 18/01/2021 against respondents 1 – 8 before Hon'ble NGT(SZ) vide OA. No. 21/2021(SZ) for violation of conditions imposed in the Environmental Clearance and also regarding other permissions granted to the Respondents 4&5 for their project. Applicant's fifth prayer was an instruction to 3<sup>rd</sup> Respondent to stop issuing Completion Certificate to the 'Prestige Bella Vista' project till the compliance with the stipulations in Planning Permit and Environmental Clearance letter were met.
4. That the Applicant has alleged in the complaint that the 3<sup>rd</sup> Respondent issued two Partial Completion Certificate illegally, (1) C.C.No.EC/Central-I/04/2016 dated 08/01/2016 for 14 blocks out of 33 blocks and (2) C.C.No.EC/Central-I/68/2016



dated 16/03/2016 for next 11 blocks and club house, overlooking violations of environmental stipulations mentioned in the Environmental Clearance (**Please refer to Page 9 Para 4, Page 13 para 9, Page 106-109 of OA No. 21/2021**). Applicant further alleged that the 3<sup>rd</sup> Respondent did not take any action based on the email complaints sent by Applicant regarding the violations committed by Respondents 4&5 (**Please refer page 160-161 of OA No. 21/2021**).

5. That those two partial completion certificates were issued illegally by 3<sup>rd</sup> Respondent in 2016 when, there was no provision existed in the CMDA Developmental Regulations and Town & Country Planning Act, 1971 to issue partial completion certificate. Applicant had sent an RTI to CMDA (3<sup>rd</sup> Respondent) on 12/01/2021 to inform on what grounds those two illegal Partial Completion Certificates were issued to Prestige Bella Vista Project, but 3<sup>rd</sup> Respondent didn't answer so far. Applicant has appealed to TNSIC on 23/03/2021 and the appeal is still pending (**Please refer to page 97 – 107 of the written statement submitted by the Applicant to the Joint Committee dated 25<sup>th</sup> April 2021**). 3<sup>rd</sup> Respondent haven't filed any counter to applicant's arguments in the Original Application No. 21/2021(SZ) that those partial completion certificates were illegal.
  
6. That the Hon'ble Tribunal has very clearly mentioned in the order dated 18/11/2021 which is as follows, .....**“Though 3<sup>rd</sup> Respondent entered appearance through their counsel, no statement has been filed by them. We feel that one more opportunity can be given to the parties who have not filed their statement. If they do not file their respective statement, then this Tribunal will be compelled to proceed with the matter, as they have no counter to the allegations made in the application.”**
  
7. That 6 months have been elapsed since Hon'ble Tribunal pronounced this order and the 3<sup>rd</sup> Respondent has finally filed their counter statement to applicant's allegation on 11/05/2022. But they did not offer any counter arguments to applicant's allegation that those two partial completion certificates were illegal and invalid at the time of issuance, thus indirectly admitting the same.

8. That the Applicant filed an Interlocutory Application No.11/2022 on 08/01/2022 to grant interim direction to cancel those two illegal Partial Completion Certificate issued to the 4&5<sup>th</sup> Respondents. 3<sup>rd</sup> Respondent haven't filed any counter to the IA 11/2022 even at the time of filing this rejoinder, thus admitting that they are not having any counter to the argument that those two partial completion certificates were illegal and invalid at the time of issuance in 2016.
9. That the 4&5<sup>th</sup> Respondents submitted the application for prior Environmental Clearance to the Director (IA-III), MOEF, New Delhi on 25/01/2011. It was presented in the 110<sup>th</sup> EAC meeting held on 5<sup>th</sup> -7<sup>th</sup> March 2012 and was returned with fresh TORs (**Annexure-1**). They further submitted the revised application on 18/06/2012 in which they proposed construction of 20 blocks and a club house with a total built up area of 458,341 sq.m. (**Annexure-2**). That 4&5<sup>th</sup> Respondents obtained environmental clearance for 20 blocks of residential building and one club house on 16/10/2012 (**Please refer to page 21-28 of OA No.21/2021**).
10. That 3<sup>rd</sup> Respondent issued planning permission to 4&5<sup>th</sup> Respondents to construct 33 Blocks of residential buildings + a club house on 13/02/2013 violating section 2(ii) and section 7(ii) of EIA notification, 2006. *4&5<sup>th</sup> Respondents constructed 34 blocks (33 block of residential building and one block of non residential building) + a club house without obtaining prior environmental clearance for expansion thus violated EIA notification, 2006. (Please refer to Page 33 of OA No.21/2021 & Page no. 15 section 18 and page no. 394 of Rejoinder of Applicant to Common Counter Affidavit of Respondents 4&5). 3<sup>rd</sup> Respondent in his letter No. EC/C-1/4841/2015 dated 14/09/2020 had requested 4&5<sup>th</sup> Respondents to pay additional developmental charges and I&A charges for the additional construction noticed during the process of final CC application process. (Please refer to page 170 of the Original Application No. 21/2021).* So, 3<sup>rd</sup> Respondent was very much aware that 4&5<sup>th</sup> Respondents committed violation of EIA notification, 2006.



11. That the 3<sup>rd</sup> Respondent overlooked violations of section 2(ii) and section 7(ii) of EIA notification, 2006 and illegally issued partial completion certificates to 4<sup>&</sup>5<sup>th</sup> Respondents in 2016. **A Case of violation of EIA notification, 2006 is very clearly defined in Section 13(i)&(ii) of the MOEF notification S. O. 804(E) which is as follows..** *“In case the projects or activities requiring prior environmental clearance under Environment Impact Assessment Notification, 2006 from the concerned Regulatory Authority are brought for environmental clearance after starting the construction work, or have undertaken expansion, modernization, and change in product-mix without prior environmental clearance, these projects shall be treated as cases of violations.”* *Section 13(iii) of MOEF Notification under S.O. 804(E) states that....* *“In cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, CTO or Occupancy Certificate will not be issued in cases of violations till the project is granted fresh Environmental Clearance for expansion, modernization or change of product mix in existing projects.”* So, the construction of 34 blocks of buildings (33 residential blocks and one non residential block) + a club house was a clear cut case of violation of EIA notification, 2006. 3<sup>rd</sup> Respondents failed to take further action under the provisions of section 19 of the Environment(Protection) Act, 1986 and to stop issue of Partial Completion Certificates as per MOEF notification under S.O. 804(E).

12. That the PBV project was expanded without prior environmental clearance by increasing the construction from 20 blocks of residential buildings and a club house to 33 blocks of residential buildings with a club house and one additional non-residential building Block which is now being used as Assistant Engineer (O&M) Office, TANGEDCO, Ayyappanthangal. **(Please refer to Page 15 section 18 and page no.394 of Rejoinder of Applicant to Common Counter Affidavit of Respondents 4&5).** TANGEDCO opened the office for entry of approximately 30,000 residents of Ayyappanthangal Village for bill payment in July 2021, but reversed their decision due to the protest from residents of Prestige Bella Vista. 3<sup>rd</sup> Respondent issued those two Partial Completion Certificates over looking the illegal

project expansion which is a major environmental violation requiring fresh prior environmental clearance as per section 13(ii) of MOEF notification S.O. 804(E). **Supreme Court Judgement dated 3<sup>rd</sup> December 2019 in Civil Appeal no. 2435 of 2019 – Keystone Realtor Pvt Ltd vs Shri Anil V Tharthare, upheld the directions of NGT to carry out EIA studies for issuance of fresh Environmental Clearance in cases of EC violation (Please Refer to page 14 of Rejoinder to CA in IA 11/2022).**

13. That the 4&5<sup>th</sup> Respondents applied for those two partial completion certificates for 25 blocks on 26<sup>th</sup> May 2014 and 12<sup>th</sup> January 2016 respectively, but they obtained Environmental Clearance for only 20 blocks and a club house at that time. CMDA insisted submission of ‘Certified Copy of Compliance Report on the Environmental Clearance conditions’ at the time of issuance of Completion Certificate but they failed to insist so in the case of Prestige Bella Vista in 2016. **4&5<sup>th</sup> Respondents did not even apply for the ‘Certified Copy of Compliance Report on EC Conditions’ when they obtained those two partial completion certificates.** They applied for ‘certified copy of compliance report on Environmental Clearance’ on 13<sup>th</sup> October 2017 only. **(Please refer to Page 174 Rejoinder to Joint Committee Report).** **3<sup>rd</sup> Respondent admitted in their Counter Statement dated 11/05/2022 that MOEF issued certified copy of compliance report on 15/02/2019 only.** Hence the issuance of those two partial completion certificates were illegal. Actually, the entire construction of PBV Project is illegal since additional 13 residential blocks + one non-residential block were constructed without obtaining prior environmental clearance for expansion thus violating the EIA notification, 2006.

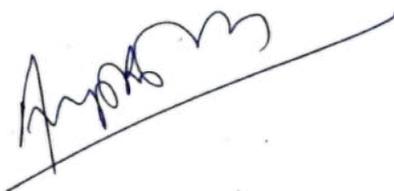
14. That the Madras High Court canceled Completion Certificate issued to “Osian Chlorophyll Project” for Environmental Clearance Violation in its judgment dated 15/09/2020 in C.M.S.A No. 22 of 2019. The Project didn’t have Environmental Clearance when the application for Completion Certificate was submitted on 29<sup>th</sup> May 2017. EC was obtained on 27<sup>th</sup> June 2018. But CMDA overlooked this violation and issued Completion Certificate on 6<sup>th</sup> September 2018. Hon’ble High Court ruled that the entire construction of the project is illegal **(Annexure-3).**



15. That Applicant lodges strong objection to the submission of the 3<sup>rd</sup> Respondent that they withheld the final completion certificate of the project for the non payment of the balanced premium FSI charges only. 4&5<sup>th</sup> Respondents are running this project without TNRERA registration, CTO and Completion Certificate violating EIA notification, 2006 since 2016. **At the outset, Applicant call upon 3<sup>rd</sup> Respondent to desist from issuing final Completion Certificate to the PBV project even if 4&5<sup>th</sup> Respondents pay the balance premium FSI, till the disposal of the Original Application. No. 21/2021(SZ).**
16. That 3<sup>rd</sup> Respondents overlooked the violations of EIA notification 2006 while issuing two partial completion certificates to the project. The PBV Project is considered an “ongoing project” by TNRERA Adjudicating Officer in its judgment dated 04/12/2020 in CCP No. 258/2019 and in the subsequent order by the TNREAT in its judgment dated 11/08/2021 in Appeal no. 29/2021 **(Please refer page 9 – 10 Para 21 of rejoinder to CA of 4&5<sup>th</sup> Respondents in IA 11/2022).** There is a Tamil Nadu Government order G.O.(Ms). No. 166 dated 29/11/2018 directing **“Member Secretary of CMDA and Commissioner of Town and Country Planning to include the registration of projects with TNRERA as one of the conditions in the planning permission and its compliance is a pre – requisite, for issue of Completion Certificate where the area of the land proposed to be developed exceeds 500 sq.m or the number of apartments proposed to be developed exceeds 8 inclusive of all phases. Compliance of this condition shall also be checked and ensured before issue of Completion Certificate”**(Annexure-4). 3<sup>rd</sup> Respondent can’t issue final completion certificate to PBV Project violating G.O.(Ms). No. 166 dated 29/11/2018.

**PARAGRAPH WISE OBJECTIONS TO THE COUNTER STATEMENT :-**

17. That the Paragraph 1 &2 do not require any traversal.
18. That the Paragraphs 3 – 8 are merely facts on record and don’t require any specific traversal.



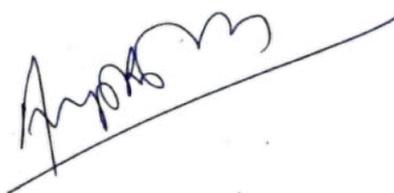
19. That the 3<sup>rd</sup> Respondent failed to mention in Para 9 that they have sent a reminder letter No.EC/C1/4841/2015 dated 14/09/2020 to 4 & 5<sup>th</sup> Respondents requesting them to pay the balance premium FSI charges of ₹80,76,75,000/- and additional I&A charges and developmental charges of ₹2,75,000/- for additional construction noticed during the process of final CC application. 3<sup>rd</sup> Respondents asked the 4&5<sup>th</sup> Respondents to furnish undertaking in Rs 20/- stamp paper that they shall obtain (1) NOC and Planning Permission from Executive Authority for the swimming pool already constructed, (2) Consent To Operate from TNPCB and to submit revised plan as site condition showing correct building and set back measurements duly signed by Registered Architect, Structural Engineer and Owner within 15 days from the date of receipt of the letter. Failing which necessary enforcement and legal action will be initiated based on the merits (Please refer to page 170 of OA No. 21/2021).

20. That the Para 10 doesn't require any traversal as it is recital of mere facts on record.

21. That the Para 11-14 are repetition of contents in the Para 4-10 mentioned earlier and do not require any comments.

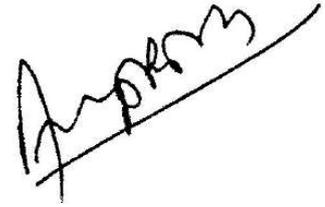
22. That 3<sup>rd</sup> Respondent failed to mention in the Para 15 that the Environmental Clearance for the project "Prestige Bella Vista" at Ayyappanthangal Village was issued by Government of India for the construction 20 blocks of residential building and one block of club house only but the Planning Permit was issued by 3<sup>rd</sup> Respondent for 33 blocks or residential buildings and one block of club house. 3<sup>rd</sup> Respondents was criminally negligent to issue two illegal partial completion certificate in 2016, in spite of the fact that 34 blocks of buildings and one block of club house were constructed violating planning permission and EIA notification, 2006.

23. That the contents of the Para 16 is mere repetition of the contents in the Para 8-11 and do not require any traversal.

A handwritten signature in blue ink, appearing to be 'Anand', is written over a horizontal line.

**PRAYER**

It is most respectfully 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.

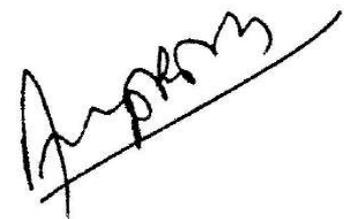


**Applicant  
Party in Person**

**AFFIDAVIT**

**I, Dr. Anupkrishnan.V, aged 57 yrs, son of Late K. Viswanathamennon, resident of Flat 7173, Prestige Bella Vista, Tower 7, Ayyappanthangal Village, Chennai-600056, do hereby solemnly affirm and declare under:-**

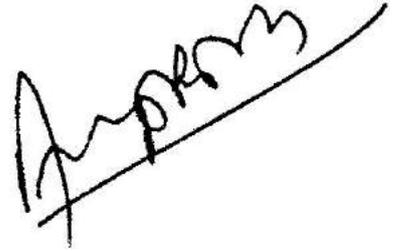
- 1. That I am the Applicant in the OA No. 21/2021(SZ) and I am well conversant with the facts and circumstances of the case and is competent to swear the present affidavit.**
- 2. That I have read the contents of the Rejoinder to the Counter Statement of the 3<sup>rd</sup> Respondent and the same are true and correct and is drafted by my own instruction.**



**Deponent**

**VERIFICATION:-**

**Verified at Ayyappanthangal, Chennai-56 on 16<sup>th</sup> May 2022, that the contents of the affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.**

A handwritten signature in black ink, appearing to be 'Ayyappan', written over a horizontal line.

**Deponent**

642585/2022/IA\_III

तार :  
Telegram : PARYAVARAN,  
NEW DELHI  
दूरभाष :  
Telephone : 2436 8526  
टेलिफैक्स :  
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भारत सरकार  
पर्यावरण एवं वन मंत्रालय  
GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT & FORESTS  
पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स  
PARYAVARAN BHAVAN, C.G.O. COMPLEX  
लोदी रोड, नई दिल्ली-110003  
LODHI ROAD, NEW DELHI-110003

F.No.SEIAA/F430/2011-IA.III

Dated: April, 2012

To  
General Manager,  
M/s. Prestige Estates Projects Pvt. Ltd.,  
Citi Towers, 7<sup>th</sup> Floor,  
117, Thiagaraja Road, T-Nagar,  
Chennai - 17, Tamil Nadu

**Subject: Finalisation of ToR for proposed Residential Complex  
"Prestige Bella Vista" at Ayyappanthangal Village,  
Sriperumbudhur Taluk, Kanchipuram District by M/s. Prestige  
Estates Projects Pvt. Ltd. - Reg.**

Dear Sir,

Kindly refer to your above proposal submitted to this Ministry. The proposal involves development of a residential building complex at survey nos. 1/1, 1/2, 2, 3/1, 5/1, 8/2A, 42/1, 46/3, 48/1A, 50/1A, 50/4 etc. of Ayyapanthangal Village, Sriperumbudhur Taluk, Kanchipuram District in Tamil Nadu. Total land area of the project proposal is 1,00,199 Sqm (24.76 Acres). The proposal involves construction of 17 blocks of residential buildings and 1 block of club house with a total built up area of 4,78,003 Sqm. The project site is located at 13° 02' 29.12" North Latitude and 80° 7' 53.31" East Longitude. The project location in Ayyapanthangal Village is adjacent the State Highway 55 connecting St. Thomas Mount and Poonamallee Town. The national highway (NH4) is at an aerial distance of 2 Km North West of the project site. The project site is falls within a distance of about 2 km from the Chennai metropolitan city limits. The total water requirement during operation phase of the project is estimated to be 1,659 KLD and the fresh water requirement is about 856 KLD which will be sourced from bore wells and metro water supply. The wastewater generation from the project is estimated to be about 1,192 KLD, which will be treated in a sewage treatment plant of capacity 1,710 KLD. The treated wastewater is proposed to be partly recycled for flushing and gardening. The excess wastewater is proposed to be disposed through the municipal sewerage collection system.

It is estimated that the solid wastes (garbage) comprising of 4.45 Ton/day of biodegradable wastes and 2.97 Ton/day of non-biodegradable wastes to be generated from the development. Wastes from individual households will be collected on daily basis and taken to a centralized

*[Handwritten Signature]*

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collection facility. Final segregation of solid waste into biodegradable, and non-biodegradable will be done and the Bio degradable waste will be treated on Organic Waste Converter and used as manure within the premises. The non bio degradable/recyclable wastes will be handed over to authorized recyclers. The power requirement during operation is about 16 MVA which will be sourced from the nearby TNEB grid. For emergency power back-up, 2 nos. of 180 KVA, 10 nos. of 400 KVA and 9 nos. of 500 KVA capacity DG sets are proposed. The emissions from the DG sets will be let out through stacks of adequate heights as per CPCB norms. The increase in the ambient noise levels due to the operation of DG sets will be controlled by providing acoustic enclosure. Thick greenery is proposed to be developed all along the boundary of the project site which will attenuate ambient noise levels and other pollutants.

The above proposal was considered in the 110<sup>th</sup> EAC meeting held on 5<sup>th</sup> - 7<sup>th</sup> March, 2012. The details as presented by the project proponents and after discussions, the following "Terms of Reference" were finalized to be suitably added to those furnished by the project proponent.

- i) The height of the Building shall be as per the OM on Guidelines for High Rise buildings' dated 07.02.2012.
- ii) Submit the Parking detail considering the various norms, it shall be based on higher norms.
- iii) Submit the details of Energy conservation with specific details of fixtures and % of saving.
- iv) Submit the details of Water conservation with specific details of fixtures and % of saving.
- v) Submit the details of Rain water harvesting.
- vi) Examine and submit the details of the Impact on competitive users of ground water.

**General Guidelines**

- (i) The EIA document shall be printed on both sides, as for as possible.
- (ii) The status of accreditation of the EIA consultant with NABET/QCI shall be specifically mentioned. The consultant shall certify that his accreditation is for the sector for which this EIA is prepared.
- (iii) On the front page of EIA/EMP reports, the name of the consultant/consultancy firm along with their complete details including their accreditation, if any shall be indicated. The consultant while submitting the EIA/EMP report shall give an

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undertaking to the effect that the prescribed TORs (TOR proposed by the project proponent and additional TOR given by the MoEF) have been complied with and the data submitted is factually correct (Refer MoEF office memorandum dated 4<sup>th</sup> August, 2009).

- (iv) While submitting the EIA/EMP reports, the name of the experts associated with/involved in the preparation of these reports and the laboratories through which the samples have been got analysed should be stated in the report. It shall clearly be indicated whether these laboratories are approved under the Environment (Protection) Act, 1986 and the rules made there under (Please refer MoEF office memorandum dated 4<sup>th</sup> August, 2009). The project leader of the EIA study shall also be mentioned.
- (v) All the TOR points as presented before the Expert Appraisal Committee (EAC) shall be covered.

A detailed draft EIA/EMP report should be prepared as per the above additional TOR and should be submitted as per the Notification.

The prescribed TORs would be valid for a period of two years for submission of the EIA/EMP Reports.

**Yours faithfully,**

**(Lalit Kapur)**  
**Director (IA-III)**



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**Minutes of the 110<sup>th</sup> EAC meeting held on 5<sup>th</sup> - 7<sup>th</sup> March, 2012**

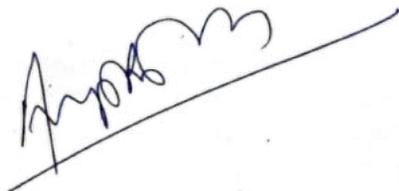
**4.25 Finalisation of ToR for proposed Residential Complex "Prestige Bella Vista" at Ayyappanthangal Village, Sriperumbudur Taluk, Kanchipuram District by M/s. Prestige Estates Projects Pvt. Ltd. [F.No.SEIAA/F430/2011]**

As presented by the project proponent, the proposal involves development of a residential building complex at survey nos. 1/1, 1/2, 2, 3/1, 5/1, 8/2A, 42/1, 46/3, 48/1A, 50/1A, 50/4 etc. of Ayyapanthangal Village, Sriperumbudur Taluk, Kanchipuram District in Tamil Nadu. Total land area of the project proposal is 1,00,199 Sqm (24.76 Acres). The proposal involves construction of 17 blocks of residential buildings and 1 block of club house with a total built up area of 4,78,003 Sqm. The project site is located at 13° 02' 29.12" North Latitude and 80° 7' 53.31" East Longitude. The project location in Ayyapanthangal Village is adjacent the State Highway 55 connecting St. Thomas Mount and Poonamallee Town. The national highway (NH4) is at an aerial distance of 2 Km North West of the project site. The project site is falls within a distance of about 2 km from the Chennai metropolitan city limits.

The total water requirement during operation phase of the project is estimated to be 1,659 KLD and the fresh water requirement is about 856 KLD which will be sourced from bore wells and metro water supply. The wastewater generation from the project is estimated to be about 1,192 KLD, which will be treated in a sewage treatment plant of capacity 1,710 KLD. The treated wastewater is proposed to be partly recycled for flushing and gardening. The excess wastewater is proposed to be disposed through the municipal sewerage collection system.

It is estimated that the solid wastes (garbage) comprising of 4.45 Ton/day of biodegradable wastes and 2.97 Ton/day of non-biodegradable wastes to be generated from the development. Wastes from individual households will be collected on daily basis and taken to a centralized collection facility. Final segregation of solid waste into biodegradable, and non-biodegradable will be done and the Bio degradable waste will be treated on Organic Waste Converter and used as manure within the premises. The non bio degradable/recyclable wastes will be handed over to authorized recyclers.

The power requirement during operation is about 16 MVA which will be sourced from the nearby TNEB grid. For emergency power back-up, 2 nos. of 180 KVA, 10 nos. of 400 KVA and 9 nos. of 500 KVA capacity DG sets are proposed. The emissions from the DG sets will be let out through stacks of adequate heights as per CPCB norms. The increase in the ambient noise levels due to the operation of DG sets will be controlled by providing acoustic enclosure. Thick greenery is proposed to be developed all along the boundary of the project site which will attenuate ambient noise levels and other pollutants.



642585/2022/IA\_III



June 18, 2012

To,  
**The Director**  
**Impact Assessment Division (IA-III)**  
**Ministry of Environment & Forests**  
**Parayavaran Bhavan, C.G.O. Complex**  
**Lodhi Road, New Delhi - 110 003**

Sir,

Sub: Submission of Revised Form I, IA & EIA/EMP Report Incorporating Additional TORs Issued by the Expert Appraisal Committee - Regd.

Ref: Item No. 4.25 of the minutes of the 110<sup>th</sup> meeting of the Expert Appraisal Committee for Building Construction, Coastal Regulation Zone, Infrastructure Development and Miscellaneous projects held on 5<sup>th</sup> to 7<sup>th</sup> March, 2012 at India Islamic Cultural Centre, Lodhi Road, New Delhi - Finalisation of ToR for the proposed Residential Complex Construction Project at Ayyapanthangal Village, Sriperumbudur Taluk, Kanchipuram District, Tamilnadu [F.No. SEIAA/F430/2011]

With reference to the above mentioned subject, we are submitting herewith the revised documents (Form I, IA & EIA Report incorporating Additional TORs Issued by the Expert Appraisal Committee) with all necessary enclosure towards seeking Environment Clearance for our proposed Residential Complex Construction Project at Ayyapanthangal Village, Sriperumbudur Taluk, Kanchipuram District, Tamilnadu. We request you to kindly review the documents and process the same for clearance.

Thanking you.

Yours faithfully,  
 For Prestige Estates Projects Pvt. Ltd.,



Authorized Signatory

Enclosure: As stated above.

Submitted with out C.D.

Prestige Estates Projects Ltd., Citi Towers, 7th Floor, 117, Thiagaraja Road, T. Nagar, Chennai - 600 017  
 Phone : +91 44 28154088, 28154090 Fax : +91 44 28154089

Corporate &amp; Registered Office :

Prestige Estates Projects Ltd., 'The Falcon House', No. 1, Main Guard Cross Road, Bangalore - 560 001  
 Phone : +91 80 25591080 Fax : +91 80 25591945 E-mail : properties@vsnl.com www.prestigeconstruction.com

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**FORM - I, IA & EIA/EMP Report**  
(Incorporating Additional TORs Issued by the EAC of MoEF)

For  
**"Prestige Bella Vista"**  
Proposed Residential Township  
At  
Ayyappanthangal Village, Sriperumbudur Taluk  
Kanchipuram District, Tamil Nadu



Project Proponent:  
**Prestige Estates Projects Pvt. Ltd.**  
Citi Towers, 7<sup>th</sup> Floor,  
117, Thiagaraja road, T- Nagar,  
Chennai - 600017

EIA Consultant:



**Eco Services India Pvt. Ltd.**  
No. 1/134, Dhanakotiraja Street, Sundar Nagar  
Ekkaduthangal, Guindy, Chennai - 600032, India  
Tel: +91-44-30683067/43102232 Fax: +91-44-30680006



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642585/2022/IA\_III

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July 14, 2012

To, *Prestige Group*  
*for. [unclear]*

Director (IA-III)  
Ministry of Environment and Forests  
Room No: 143, 1<sup>st</sup> Floor, Paryavaran Bhawan  
C.G.O. Complex, Lodhi Road  
New Delhi - 110 003

Sir,

**Sub: Environmental Clearance for the Construction of Residential Township at Ayyapanthangal Village, Sriperumbudur Taluk, Kancheepuram District, Tamilnadu (F. No. SEIAA/F430/2011) - Regd.**

**Ref: Information Sought by the Expert Appraisal Committee during the Meeting held on 10<sup>th</sup> July 2012.**

In continuation to the reference cited above, we hereby submit the details of the Water Treatment Plant (WTP) Design Proposal for the treatment of ground water for our proposed Residential Township Construction Project at Ayyapanthangal Village, Sriperumbudur Taluk, Kancheepuram District, Tamilnadu.

We request you to kindly review the documents and do the needful for considering environmental clearance for the project.

Thanking you.

Yours sincerely,  
For Prestige Estates Projects Ltd.,

*IA-III*  
*SO (IA-III)*  
*19/7/12*  
*15/7/12*  
*12/7/12*  
*10/7/12*  
*02/7/12*

*File under Submission*  
*19/7/12 S.O(IA-III)*  
*15/7/12*  
*10/7/12*  
*02/7/12*

**Enclosure: Water Treatment Plant (WTP) Design Proposal with Technical Specifications and Hydraulic Flow Diagram.**

Prestige Estates Projects Ltd., Citi Towers, 7th Floor, 117, Thiagaraja Road, T. Nagar, Chennai - 600 017  
Phone : +91 44 28154088, 28154090 Fax : +91 44 28154089

Corporate & Registered Office :  
Prestige Estates Projects Ltd., 'The Falcon House', No. 1, Main Guard Cross Road, Bangalore - 560 001.  
Phone : +91 80 25591080 Fax : +91 80 25591945 E-mail : properties@vsnl.com www.prestigeconstructions.com

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Water Treatment Plant (WTP) Scheme  
(Treatment of Ground Water available at Project Site)

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The source of water for the proposed residential township would be from bore wells proposed at site. The quality of water that is prevailing at site is used as basis for the Water Treatment Plant (WTP) design. Water sample obtained from a bore well at site was tested and the characteristics observed were used for designing the WTP. It was noticed from the test results that the TDS of the water was on the higher side of 1100 ppm. Apart from TDS, TSS, Iron and Hardness were also found to be slightly on the higher side of the potable limits.

Considering the above, following treatment steps are proposed to make the ground water fit for all domestic purposes.

**WTP Scheme:**

The treatment scheme comprises of a multi-media sand filter followed by activated carbon filter and a reverse osmosis membrane filter treatment. The RO treatment is proposed only for the portion of the water that is used for drinking and cooking. Other domestic applications will be provided with the raw water subjected to filtration and treatment for iron. The WTP scheme is enclosed herewith.

The sizing of various units of WTP proposed is based on the following.

Total fresh water requirement = 806 KLD

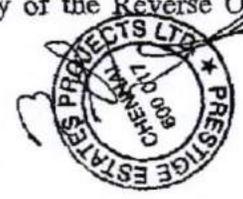
Considering the 806 KLD as fresh water demand and assuming pumping rate/turn over period of 16 Hrs/day, flow rate required would be 50 Cum/hr making allowances for backwash, maintenance, cleaning etc.,

To facilitate better operation & maintenance and to incorporate better redundancy in to the system, 3 nos. of the treatment set-up mentioned above each having a flow rate of 18 Cum/hr is proposed. After the filtration through sand and carbon filters, the final treatment with Reverse Osmosis (RO) is proposed only for 172 KLD of water to fulfill the drinking and cooking needs of the total population in the proposed development.

**Reverse Osmosis (RO) Plant:**

The RO treated water is proposed for drinking and cooking purposes considering a total of 15 LPCD towards drinking and cooking consumption. The total water requirement for residential occupancy of 11,227 is 168 KLD and for others (visitors & maintenance staff) considering 5 LPCD for drinking works out to 4 KLD for 1,684 occupants. This totals to 172 KLD of RO treated water for the entire development. Hence the capacity of the Reverse Osmosis plant proposed is 180 KLD

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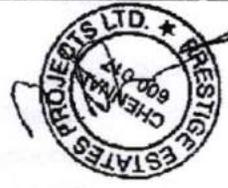
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Considering 12 hours operation of the RO plant, the flow rate capacity required is 15 cum/hr. The RO plant is designed in single stage with 90% efficiency considering the quality of raw water and the pre-treatment.

Three skids of RO housing with 6 elements inside in each housing are proposed. Refer the technical details below. The reject from the RO membranes will be about 18 KLD. This will be recycled for toilet flushing within the proposed residential development.

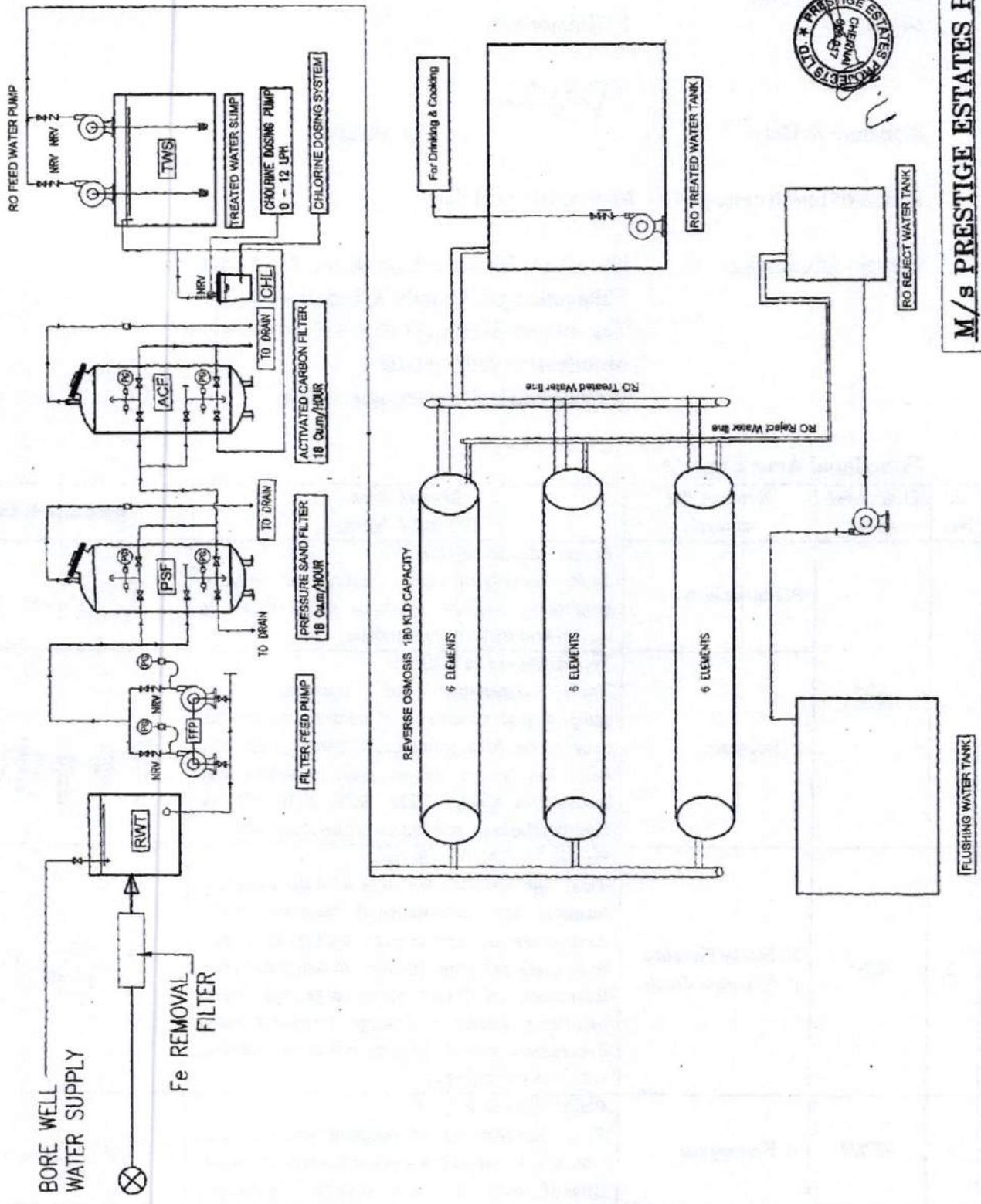
WTP System – Technical Specifications		
1	<b>RO (Single Stage)</b>	3 Skid of 6 meters length, having 6 membrane in each skid total of 18 membranes with flow rate of each 0.85 cum/hr (RO membrane make: Hydranautic / Filmtech)
	Feed flow rate : 15 cu.mts/hr	
	Recovery from plant : 13.5 cu.mts/hr	
	Reject from plant : 1.5 cu.mts/hr	
Pre Treatment System		
2	<b>Pressure Sand Filter</b>	
	Number of units : Three	
	Diameter : 800 mm	
	HOS : 1800 mm	
3	<b>Activated Carbon Filter</b>	
	Number of units : Three	
	Diameter : 800 mm	
	HOS : 2000 mm	
4	<b>NaOCl Dosing Tank</b>	
	Number of Tank : one	
	Capacity : 100 litres	
	Diameter : 700 mm	
5	<b>Acid &amp; NaOH Dosing Tank</b>	
	Number of Tank : one	
	Capacity : 100 Ltrs	
	Diameter : 1300 mm	
	<b>Height on Straight : 1200 mm</b>	

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*[Handwritten Signature]*

# WATER TREATMENT PLANT (WTP) SCHEME



**M/s PRESTIGE ESTATES PROJECTS LTD**  
 PROPOSED RESIDENTIAL TOWNSHIP CONSTRUCTION PROJECT  
 AYYAPPANTHANGAL VILLAGE, SRIPERUMBUDUR TALLUK, KANCHIPURAM DISTRICT.

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**Declaration by Experts contributing to the EIA for the Proposed Residential Complex at Ayyappanthangal Village of Sriperumbudur Taluk, Kancheepuram District, Tamilnadu.**

I, hereby certify that I was a part of the EIA team in the following capacity that developed the above EIA.

**EIA Coordinator**

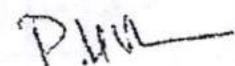
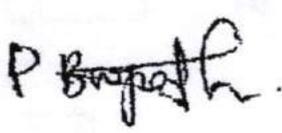
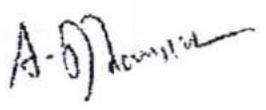
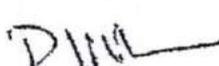
Name : P. Kalaiselvan

Signature & Date :  04.06.2012

Period of Involvement: May 2010 to till date

Contact Information : No. 1/134, Dhanakotiraja Street, Sundar Nagar  
Ekkaduthangal, Guindy, Chennai – 600032  
Tel: +91-44-30683067 Fax: +91-44-30680006  
Mobile: +91-9383999109  
E-mail: kalaiselvan@ecoservices.in

**Functional Area Experts**

S. No.	Functional Areas	Name of the expert/s	Involvement (Period & Task)	Signature & Date
1	AP*	P. Kalaiselvan	Period: May to July 2010 Task: Identifying and locating air quality monitoring stations. Analysis of baseline air quality and meteorological data.	
		P. Boopathi	Period: May to July 2010 Task: Installation of respirable dust samplers/high volume samplers in and around the project site. Meteorological monitoring and data collection in the project area. Sampling and analysis of SPM, RSPM, SO <sub>2</sub> , NO <sub>x</sub> , CO & Hydrocarbons in ambient air in the study area	
2	WP*	H. Mercy Florence & A. Dhamodharan	Period: May 2010 to till date Task: Site visit and selection of water sampling location for environmental baseline study. Assessment of baseline water quality. Prediction of impacts and preparation of management plan. Estimation of Water requirement and Water balancing. Design of Sewage Treatment Plant. Preparation of draft EIA reports in consultation with EIA co-ordinator	
3	SHW*	P. Kalaiselvan	Period: May to July 2010 Task: Identification of different waste streams that include hazardous and non hazardous wastes. Quantification of waste streams. Developing	



S. No.	Functional Areas	Name of the expert/s	Involvement (Period & Task)	Signature & Date
			appropriate disposal pathway for each category of wastes identified.	
4	SB*	P. Kalaiselvan	Period: May to July 2010 Task: Assessment of socio-economic status of the EIA study area to understand the baseline conditions and the impacts of the project.	P.KM
5	EB*	A. Alagappa Moses & A. Dhamodharan	Period: May 2010 to till date Task: Baseline ecological studies (flora and fauna assessment) & ecological impact assessment	A. Alagappa Moses
6	HG*	T.P. Natesan	Period: May to July 2010 Task: Surface water potential assessment and ground water assessment. Estimation of groundwater potential and rainwater harvesting potential of site. Recharge potential assessment.	T.P. Natesan
7	GS*	T.P. Natesan	Period: May to July 2010 Task: Study of the existing land forms and geology of the area. Identifying locations for soil sampling based on geomorphology and the surrounding developments.	T.P. Natesan
8	AQ*	P. Kalaiselvan	Period: May to July 2010 Task: Analysis of recorded meteorological data and data collected from Indian Meteorological Department. Setting up air quality monitoring stations. Identifying emission sources and receptor locations and the impacts.	P.KM
9	NV*	P. Boopathi	Period: May to July 2010 Task: Noise level monitoring and identifying suitable measures for noise control. Selection of sensitive receptors of noise and locating sampling points. Identifying and suggestion of suitable noise control measures for heavy construction machinery & DG sets.	P. Boopathi
10	LU*	T.P. Natesan	Period: May to July 2010 Task: Analysis of the project site with respect to the land use categorization of the local planning authority. Integration of land use related data/information for assessing environmental impacts of the project. Data Generation and Analysis Related to Land Use Pattern	T.P. Natesan
11	RH*	P. Kalaiselvan	Period: May to July 2010 Task: Identification of potential risk areas and hazard analysis. Emergency preparedness measures and disaster management plan for construction and operational phases.	P.KM

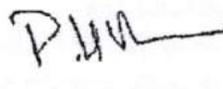
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Declaration by the Head of the Accredited Consultant Organization:

I, P. Kalaiselvan, hereby, confirm that the above mentioned experts prepared the EIA for the Proposed Residential Complex at Ayyappanthangal Village of Sriperumbudur Taluk, Kancheepuram District, Tamilnadu. I also confirm that I shall be fully accountable for any mis-leading information mentioned in this statement.

Signature : 

Name : P. Kalaiselvan

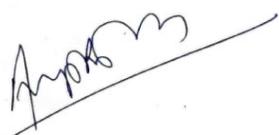
Designation : Director

Name of the EIA Consultant : Eco Services India Pvt. Ltd.  
Organization

NABET Certificate No. & Issue Date: Provisionally accredited by NABET for handling B category projects in the sectors 21, 31, 38 & 39 (Items 5f, 7c, 8a & 8b respectively as per the Schedule to EIA Notification 2006). Please refer to the Minutes of NABET Accreditation Committee Meeting (XLVII) held on August 2, 2011 and MoEF Office Memorandum (F. No. J-11013/77/2004-IA II (I)) dated 30 September 2011 for details of our accreditation.

\*See overleaf for the details

S. No.	Functional Area Code	Complete Name of the Functional Areas
1	AP	Air Pollution Prevention, Monitoring & Control
2	WP	Water Pollution Prevention, Control & Prediction of Impacts
3	SHW	Solid Waste and Hazardous Waste Management
4	SE	Socio-Economics
5	EB	Ecology and Biodiversity
6	HG	Hydrology, Ground Water & Water Conservation
7	GS	Geology & Soil
8	AQ	Meteorology, Air Quality Modelling & Prediction
9	NV	Noise/Vibration
10	LU	Land Use
11	RH	Risk Assessment & Hazard Management



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<b>Topo Map of the Project Site : Annexure - II</b>
<b>Contour Plan: Annexure - III</b>
<b>Land Use Certificate &amp; Land Ownership Document: Annexure - IV</b>
<b>Project Cost Estimate: Annexure - V</b>
<b>Estimation of Water Requirements &amp; Water Balance : Annexure - VI</b>
<b>Sewage Treatment Plant Proposal: Annexure - VII</b>
<b>Air Pollution Control Measures: Annexure - VIII</b>
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<b>Details on Parking Facility : Annexure - XIII</b>
<b>Geo Technical Investigation Report : Annexure - XIV</b>
<b>Board Resolution towards Authorized Signatory (Applicant): Annexure - XV</b>

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**FORM - I**

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**FORM - I**

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**I. BASIC INFORMATION**

S. No.	Item	Details
1	Name of the project	Prestige Bella Vista
2	S. no. in the schedule	8 (b)
3	Proposed area	<b>Area Details:</b> Total land area: 1,00,199 Sqm Total built-up area: 4,58,341 Sqm
4	New/Expansion/Modernization	New Proposal
5	Existing capacity/Area etc	NA
6	Category of project i.e. 'A' or 'B'	B
7	Does it attract the general condition? If yes, please specify	No
8	Does it attract the specific condition? If yes, please specify	No
9	Plot/Survey/Khasra No	Survey nos: 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, 45/1B, 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.
	Village	Ayyappanthangal
	Tehsil	Sriperumbudur Taluk
	District	Kanchipuram District
	State	Tamilnadu
10	Nearest railway station/airport along with distance in kms	Railway station : Guindy (10 km) Airport : Chennai international airport (8 km)
11	Nearest town, city, district headquarters along with distance in kms	Town : Poonamalle (2.5 km) City : Chennai (8 km) District head quarters : Kanchipuram (51 km)
12	Village panchayats, Zilla parishad, municipal corporation, local body (Complete postal addresses with telephone nos. to be given)	Chennai Metropolitan Development Authority (CMDA)
13	Name of the applicant	Prestige Estates Projects Pvt. Ltd.
14	Registered address	Prestige Estates Projects Pvt. Ltd. Citi Towers, 7 <sup>th</sup> Floor, 117, Thiagaraja road, T- Nagar, Chennai - 600017



15	Address for correspondence: Name Designation Address Pincode E-mail Telephone No. / Fax No.	Mr. Stephen Daniel" Vice President Prestige Estates Projects Pvt. Ltd. Citi Towers, 7 <sup>th</sup> Floor, 117, Thiagaraja road, T- Nagar, Chennai - 600017
16	Details of alternative sites examined, if any, Location of these sites should be shown on a topo sheet	No
17	Interlinked projects	No interlinked projects
18	Whether separate application of interlinked project has been submitted?	No
19	If yes, date of submission	
20	If no, reason	
21	Whether the proposal involves approval/clearance under: if yes, details of the same and their status to be given. (a) The forest (conservation) Act, 1980? (b) The wild life (Protection) Act, 1972? (c) The CRZ Notification 1991	Not required
22	Whether there is any government order/policy relevant/relating to the site	No
23	Forest land involved (hectares)	No
24	Whether there is any litigation pending against the project and/or land in which the project is propose to be set up? a) Name of the Court b) Case No c) Orders/directions of the court, if any and its relevance with the proposed project	No

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II. ACTIVITY

I. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies etc.)

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data		
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)	Yes	The project site comes under Residential use Zone. Copy of land use certificate is enclosed as <b>Annexure - IV.</b>		
1.2	Clearance of existing land, vegetation and buildings?	No			
1.3	Creation of new land uses?	Yes	The vacant barren land will be transformed into a Residential zone.		
1.4	Pre-construction investigations e.g. bore holes, soil testing ?	Yes	Geo-technical investigations have been carried out and the copy of the report is enclosed as <b>Annexure - XV.</b>		
1.5	Construction works?	Yes	Construction of Residential building in a span of about 36-48 months		
1.6	Démolition Works ?	No	The proposed site is vacant land.		
1.7	Temporary sites used for construction works or housing of construction workers?	No	All the construction activities including stacking of raw materials will be confined within the project site only. No temporary labour hutments are proposed. Local laborers from nearby areas will be hired for the work. Proper sanitation facilities for them will be provided at site.		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations	Yes	The height of the buildings proposed is 54 m and the corresponding width of the access road required The corresponding width of the access road required is 24 m as per the <b>MoEF OM on guidelines for High Rise buildings, Dated 07.02.2012.</b> We wish to inform you that the actual width of the existing access road (State Highway SH No. 55) to the project site is 30 m (RoW).		
	S.No.			Description	No. of Apts.
	1			1BHK	603
	2			2 BHK	900
	3			3 BHK	842
	4	4 BHK	268		

*[Handwritten signature]*

		Total number of Apartments	2613
S.No.	Description	Area (Sqm)	
1	Tower -1	17772.31	
2	Tower -2	19825.23	
3	Tower -3	23193.78	
4	Tower -4	19881.33	
5	Tower -5	11002.23	
6	Tower -6	11002.23	
7	Tower -7	14299.04	
8	Tower -8	8886.41	
9	Tower -9	32053.33	
10	Tower -10	11002.23	
11	Tower -11	8886.41	
12	Tower -12	11724.6	
13	Tower -13	11726.64	
14	Tower -14	11747.55	
15	Tower -15	23193.78	
16	Tower -16	19825.23	
17	Tower -17	17772.31	
18	Tower -18	28758.39	
19	Tower -19	8886.41	
20	Tower -20	28829.28	
21	Lower Basement	57430.5	
22	Upper Basement	57430.5	
23	Club House	3210.72	
		<b>Total Built - up Area</b>	<b>4,58,341 Sqm</b>
1.9	Underground works including mining or tunneling?	No	
1.10	Reclamation Works?	No	
1.11	Dredging?	No	
1.12	Offshore structures?	No	
1.13	Production and manufacturing processes?	No	
1.14	Facilities for storage of goods or materials?	Yes	Separate raw material handling yard will be demarcated. Cement will be separately stored under cover in bales. Sand will be stacked under tarpaulin cover. Bricks and steel will be laid in the open. The raw material handling yard will be separated by enclosures/barricades.

1.15	Facilities for treatment or disposal of solid waste or liquid effluents?	Yes	<p><b>Solid Waste:</b> During operational phase, the wastes generated will be collected from the designated locations and segregated into Bio degradable waste and non- bio degradable waste by the agency dealing in collection and disposal of garbage. The Bio degradable wastes will be treated in organic waste converter and the inert fractions will be disposed off through the local municipal waste collection system, and the non biodegradable recyclable wastes will be handed over to the authorized recyclers.</p> <p><b>Liquid Effluent:</b> During the construction phase, sewage will be treated and disposed through septic tanks with soak pits. During operational phase, sewage will be treated up to tertiary level in STP and the treated effluent will be reused for toilet flushing and gardening applications and the balance will be discharged to CMWSSB sewer lines. It is estimated that about 1133 KLD of wastewater will be generated from the development. The estimation of water requirement and the water balance chart is enclosed as <i>Annexure - VI</i>.</p>
1.16	Facilities for long term housing of operational workers?	No	
1.17	New road, rail or sea traffic during construction or operation?	No	
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?	No	
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?	No	
1.20	New or diverted transmission lines or pipelines?	No	
1.21	Impoundment, damming,	No	

	culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?	No	
1.23	Abstraction or transfers of water from ground or surface waters?	No	
1.24	Changes in water bodies or the land surface affecting drainage or run-off?	No	
1.25	Transport of personnel or materials for construction, operation or decommissioning?	Yes	Transportation of personnel and material by road will be necessary for the contractors during the construction phase.
1.26	Long-term dismantling or decommissioning which could have an impact on the environment?	No	
1.27	Ongoing activity during decommissioning which could have an impact on the environment?	No	
1.28	Influx of people to an area in either temporarily or permanently?	Yes	There will be a permanent influx of people after the construction phase. In addition to this there will be an influx of population due to the development of supporting facilities and ancillary developments stimulated by the project.
1.29	Introduction of alien species?	No	
1.30	Loss of native species or genetic diversity?	No	The existing land has only weeds and is devoid of any other vegetation. So there will no loss of significant native species or bio-diversity.
1.31	Any other actions?	No	-

2. Use of Natural resources for construction or operation of the Project (Such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities / rates, wherever possible) with sources of information data
2.1	Land especially undeveloped or agricultural land (ha)	Yes	Barren Land
2.2	Water (expected source &	Yes	<u>Construction Stage:</u>

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	competing users) Unit: KLD		About 80 – 100 KLD of water will be required during the peak construction phase, and it will be sourced through private tankers arranged by the contractor. <u>Operation Stage:</u> About 806 KLD of raw (fresh) water will be required at full development and this will be met through the groundwater extraction/CMWSSB. The water will be stored in underground tank and supplied through Hydro – Pneumatic Systems.
2.3	Minerals (MT)	No	Not envisaged.
2.4	Construction material – stone, aggregates, and / soil (expected source- cum)	Yes	Construction materials will be sourced from the local market.
2.5	Forests and timber (source-MT)	No	
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (litres/hour), energy (kVA)	Yes	The estimated power requirement during operation phase is about 16 MVA and it will be sourced from the nearby TNEB grid which will be distributed through the transformers within our premises. For emergency purposes, it is proposed to use DG sets of the following capacities. ➤ 26Nos. of 750 KVA capacity
2.7	Any other natural resources (use appropriate standard units)	No	

3. Use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data
3.1	Use of substance or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)	Yes	This project is a residential development and no storage of hazardous chemicals (as per MSIHC) will be done, apart from Diesel. HSD (of low sulphur content) will be used for DG sets. Necessary permission will be obtained from the authorities concerned for storage of the same.
3.2	Changes in occurrence of	No	Suitable drainage and waste management

	disease or affect disease vectors (e.g. insect or water borne diseases)		measures will be adopted to prevent stagnation of water and restrict accumulation of waste. This will effectively restrict the reproduction and growth of disease vectors.
3.3	Affect the welfare or people e.g. by changing living conditions?	No	Socio economic conditions of nearby areas will improve due to local employment (direct and indirect)
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patient's children, the elderly etc.,	No	
3.5	Any other causes	No	

## 4. Production of solid wastes during construction or operation or decommissioning (MT/ month)

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data
4.1	Spoil, overburden or mine wastes	No	
4.2	Municipal waste (domestic and or commercial wastes)	Yes	<p>As per the manual on municipal solid waste prescribed by Central Public Health and Environmental Engineering Organization (CPHEEO), the quantity of solid waste generated varies between 0.2-0.6 kg / capita / day. The solid waste will comprise biodegradable waste e.g. domestic waste, food waste, horticultural waste etc. and recyclable waste, like plastics, paper etc.</p> <p>Biodegradable Wastes: 4.24 Tons/day Non-biodegradable Wastes: 2.83 Tons/day</p> <p><b><u>Municipal Solid Waste:</u></b> In the building complex, private sweepers would be engaged for handling domestic waste and appropriate site will be identified for keeping bin / container for the collection of waste. Adequate number of collection bins separately for biodegradable and non-biodegradable waste will be provided as per the Municipal Solid</p>

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			<p>Waste (Management and Handling) Rule, 2000. Separate colored bins will be provided for biodegradable and non-biodegradable wastes. All the collection bins shall be properly maintained and cleared on regular basis.</p> <p>Waste from such bins shall be collected separately on daily basis and taken to a separate centralized collection facility. Final segregation of solid waste into biodegradable, non-biodegradable, and inert fraction will be done in the centralized collection facility.</p> <p>The Bio degradable wastes will be treated with Organic Waste Converter and the inert fractions will be disposed off through the local municipal waste collection system, and non bio degradable recyclable waste will be handed over to authorized recyclers.</p> <p><b>Horticultural wastes:</b></p> <p>Leaves, grass and vegetative residues shall be collected at the secured location such that it will not hinder daily activity schedule or washed away by the surface run-off causing choking of drains, etc. and will be separately disposed off along with biodegradable waste.</p>
4.3	Hazardous wastes (as per Hazardous Waste Management Rules )	No	<p><b>Spent Oil from DG sets:</b></p> <p>The spent oil will be stored in HDPE drums in isolated covered facility. This will be then sold to the recyclers authorized by SPCB/MoEF for further treatment. Care will be taken to avoid the spills/leaks of spent oil from storage facility.</p>
4.4	Other industrial process wastes	No	
4.5	Surplus product	No	
4.6	Sewage sludge or other sludge from effluent treatment	Yes	STP sludge will be stabilized, and dewatered for separation of solids, which will be used as manure in horticulture. The leachate will be pumped back to collection Tank of the STP.
4.7	Construction or demolition wastes	Yes	There is no demolition of the existing structures as the site is a vacant land and the expected construction waste free from any hazardous content shall be used for road

			formation and filling within the premises.
4.8	Redundant machinery or equipment	No	All machinery / equipment will be installed as per the requirement and the unused items will be returned to the supplier/contractor. The items used for construction work will be removed by the agency involved in the construction once work is completed.
4.9	Contaminated soils or other materials	No	
4.10	Agricultural wastes	No	
4.11	Other solid wastes	No	

## 5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources	Yes	Pollutants like particulate matters, CO, SO <sub>2</sub> and NO <sub>x</sub> will be released into the atmosphere due to the operation of DG sets and other machineries of construction which uses fossil fuels. However the DG sets will be operated only during power cuts. Also the use of HSD (of lower sulphur content) and dispersion of the DG flue gases through stacks having heights as per norms of CPCB will minimize the impacts.
5.2	Emissions from production processes	No	
5.3	Emissions from materials handling including storage or transport	Yes	There will not be major emission from Material handling, Storage and transport. However adequate control measures will be taken care to control vehicular emissions.
5.4	Emissions from construction activities including plant and equipment	Yes	Emissions from construction activities will be reduced by using low sulphur content HSD for the machineries operated with fossil fuels and the accumulation of particulate matter in the atmosphere will be suppressed by sprinkling of water in the dust prone areas at regular intervals.
5.5	Dust or odors from handling of materials including construction materials, sewage and waste.	Yes	Dust at construction site will be suppressed by sprinkling water at site. On-site sanitation facilities will be provided.
5.6	Emissions from incineration of waste	No	

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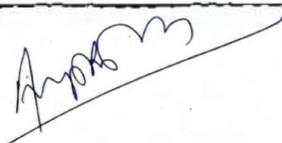
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)	No	
5.8	Emissions from any other sources	No	

## 6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers	Yes	Noise control systems such as equipment foundation pads, dampeners, silencers and acoustic enclosures, will be used for individual units to minimize the noise & vibration.
6.2	From industrials or similar processes	No	
6.3	From construction or demolition	Yes	There will be no construction activity during night hours. Noise during the construction activities will be kept minimum by proper and regular maintenance of construction machineries.
6.4	From blasting or piling	No	
6.5	From construction or operational traffic	Yes	During construction activities, care will be taken as explained above to reduce the impacts due to movement of heavy vehicles, while operational traffic will not contribute much towards noise.
6.6	From lighting or cooling systems	Yes	Necessary care would be taken at the time of selection of equipment to minimize the noise or heat. Proper preventive maintenance will be adopted during the operation stage.
6.7	From any other sources	No	

## 7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S. No.	Information /Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data
7.1	From handling, storage, use or spillage of hazardous materials	Yes	Spent oil from DG sets (Hazardous waste category 5.1) will be stored in drums and kept in a separate enclosure / covered shed for sale to CPCB / TNPCB – authorized waste oil recyclers. Handling of spent oil will be done on impervious concrete platform.



7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)	No	The wastewater after treatment will be reused for toilet flushing, gardening requirements and the remaining will be sent to CMWSSB sewer lines. Hence, there will be no discharge of treated wastewater from the premises that may cause any adverse effect on environment.
7.3	By deposition of pollutants emitted to air into the land or into water	No	
7.4	From any other sources	No	
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?	No	

8. Risk of accidents during construction or operation of the Project, which could affect human or the environment

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances	No	This project is a residential development. Hence, it does not involve any probable explosions, spillages and fires. During construction, all the laborers will be provided with suitable personal protective equipment (PPE) as required under the health & safety norms. Training and awareness about the safety norms will be provided to all supervisors and laborers involved in construction activity. Contractor will deal with the safety aspects during construction. No major hazardous waste will be stored within the project site. No industrial or process activity is involved in this project. Hence, chances of chemical hazards and accidents are normally nil. However, suitable fire-fighting measures will be provided.
8.2	From any other causes	No	
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?	No	The area under study falls in Zone-III, according to the Indian Standard Seismic Zoning Map. Suitable seismic coefficients in horizontal and vertical directions respectively, are incorporated in designing the structures.

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data
9.1	Lead to development of supporting facilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: <ul style="list-style-type: none"> <li>• Supporting infrastructure (roads, power supply, waste or wastewater treatment, etc.)</li> <li>• Housing development</li> <li>• Extractive industries</li> <li>• Supply industries</li> <li>• Other</li> </ul>	Yes	The project may trigger the development of supporting and ancillary facilities, and further may lead to other developments. This will not lead to any potential negative impacts on environment.
9.2	Lead to after use of the site, which could have impact on the environment	No	
9.3	Set a precedent for later developments	Yes	The proposed development will set a precedent for later developments; improve the socio economic conditions of nearby areas.
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects	No	

**II. ENVIRONMENT SENSITIVITY**

S. No.	Areas	Yes/ No	Aerial distances (within 15 km.) Proposed project location boundary
1.	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related values	No	

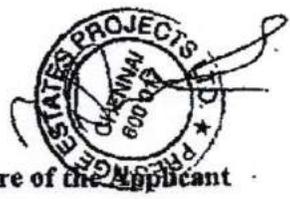
2.	Areas which are important or sensitive for ecological reasons – Wetlands, water courses or other water bodies, coastal zone, biospheres. Mountains, forests	Yes	Chembarambakkam Lake, Ayanambakkam tank and Retteri are falling within 15 km of aerial distance.
3.	Areas and by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	No	
4.	Inland, coastal, marine or underground waters	Yes	Chembarambakkam Lake, Ayanambakkam tank and Retteri are falling within 15 km of aerial distance. Since these are situated at a safe distance from the project there are no significant impacts anticipated by the proposed development.
5.	State, National boundaries	No	
6.	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	Yes	National Highway (NH4) runs at a distance of 2 km from the project site.
7.	Defense installations	No	
8.	Densely populated or built-up area	No	Poonamallee Town lies at a distance of 4 km west from the project site.
9.	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)	Yes	The surrounding area has few sensitive man-made land uses such as Hospitals and Colleges. Sri Ramachandra Medical Center (SRMC) lies at a distance of 2 km and Madha Arts and Science College lies at a distance of 4 km. But the effect on these areas will be negligible / minimal.
10.	Areas containing important, high quality or scarce resources (Groundwater / surface water resources, forestry, agriculture, fisheries, tourism, minerals)	No	
11.	Areas already subjected to pollution or environmental damage. (where existing legal standards are exceeded)	No	SIDCO Industrial Estate (Ambattur) lies at a distance of 10 km from the project site. The Industrial Estate does not house for any major polluting industries.

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12.	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)	No	
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"I hereby given undertaking that the data and the information given in the application and enclosures are true to the best of my knowledge and belief and I am aware that if any part of the data and information submitted is found to be false or misleading at any stage, the project will be rejected and clearance given, if any, to the project will be revoked at our risk and cost."

Date: 18/6/2012  
Place: Chennai



Signature of the Applicant  
(Name & Seal of the Company)

*[Handwritten signature]*

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FORM - IA

Arora M

**FORM IA**  
(Checklist of Environmental Impacts)

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**I. LAND ENVIRONMENT**

S. No.	Information/Checklist confirmation	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data
1.1	<p>Will the existing land use get significantly altered from the project that is not constant with the surrounding? (Proposed land use must conform to the approved Master Plan / Development Plan of the area. Change of land use if any and the statutory approval from the competent authority are submitted).</p> <p>Attach maps of (i) Site Location; (ii) Surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels &amp; contours) to appropriate scales. If not available attach only conceptual plan.</p>	<p>The project site comes under Residential Development category. Documentary evidence for land use classification and ownership is enclosed as <i>Annexure -IV</i>.</p> <p>The proposed residential development is located at Ayyappanthangal Village of Sriperumbudur Taluk, Kanchipuram District. The Topo map showing surrounding features of the Proposed Site (500 m radius) is enclosed as <i>Annexure - II</i>. Master Plan is enclosed as <i>Annexure - I</i>. Contour plan is enclosed as <i>Annexure - III</i>.</p>
1.2	<p>List out all the major project requirements in terms of the land area, built up area, water, power requirement, community facilities, parking needs etc.</p>	<p>Total land area : 100199 Sq.m Total built-up area: 4,58,341 Sqm Total Water requirement : 1524 KLD Fresh water requirement : 806 KLD Power requirement : 16 MVA Parking needs: ECS Proposed is , 3,769 Nos</p>
1.3	<p>What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed sites? (Such as open spaces, community facilities, details of the existing land use, disturbance to the local ecology).</p>	<p>Due to the proposed construction activity, impacts, such as air and noise pollution, wastewater generation &amp; disposal and solid waste disposal, are envisaged, but with the efficient implementation of the proposed Environment Management Plan (EMP) adverse impacts will be minimized. There will be very minimal disturbance to the local ecology, since there are no significant ecological features prevailing at site. However the disturbance will be mitigated by the proposed landscape and greenbelt development after the construction.</p>
1.4	<p>Will there be any significant land</p>	<p>Based on the type of soil and contour of the</p>

	disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).	surface there won't be any erosion, subsidence or instability. The project site falls under Zone-III of the seismic category in India.
1.5	Will the proposal involve alternation of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)	The natural drainage system of the proposed site gets slightly altered due to the construction of building. But the changes will be mitigated by the proposed storm water drains all through the site.  The contour plan of the project site is enclosed as <b>Annexure - III</b> .
1.6	What are the quantities of earthwork involved in the construction activity - cutting, filling, reclamation etc. (Give details of quantities of earthwork transport of fill materials from outside the site etc.)	The site is elevated towards western side and depressed towards eastern side. The difference in elevation is 2.9. Hence the excavated soil obtained will be utilized for backfilling and leveling the site. No filled materials from outside is needed.
1.7	Give details regarding water supply, waste handling etc during the construction period.	<u>Water Supply</u> The water requirement during the construction phase of the project will be 80 - 100 KLD. It will be sourced through tankers.  <u>Waste Handling</u> The wastes during the construction phase comprises of the wastes generated by the workers and the wastes generated as the result of the construction activity. The wastes generated by the workers will be treated and disposed of by providing temporary septic tanks with soak pit arrangements. The construction debris will be used for the formation of roads within the development.
1.8	Will the low lying areas get altered? (Provide details of how low lying area getting modified from the proposed activity)	There are no low-lying areas which are going to be affected as the site will be leveled uniformly during construction phase.
1.9	Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the	The generation of construction wastes will be about 40 - 50 kg/m <sup>2</sup> of construction area. These will be used for the formation of roads within the premises.

construction labour and the means of disposal)	The wastes generated by the workers will be treated and disposed of by providing temporary septic tanks with soak pit arrangements. Therefore no significant health hazard is observed.
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## II. WATER ENVIRONMENT

S. No.	Information/Checklist confirmation	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data			
		S.No.	Description	Quantity	Source of Supply
2.1.	Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirements met? State the sources & quantities and furnish a water balance statement.	I	Construction phase	80-100KLD	Private Tankers
		II	Operational phase		
		a	Fresh Water Requirement	806 KLD	Ground Water
		b	Recycled Water Requirement Flushing requirement Gardening requirement	488 KLD 230 KLD	Treated Sewage
2.2	What is the capacity (dependable flow or yield) of the proposed source of water?	The project site falls under the safe category of the central ground water board classification and hence the yield is dependable. The daily fresh water requirement is 806 KLD.			
2.3	What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)	The quality of fresh water required will be as per IS 10500: Drinking Water Standards.			
2.4	How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usages)	The wastewater generation from the project is estimated to be about 1133 KLD, which will be treated in proposed sewage treatment plants and will be recycled for flushing, gardening requirements and the remaining will be sent to CMWSSB sewer lines. The estimation of water requirement and the water balance chart is enclosed as <i>Annexure - VI</i> . Details of proposed STP are enclosed as <i>Annexure - VII</i> .			
2.5	Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of	No, there will not be any diversion of water from other users			

	consumption)	
2.6	What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)	The wastewater generation from the project is estimated to be about 1133 KLD, which will be treated in proposed sewage treatment plants and will be recycled for flushing, gardening requirements and the remaining will be sent to CMWSSB sewer lines. The quality of the wastewater generated will be: pH (6.5-8.5), BOD (250-350 mg/l), COD (900-1000mg/l), SS (150 mg/l), and Oil & Grease (100 mg/l).
2.7	Give details of the water requirements met from water harvesting? Furnish details of the facilities created.	The rain water from the project site is proposed to be collected and stored in a storm water collection sump and it is to be re-used for domestic/gardening purposes. The rain water from the podium, roads/pavements and landscaped are proposed to be collected and recharge through recharge pits proposed along the boundary.
2.8	What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long-term basis? Would it aggravate the problems of flooding or water logging in any way?	Proper storm water storage sumps, drains are designed for collection and recharge of the runoff. Hence, no water logging problems are anticipated.
2.9	What are the impacts of the proposal on the ground water? (Will there be tapping of ground water: give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)	Extraction of ground water is envisaged as the water supply is from ground water source. Rain water harvesting and recharge will be done to augment the ground water levels. Ground water extraction will be carried out upon approval from the competent authorities.
2.10	What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)	Construction area will be kept clean and maintained without contamination, thereby avoiding pollution of the surface runoff during construction phase. Suitable drains as per the prevailing contour of the plot will be developed.

2.11	How is the storm water from within the site managed? (State the provisions made to avoid flooding of the area, details of the drainage facilities provided with a site layout indication contour levels)	Adequate storm water drains; storm water collection and storage have been planned in the project site.
2.12	Will the deployment of construction laborers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)	Deployment of construction laborers will not lead to unsanitary conditions around the project site as proper sanitary facilities, like temporary toilets will be provided to laborers and the wastewater disposal will be done using septic tank with soak pit arrangements.
2.13	What on-site facilities are provided for the collection, treatment & safe disposal of sewage? Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal )	<p>Internal toilets of building will be connected to a horizontal header at the ground floor then led out to sewage treatment plant located within the project premises.</p> <p>The wastewater generation from the project is estimated to be about 1133 KLD, which will be treated in proposed sewage treatment plants. The technology adopted will be Sequencing Batch Reactor (SBR) followed by disinfection.</p> <p>Recycled water is used for flushing and gardening purposes. Solidified sludge will be stabilized and dewatered, composted along with the organic wastes and used as manure within the premises.</p>
2.14	Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.	Dual Plumbing system has been proposed for reuse and recycle of treated sewage within the complex for flushing, and gardening purposes. Proper line separation of pipes will be taken care so that the recycled water will not mix with raw water pipelines at any circumstances.

**III. VEGETATION**

S. No.	Information/Checklist confirmation	Details thereof (with approximate quantities /rates, wherever possible ) with sources of information data
3.1	Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with its unique features, if any)	<p>Other than the birds and few reptiles, like snakes and lizards, no specific wild life is noticed directly in the area.</p> <p>The project activity both during the construction</p>

		as well as during operation, will be limited to project premises, hence no impact is envisaged on the surrounding ecological environment. The biodiversity details of the study area are presented in the chapter 2 of the EIA report enclosed.
3.2	Will the construction involve extensive clearing or modification of vegetation? (Provided a detailed account of the trees & vegetation affected by the project)	The project site is a vacant land, devoid of any trees. Only weeds and thorny bushes prevail in the site which will be cleared during site preparation. Extensive landscaping/greenbelt development is proposed after construction to substantiate this.
3.3	What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)	There will not be any kind of impact due to this project on site. The landscape for the proposed project has been planned to provide a clean, healthy and green environment for the residents. Within the proposed project site, green belt area (including OSR) 38280 Sqm is designated for development. Various species of plants, shrubs are proposed to be planted to create a clean, healthy and aesthetic environment that provides a visual retreat and a healthy atmosphere to the occupants of the buildings.

## IV. FAUNA

S. No.	Information/Checklist confirmation	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data
4.1	Is there likely to be any displacement of fauna-both terrestrial and aquatic or creation of barriers for their movement? Provided the details.	Other than the birds, only few rodents and reptiles are found in the project site. Landscaping and greenbelt planned in the project site will have direct positive impact on the fauna of that area, as the plants in the greenbelt will provide shelter to them. Hence the displacement and barrier for movement of fauna is not envisaged due to the project.
4.2	Any direct or indirect impacts on the fauna of the area? Provided details.	Landscaping and greenbelt planned in the project site will have direct positive impact, on the fauna of that area, as the plants in the greenbelt will provide shelter to them.

## V. AIR ENVIRONMENT

S. No.	Information/Checklist confirmation	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data
5.1	Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed construction)	Increase in the atmospheric concentration of gases & heat islands are not envisaged due to the project as it is mitigated by the thick greenbelt proposed. Also, the vehicular emissions are insignificant; there will not be idle running of vehicles due to the smooth traffic flow within the premises.
5.2	What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.	Dust suppression measures will be adopted during construction. No major sources of dust, smoke, odorous fumes or other hazardous impacts are anticipated during operation phase.
5.3	Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.	Sufficient parking space is provided within the project area to accommodate the vehicular population in full. Internal traffic circulation will be smooth and there will not be any idle running of vehicles due to traffic. Internal roads, pedestrians and footpaths are separately earmarked. Parking provided for 3769 car parks.
5.4	Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc, with areas under the category.	Internal roads will run all along the site and the pedestrian pathways will be provided on the either sides of the road. Adequate foot paths will be provided in between the landscaping & greenbelt and other recreational areas.
5.5	Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.	Noise and vibrations are expected to be minimal due to the distributed traffic pattern and hence no major impact is envisaged.
5.6	What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provided details.	Control systems such as equipment foundation pads, dampeners, silencers and acoustic enclosures, will be used during construction phase. DG sets with acoustic enclosures will be used during construction as well as operational phases of the project. The DG sets will be operated only for short durations in case of power cuts and the fumes will

	be let outside through the stacks with adequate height as prescribed by CPCB. Use of low sulphur HSD and water sprinkling at regular intervals will reduce the impact on the ambient air quality.
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## VI. AESTHETICS

S. No.	Information/Checklist confirmation	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data
6.1	Will the proposed constructions in any way results in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?	No, the proposed constructions will not lead to the obstruction of views and scenic amenity or landscapes.
6.2	Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?	Project site and the immediate vicinity is altogether an upcoming developmental area. All the infrastructure facilities and basic amenities are being developed. Therefore the project will not have impacts on the existing structures.
6.3	Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.	No
6.4	Are there any anthropological or archaeological sites or artifacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.	No

## VII. SOCIO-ECONOMIC ASPECTS

S. No.	Information/Checklist confirmation	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data
7.1	Will the proposal results in any changes to the demographic structure of local population? Provide the details.	The project will change the demographic pattern slightly. There will be alteration in the numbers of skilled, unskilled and professional work force. Changes in socio economic pattern are also envisaged to some extent.
7.2	Give details of the existing social	The project site is surrounded by

	infrastructure around the proposed project.	North : Puliyaibedu South : Ayyappanthangal East : Porur West : Poonamalle
7.3	Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?	There is no sacred site or cultural heritage site in nearby vicinity of proposed project; hence no adverse impacts are envisaged.

**VIII. BUILDING MATERIALS**

S. No.	Information/Checklist confirmation	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data
8.1	May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of buildings materials and their energy efficiency)	The construction materials used are produced with energy efficient processes. Please refer to section 9.9 for the details of the buildings materials proposed and their energy efficiency
8.2	Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?	Mitigation Measures during Construction Stage: <u>Air Pollution</u> Temporarily air gets polluted and it is taken care by the remedial measures. Various construction activities especially related to handling of loose material are likely to cause generation of fugitive dust affecting the air quality of the surrounding area of the project site. To minimize such impact following measures shall be taken: All the loose materials, either stacked or transported, will be provided with suitable covering such as tarpaulin, etc. Water sprinkling will be done at the location where dust generation is anticipated. To minimize the occupational health hazard, proper personal protective equipments, i.e. mask, goggles, helmets and safety shoes will be provided to the workers who are engaged in construction activity.

		<p><u>Noise Pollution</u></p> <p>During the construction stage, expected noise levels will be in the range of 80-85 dB (A) which will decrease with increase in distance as per the Inverse Square Law. Administrative as well as engineering control of noise will be implemented. Isolation of noise generation sources and temporal differentiation of noise generating activities will ensure minimum noise at receiver's end. To prevent any occupational hazard, ear muffler / plug will be given to the workers working around or operating plant and machinery emitting higher noise levels than the permissible limits. There will be no construction during night hours. Careful planning of machinery operation and scheduling of operations will be done to minimise such impact.</p>
8.3	Are recycled materials used in roads and structures? State extent of savings achieved?	Construction debris generated will be recycled to the extent possible in forming roads within the premises.
8.4	Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.	<p>As per the manual on municipal solid waste prescribed by Central Public Health and Environmental Engineering Organization (CPHEEO), the quantity of solid waste generated varies between 0.2-0.6 kg / capita / day. The solid waste will comprise biodegradable waste e.g. domestic waste, food waste, horticultural waste etc. and recyclable waste, like plastics, paper etc.</p> <p>Biodegradable Wastes: 4.24 Tons/day Non-biodegradable Wastes: 2.83 Tons/day</p> <p><u>Solid Waste Management:</u></p> <p>In the Complex, private sweepers are generally engaged for handling domestic waste and appropriate site will be identified for keeping bin / container for the collection of waste.</p> <p>Adequate number of collection bins separately for biodegradable and non-biodegradable waste will be provided as per the Municipal Solid Waste (Management and Handling) Rule, 2000. Separate colored bins will be provided for biodegradable</p>

	<p>and non-biodegradable wastes</p> <p>All the collection bins shall be properly maintained and cleared on regular basis.</p> <p>Waste from such bins shall be collected separately on daily basis and taken to a separate centralized collection facility. Final segregation of solid waste into biodegradable, non-biodegradable, and inert fraction will be done in the centralized collection facility.</p> <p>The Bio degradable waste will be treated in OWC and the inert fractions will be disposed off through the local municipal waste collection system and non bio degradable recyclable wastes will be handed over to authorized recyclers.</p> <p><i>Horticultural wastes</i> like Leaves, grass and vegetative residues shall be collected at the secured location such that it will not hinder daily activity schedule or washed away by the surface run-off causing choking of drains, etc. and will be separately disposed off along with biodegradable waste.</p>
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### IX. ENERGY CONSERVATION

S. No.	Information /Checklist confirmation	Details thereof (with approximate quantities /rates, wherever possible) with sources of information data
9.1	Give details of the power requirements, sources of supply, backup source etc. What is the energy consumption assumed per square foot of built-up areas? How have you tried to minimize energy consumption?	The power would be sourced from TNEB from nearby sub-station. The estimated power requirement for the project is about 16 MVA during operational phase. Power back up is proposed by using DG sets. The energy consumption will be minimized by using energy efficient lamps, and by adopting natural lightings and ventilations to the possible extent.
9.2	What type of, and capacity of, power back-up you plan to provide?	Power back up is proposed by using DG sets. 26 Nos of 750 KVA
9.3	What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?	Normal Glass. The thickness of glass is 4-6 mm to keep the U-value of 1.08 W/m <sup>2</sup> °C.
9.4	What passive solar architectural	The use of solar passive measures such as natural

	features are being used in the building? Illustrate the applications made in the proposed project.	cross ventilation, sufficient day-lighting, proper insulation, use of adequate shading devices are planned to be provided in the proposed development. The excess heat radiation will be prevented from entering the building by using suitable sunshades.								
9.5	Does the layout of streets & buildings maximize the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex?	The layout of streets & buildings will maximize the potential for solar energy devices. Part of the floors in each tower will be using Solar water heater. Solar powered street lighting will be provided during night hours in alternate poles.								
9.6	Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of walls on the East and the West and the Roof? How much energy saving has been effected?	The proposed project is the construction of Residential building. Adequate Sunshades will be provided for Windows.								
9.7	Do the structures use energy - efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers the motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.	Energy efficient lighting and mechanical systems are proposed to be used in the project site. CFC & HCFC free refrigerants will be used.								
9.8	What are the likely effects of the buildings activity in altering the micro-climates? Provide a self-assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?	There will not be any microclimatic impact as the proposed greenbelt development will mitigate the same.								
9.9	What are the thermal characteristics of the building envelope? (a) roof: (b) external walls: and (c) fenestration? Give details of the materials used the U-values or the R-	The U-values of the roof, external wall and fenestration of the building will meet the requirements as specified in the Energy Conservation Building Code (ECBC).								
		<table border="1"> <thead> <tr> <th>S. No.</th> <th>Component</th> <th>Permissible U-Value as per</th> <th>Resultant Value due to</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	S. No.	Component	Permissible U-Value as per	Resultant Value due to				
S. No.	Component	Permissible U-Value as per	Resultant Value due to							

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	values of the individual components.		ECBC (W/m <sup>2</sup> °C)	the proposed configuration (W/m <sup>2</sup> °C)	
		1	Roof	0.261	0.250
		2	Wall	0.440	0.440
		3	Fenestration	3.300	3.177
9.10	What precaution & safety measures are proposed against fire hazards? Furnish details of emergency plans.	Fire alarm and fire fighting system will be installed on all floors inside the building. Fire hydrant systems will also be installed along the building exteriors. Fire protection and safety measures are expected to mitigate fire and explosion hazards. Fire detection and fighting provisions will be available as per specified norms.			
9.11	If you are using glass as wall material provides details and specifications including emissive and thermal characteristics.	Please refer item no 9.9.			
9.12	What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.	Proper ventilation will be provided to control the rate of air infiltration into the building.			
9.13	To what extent the non-conventional energy technologies are utilized in the overall energy consumption? Provide details of the renewable energy technologies used.	The layout of streets & buildings will maximize the potential for solar energy devices. Part of the floors in each tower will be using Solar water heater. Solar powered street lighting will be provided during night hours in alternate poles. Use of energy efficient pumps and Electronic regulators will further reduce the energy consumption.			

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*[Handwritten signature]*

C.M.S.A.No.22 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.M.S.A.No.22 of 2019

Subashini Thulasiram,  
W/o.Thulasiram,  
Rep. by her Power Agent E.Jayalakshmi,  
W-195, 15<sup>th</sup> Street, 3<sup>rd</sup> Avenue,  
Anna Nagar West Ext., Chennai 101. ... Appellant

Vs

1.M/s.SPR & RG Constructions Pvt., Ltd.,  
Rep. By its Directors Hitesh Kumar P.Kawad  
& M.Surendranath

Present address:

M/s.SPR & RG Constructions Pvt. Ltd.,  
Rep. by its authorised signatory Ragilaj,  
No.1, Cooks Road, Perambur, Chennai 12.

2.CMDA, Thalamuthu Natarajan Maaligai,  
Gandhi Irwin Road, Egmore, Chennai 8.

3.The Commissioner, Greater Chennai Corporation,  
Ripon Building, Chennai.



4.State Level Environmental Impact Assessment Authority,  
Tamil Nadu,  
III Floor, Panagal Maaligai,  
No.1, Jeennis Road, Saidapet, Chennai 600 015. ... Respondents

(R2 to R4 impleaded vide order of this Court dated 04.10.2019)

**PRAYER** : Appeal to set aside the order of the Tamil Nadu Real Estate Appellate Tribunal dated 19.06.2019 made in Appeal 2 of 2019 reversing the order of the Adjudicating Officer, Tamil Nadu Real Estate Regulatory Authority, Chennai, made in Sr.No.0002/2018 in unnumbered C.C.P.sr.No.\_\_\_\_ of 2018 dated 20.12.2018.

For Appellant :Mr.R.Singaravelan, Senior counsel  
for Mr.Shahul Hameed

For Respondents :Mr.AR.L.Sundaresan (for R1)

Senior counsel

for Mr.E.Sathishkumar

Mrs.Karthikaa Ashok (for R3)

Standing counsel

Mr.J.Pothiraj (for R4)

Special Government Pleader

**JUDGMENT**

(Judgment of the Court was delivered by N.KIRUBAKARAN, J )

Defrauding of purchasers,



Deviation of approved plans,  
Violation of Rules and Regulations,  
Non provision of agreed amenities,  
Provision of inadequate amenities,  
Substandard construction and

Over exploitation of ground water etc., have almost become normal nowadays and most of the developers and promoters are misleading and exploiting the purchasers by their violations and negligence. Unless strict action is taken against these erring developers, we cannot expect orderly development of the town or city. Violations will not only affect the purchasers but also affect the environment. Mostly these erring builders/promoters are having connivance with the policy makers, officials, police force and muscle men and the gullible/innocent purchasers cannot raise their little finger against this kind of syndicate and they have become silent sufferers. The collapse of multi-storied building at "Mugalivakkam village" itself is an infamous example.

It would throw light upon how in utter violation of rules and regulation, most of



the buildings are being constructed affecting the common man and the planned development of urban areas.

2. Here is one such case before this Court, in which there are allegations of violation of rules and regulations, approved plan and attempt to wriggle out of the new RERA Act by the 1<sup>st</sup> respondent/promoters.

3. The Appellant has purchased a flat from the 1<sup>st</sup> respondent and entered into a sale cum construction agreement on 27.11.2012. The property is situated in New Survey Nos. 148/5A, 148/7A, 137/1 and 138/1, Karambakkam Village, Ambattur Taluk, Thiruvallur District. The flat purchased bearing No.9131, 13<sup>th</sup> floor, Block No.9, measuring about 1592 sq. ft., is part of a multi-storied building project known as "Osian Chlorophyll" and the proportionate undivided share of land is about 418 sq. ft. The total cost of land is Rs.11,49,500/- was paid by the appellant/complainant. A sum of Rs.81,85,380/- was to be paid towards cost of construction. Out of the said amount the complainant already



paid a sum of Rs.75,18,367/- and a balance sum of Rs.6,67,013/- is being withheld by the appellant for the reason that the respondent should get appropriate approvals from the authorities. As per the sale cum construction agreement dated 27.11.2012, the possession of the flat is to be handed over within 36 months from 31.03.2012 (i.e.,) on or before 31.03.2015.

4.The first respondent assured that all the approvals for the construction had been obtained and construction would be made in conformity with the approvals. The respondent obtained only planning permission, but the prior environment clearance certificate had not been obtained and the completion certificate was not issued, as the project (Osian Chlorophyll) comes under the definition of “on-going project”. Moreover there are legal proceedings pending before the authorities and the possession of the flat has not been handed over as per the terms of the agreement. The 1<sup>st</sup> respondent by email dated 15.07.2015 sought for extension of time for handing over possession assuring that the



completion certificate would be obtained and thereafter possession would be handed over by 15.12.2015.

5. In spite of such assurance, no clearance had been obtained in compliance with Section 14 of the Real Estate (Regulation and Development) Act, 2016. Moreover, the respondent has not registered the project as it is coming under the definition of on-going project as defined in Rule 2 (h) of the Tamil Nadu Real Estate (Regulation and Development) Rules 2017. As the construction has not been done after obtaining approvals and the possession has not been handed over as per clause 8 of the sale cum construction agreement, the appellant filed an application before Adjudicating Officer, Tamil Nadu Real Estate Regulatory Authority seeking withdrawal from the project. In fact, after construction was started, the respondent made an application to the State Level Environmental Impact Assessment Authority for environment clearance only on 12.06.2013. Further the respondent was prohibited from making any further



construction by the authority and a letter of undertaking/apology from the respondent has been given to that effect.

6.Since the undertaking given by the respondent was violated by making construction and completing the same without environmental clearance, the Tamil Nadu Pollution Control Board filed criminal complaint in CC.No.56/2014 on the file of Judicial Magistrate, Ambattur and the same is pending.

7.Meanwhile there were proceedings with regard to the environmental clearance before the National Green Tribunal, New Delhi in OA.No.37/2015 and OA.No.213/2014. The Tribunal quashed the official memorandum confirming the order of State Level Environmental Impact Assessment Authority de-listing the application for environmental clearance. In view of the above decision, the appellant opted for withdrawing from the project. Hence, the appellant issued lawyers notice demanding money paid by her and reply dated 21.05.2018 was issued by the respondent asking the appellant to take



possession of the flat. In the absence of environmental clearance certificate the whole construction has become illegal and therefore, the appellant filed complaint before the Authority seeking direction to the 1<sup>st</sup> respondent to pay a sum of Rs.20,00,000/- as compensation together with interest at 24% from 31.03.2015 as per Section 18(3), Section 14 for violation of sanctioned plan and approval and Section 19(1) of the Tamil Nadu Real Estate (Regulation & Development) Act 2016 for not providing the information as to the status of the environmental clearance.

8.The said complaint was filed in SR.No.002/18 and preliminary objections regarding maintainability have been raised by the 1<sup>st</sup> respondent stating that Rule 2(h)(ii) of Tamil Nadu Real Estate ( Regulation and Development ) Rules 2017, excludes those projects in Chennai Metropolitan area for which an application for completion certificate has been filed prior to the date of notification of the Rules. According to them, the project was completed on 03.05.2017 and application for completion certificate with the



CMDA was filed on 29.05.2017 and completion certificate was granted by CMDA on 06.09.2018. Hence, the project is a completed project as on the notification of the Rules viz., 22.06.2017 and it would not fall under the ambit of RERA.

9.The Authority after hearing both the parties found that as on the date of commencement of the RERA Act on 01.05.2017, the respondent did not file application for completion certificate to the CMDA and therefore, the project is an on going project and that the respondent has to register under the RERA Act and that the Authority gets jurisdiction over the project, irrespective of the fact that whether it is registered or not. Hence the Adjudicating Officer rejected the preliminary objection and directed the complaint to be registered by order dated 20.12.2018.

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10.Aggrieved over the said rejection of the preliminary objection, the respondent filed appeal No.2/19 before the Tamil Nadu Real Estate Appellate



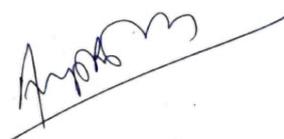
Tribunal under Section 44 of the RERA Act. After hearing all the parties the Tribunal raised three points for consideration and held that

1. The environmental clearance is mandatory for 1<sup>st</sup> respondent's project.
2. Mere procedural violation of the 1<sup>st</sup> respondent viz., non obtaining of environmental clearance, relieved the 1<sup>st</sup> respondent's project from the concept of on-going projects, as the Government took penal action for the absence of environmental clearance and granted a clean chit by issuing the certificate on 27.06.2018
3. The construction was completed on 03.05.2017 itself and applied for completion certificate on 29.05.2017 whereas the Tamil Nadu Real Estate Rules came into force on 22.06.2017. Therefore, even before RERA rules came into force, the appellatant applied for completion certificate and the delay in issuing the completion certificate may not be the fault of the 1<sup>st</sup> respondent and the CMDA cannot find fault with the respondent that the construction is not completed or not complied with the approval. Further as per Rule 2(h)(ii) of the Tamil Nadu RERA Rules, there is an



exemption for the 1<sup>st</sup> respondent's project as the respondent completed the project on 03.05.2017 and the first respondent applied for completion certificate on 29.05.2017. Hence, when the rule came into force on 22.06.2017, the project is a completed project and it comes under the exempted category as per the above rules. The project is not an ongoing project and invocation of Sections 71, 79 and 88 of the RERA Act by the Adjudicating Officer is unwarranted and set aside the order and allowed the appeal. Against the said allowing of the appeal only the present Appeal has been filed.

11.Heard Mr.R.Singgaravelan, learned senior counsel appearing for the appellant; Mr.AR.L.Sundaresan, learned senior counsel appearing for the 1<sup>st</sup> respondent; Mrs.Karthika Ashok, learned counsel appearing on behalf of the 3<sup>rd</sup> respondent and Mr.J.Pothiraj, learned Special Government Pleader for the 4<sup>th</sup> respondent.



12.This Court frames the following substantial questions of law to be decided in the appeal:

- (1)Whether the appellate authority right in holding that the project was completed as early as on 03.05.2017 and the project would not be ongoing project as there is an exemption under Rule 2(h)(ii) of the Tamil Nadu Real Estate (Regulation and Development) Rules which came into force on 22.06.2017?*
- (2)Whether the Appellate Authority's finding that the construction was completed on 03.05.2017 especially when the RERA Act came into force on 01.05.2017 is not perverse?*
- (3)Whether the Tamil Nadu Real Estate (Regulation and Development)Rules which came into force on 22.06.2017 and inconsistent with the RERA Act could give exemption to the respondent's project under the definition of on-going project?*

Though three substantial questions of law are there, all would raise the same point whether the 1<sup>st</sup> respondent's project could be called as ongoing project or otherwise and the exemption under Rule 2(h)(ii) could be given. All the learned counsels argued on the above questions of law.



13.Mr.R.Singaravelan, learned senior counsel appearing on behalf of the appellant would submit that the project cannot be called as a “completed project”, in the absence of the environmental clearance certificate from the appropriate authorities which was obtained only on 27.06.2018 much after the act came into force viz., on 01.05.2017; The Tamil Nadu RERA Rules cannot over reach the main Act and the Act alone would prevail over the Rules; As per Section 3 of the Act, prior registration of Real Estate Project is not necessary if the promoter has received the completion certificate prior to the commencement of the Act whereas Rule 2(h)(ii) gives exemption for ongoing project, if developer has applied for the completion certificate; The said Rule is contrary to or in violation of the parent act under Section 3. Therefore, the contention of the first respondent which has been accepted by the Tribunal that Rule 2(h)(ii) of the Rules giving exemption from terming the project as ongoing project as the promoter has applied for completion certificate as early as on 29.05.2017 after completing the construction on 03.05.2017, is perverse and has to be set



aside. Secondly, he would submit that in the absence of environmental clearance certificate, the construction itself should not have been commenced.

When such is the position, the Tribunal committed an error in accepting the contention of the respondent's case that the respondent completed the project as early as on 03.05.2017 and applied for completion certificate 29.05.2017 and got the completion certificate on 06.09.2018. In fact, the environmental clearance certificate was only obtained on 27.06.2018. Hence the entire construction is illegal.

14. In view of the above contentions, Mr.R.Singaravelan would also submit that the project cannot be called as "completed project" and it would come under the definition of "ongoing project" as per rule 2(h)(ii) of Tamil Nadu RERA Rules, 2017. Hence, the complaint filed by the appellant before the authority is maintainable; The well-considered order of the authority should not have been set aside by the appellate authority giving erroneous reasons. Hence, he seeks for allowing of the Appeal.



15.However, Mr.AR.L.Sundaresan, learned senior counsel appearing on behalf of the 1<sup>st</sup> respondent would submit that the Tribunal rightly came to the conclusion that the construction was over on 03.05.2017 and the 1<sup>st</sup> respondent applied for completion certificate on 29.05.2017. Hence, Rule 2(h)(ii) of the Tamil Nadu RERA Rules gives exemption to the 1<sup>st</sup> respondent's project from terming it as "On-going project". Therefore, the Tribunal was right in allowing the appeal.

16.The first respondent would further submit that there is no complaint by the authorities that the construction has been done in violation of any of the approvals; For non-obtaining of environmental clearance certificate that the 1<sup>st</sup> respondent has been proceeded with by filing criminal complaint by the Tamil Nadu Pollution Control Board before Judicial Magistrate Court, Ambattur and that was taken note of by the competent authority; The issue of environmental clearance certificate is only a procedural violation committed by the respondent



for which criminal actions has already been taken; The Government after new notification absolved the defects of the 1<sup>st</sup> respondent and granted a clean chit and granted environmental clearance certificate which itself would ratify the acts done by the 1<sup>st</sup> respondent; Only after due compliance, environmental clearance certificate was issued; Moreover, the appellant's sister had already taken possession and the appellant was also offered possession after completion of construction on 03.05.2017 and therefore, the project cannot be deemed to be an ongoing project. Hence he would seek dismissal of the appeal.

17. There is no dispute with regard to entering into sale cum construction agreement dated 27.11.2012 for the purchase of a flat measuring to an extent of 1592 sq. ft. with undivided share of land 418 sq. ft. and payment of Rs.11,49,500/- and Rs.75,18,367/-, except the balance of Rs.6,67,013/- to be paid by the appellant. The flat was supposed to be handed over within 36 months from 31.03.2012 (i.e.) on or before 31.03.2015.



18.The main contention of the appellant is that though the first respondent promised that the construction would be made after getting appropriate approvals and clearances from the appropriate authorities, there was no environmental clearance certificate obtained by the respondent. In the absence of any environmental clearance from the appropriate authorities and non-obtaining of completion certificate from CMDA, the project should be held as ongoing project and therefore, the 1<sup>st</sup> respondent has to apply under the RERA Act and get registered and the appellant is entitled to maintain the application for compensation before the Adjudicating Officer invoking the provisions of the Act.

19.To understand the issue involved in this case, it is appropriate to note the following facts.

- (i) The RERA Act came into force on 01.05.2017.
- (ii)The Tamil Nadu Real Estate (Regulation & Development) Rules came into force on 22.06.2017.
- (iii)According to the 1<sup>st</sup> respondent, the project was completed on 03.05.2017.



(iv)The first respondent applied for completion certificate on 29.05.2017.

(v)Environmental clearance certificate was obtained on 27.06.2018.

(vi)Completion Certificate from CMDA was obtained on 06.09.2018.

The above material dates are very important to decide the issue involved viz., whether the 1<sup>st</sup> respondent's project is an on-going project or not.

20.The object of RERA Act is stated as follows:

*“An Act to establish the Real Estate Regulatory Authority for regulation and promotion of the real estate sector and to ensure sale of plot, apartment or building, as the case may be, or sale of real estate project, in an efficient and transparent manner and to protect the interest of consumers in the real estate sector and to establish an adjudicating mechanism for speedy dispute redressal and also to establish the Appellate Tribunal to hear appeals from the decisions, directions or orders of the Real Estate Regulatory Authority and the adjudicating officer and for matters connected therewith or incidental thereto.”*

Since many Promoters and developers have been illegally indulging in unethical practices, the consumers are put to unnecessary harassment, apart from lack of transparency involving the transaction, the Act has been passed.



Section 2(q) of the Act speaks about “completion certificate” which is extracted as follows:

*“(q) “completion certificate” means the completion certificate, or such other certificate, by whatever name called, issued by the competent authority certifying that the real estate project has been developed according to the sanctioned plan, layout plan and specifications, as approved by the competent authority under the local laws;”*

Section 3 of the Act gives the details about the prior registration of Real Estate Project with Real Estate Regulatory Authority and is extracted as follows:

*“Section 3: Prior registration of real estate project with Real Estate Regulatory Authority.*

*(1) No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the*



*real estate project with the Real Estate Regulatory Authority established under this Act:*

*Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act:*

*Provided further that if the Authority thinks necessary, in the interest of allottees, for projects which are developed beyond the planning area but with the requisite permission of the local authority, it may, by order, direct the promoter of such project to register with the Authority, and the provisions of this Act or the rules and regulations made thereunder, shall apply to such projects from that stage of registration.*

*(2) Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required*

*(a) where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases:*



*Provided that, if the appropriate Government considers it necessary, it may, reduce the threshold below five hundred square meters or eight apartments, as the case may be, inclusive of all phases, for exemption from registration under this Act;*

- (b) where the promoter has received completion certificate for a real estate project prior to commencement of this Act;*
- (c) for the purpose of renovation or repair or re-development which does not involve marketing, advertising selling or new allotment of any apartment, plot or building, as the case may be, under the real estate project.”*

From the above it is very clear that prior registration is the rule and exemption is given in Section 3(2) and three circumstances under which no registration is necessary. Section 3(2)(b) of the Act is relevant for the purpose of this case viz., when the promoter has received completion certificate for a real estate project prior to the commencement of the Act, then there is no necessity for the promoter to get registration of the real estate project with the Real Estate Regulatory Authority. The Act came into force on 01.05.2017.

Therefore, to get exemption from registration invoking Section 3(2)(b) of the Act, the promoter should have received the completion certificate as on 01.05.2017.

21. In this case, the 1<sup>st</sup> respondent applied for completion certificate on 29.05.2017 only, whereas the Act came into force much before on 01.05.2017. If the respondent had already applied and obtained completion certificate as on 01.05.2017, there is no necessity for the 1<sup>st</sup> respondent to get the project registered with the Authority. However, the facts would reveal that the respondent applied only on 29.05.2017 and obtained the certificate on 06.09.2018. Hence, the respondent's contentions that his project is a completed project and the 1<sup>st</sup> respondent need not register under the Act are liable to be rejected.

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22. The only contention of the 1<sup>st</sup> respondent is that as per rule 2 (h) (ii) of the Tamil Nadu RERA Rules 2017, which has come into force on 22.06.2017 an



exemption is given and the 1<sup>st</sup> respondent's project cannot be called as an ongoing project. Rule 2(h)(ii) of the Tamil Nadu RERA Rules 2017 is extracted as follows:

*“(ii)the projects in Chennai Metropolitan Area for which application for completion certificate has been filed with Chennai Metropolitan Development Authority subject to furnishing certificate from the architect/licensed surveyor/structural engineer associated with the project to the effect that all the buildings in the projects have been structurally completed i.e., all the columns, beams and slabs have been erected, supported with photographs. Chennai Metropolitan Development Authority will issue, completion certificate for those projects in compliance with Completion Certificate norms prescribed. In Completion Certificate filed cases, if the Completion Certificate is rejected by Chennai Metropolitan Development Authority for violation of norms, such projects will be intimated to the Real Estate Regulator Authority and will be bound for registration with Real Estate Regulatory Authority. The details of all projects where Completion Certificate application has been filed with Chennai Metropolitan Development Authority prior to notification of these*



*rules will be disclosed to the public by publishing the list of all such projects on the website of Chennai Metropolitan Development Authority and Real Estate Regulatory Authority immediately after notification of these rules. ”*

23.A reading of the above rule would reveal that as on commencement of the Act, if the completion certificate is applied for the project in Chennai Metropolitan Area, it cannot be called as ongoing project and there is no necessity for Registration under the Act. As explained above the Act came into force on 01.05.2017 whereas the 1<sup>st</sup> respondent applied for completion certificate on 29.05.2017. Therefore, even Rule 2(h)(ii) of the Tamil Nadu RERA Rules 2017, does not come to the aid of the respondent. The exemption has been given only for those who have already applied or unable to get the completion certificate in view of the administrative or so many reasons attributable to the authorities. The said exemption is sought to be employed wrongly by the 1<sup>st</sup> respondent and the same has been accepted by the Tribunal erroneously.



24.As rightly pointed out by the learned senior counsel appearing on behalf of the appellant, it is well settled law that the parent Act will prevail over the rules and there cannot be any rules contrary to Act. Assuming that Rule 2(h)(ii) gives some relief to the 1<sup>st</sup> respondent, it is in contrary to Section 3 of the Act. When the Act has come into force on 01.05.2017, the first respondent should have complied with. The principle that the subordinate legislation

cannot be in violation of the Act is supported by following decisions of the Apex Court:

1.***Ramesh Mehta Vs. Sanwal Chand Singhvi*** reported in **2004 (5) SCC 409.**

2.***Global Energy Ltd., Vs. Central Electricity Regulation Commission*** reported in **(2009) 15 SCC 570.**

The State Government Rule 2(h)(ii) is contrary to Section 3 of the Act and therefore the first respondent cannot take advantage of the same and claim exemption from registration.



25.The Tribunal relied upon definition of “completion certificate” as “ongoing project” has not been defined in the Act. The “completion certificate” provision is extracted as follows:

*“Section 3(2)(b) where the promoter has received completion certificate for a real estate project prior to commencement of this Act”*

Even the completion certificate could be issued only when the Real Estate Project has been developed according to the sanctioned plan, layout plan, specifications as approved by the competent authority. Assuming that the 1<sup>st</sup> respondent completed the project allegedly on 03.05.2017 and applied for completion certificate on 29.05.2017, whether that application for completion certificate can be deemed to be a proper complete application for getting completion certificate is to be seen. Application for completion certificate should give the details as to how the construction has been made as per sanctioned plan, lay out plan and specifications as approved by the competent authority whereas it is admitted by the 1<sup>st</sup> respondent themselves that environmental clearance certificate was only obtained on 27.06.2018 proving that the application for completion certificate itself is incomplete and improper. It is clear that based on incomplete and improper application, environmental



clearance certificate has been obtained by the 1st respondent "somehow" and hence environmental clearance itself is invalid.

26.The importance of environmental clearance certificate could be understood by reading the Central Government notification and further clarification dated 14.09.2006 which speaks about necessity to obtain environmental clearance certificate before commencement of any new project which reads as follows:

*“Published in the Gazette of India, Extraordinary, Part-II and Section-3, sub section (ii), Ministry of Environment, Forests, New Delhi – Notification dated 14th September, 2006.*

*S.O.1533 whereas, a draft notification under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 for imposing certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India, unless prior environmental clearance has been accorded in*



*accordance with the objectives of National Environment Policy as approved by the Union Cabinet on 18th May, 2006 and the procedure specified in the notification, by the Central Government or the State or Union territory level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union Territory Administration concerned under sub-section (3) of section 3 of the environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India, Extraordinary, part II, section 3, sub-section (ii) vide number S.O.1324(e) dated the 15th September 2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public.”*

*In the above said notification further clarification in page no.6 which is as follows:*

*“2. Requirement of prior environmental clearance: The following projects or activities shall require prior environmental clearance from the concerned regulatory authority which shall hereinafter referred to be as the Central Government in the Ministry of*



*Environment and Forests for matters falling under category 'A' in the schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under category 'B' in the said schedule, before any construction work or preparation of land by the project management except for securing the land, is started on the project or activity:*

- i. All new projects or activities listed in the schedule to this notification;*
- 2.Expansion and modernization of existing projects listed in the schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the schedule, after expansion or modernization;*
- 3.Any change in product – mix in an existing manufacturing unit included in schedule beyond the specified range.”*

The above notification prohibits any new project without getting clearance from the appropriate Authorities. It is stated by the 1<sup>st</sup> respondent that the 1<sup>st</sup> respondent applied for environmental clearance certificate on 28.01.2011. It is evident from environmental clearance letter issued by Member Secretary



SEIAA – Tamil Nadu dated 27.06.2018 that 1<sup>st</sup> respondent admitted the construction activities have already been started without obtaining mandatory prior environmental clearance certificate from the competent authorities. The said paragraph 6 in sub para (ii) of the letter as relied upon by the Appellate Tribunal in paragraph 11 is extracted as follows:

*“The project proponent in his letter dated 1.7.2013 furnished the letter of apology / commitment duly resolved by the Board of Directors for the violation of EIA Notification, 2006, as the construction activities have already been started without obtaining the mandatory prior environmental clearance from the competent authority received by SEIAA-TN on 13.7.2013. The letter of apology furnished by the project proponent was forwarded to Government of Tamil Nadu, Environment & Forest Department to initiate credible action against violation committed by project proponent in this office letter No.SEIAA-TN/F.433/2011 dated 19.7.2013.”*



Admittedly, when the construction was started, there was no mandatory prior environmental clearance obtained by the respondent from the competent authority.

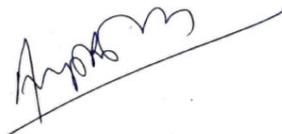
27.The non-obtaining of prior environmental clearance and obtaining of clearances only on 27.06.2018 after the completion of the project on 03.05.2017 as contended by the first respondent, would definitely make the first respondent's application for completion certificate made on 29.05.2017 as incomplete certificate. In the eye of law, it cannot be called as a complete application for completion certificate in order. Therefore, the reliance of the 1<sup>st</sup> respondent on application dated 29.05.2017, for completion certificate loses its ground, even though the respondent is supported by Rule 2 (h) of Tamil Nadu RERA Rules.

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28.The Tribunal committed a grave error in observing that the procedural violation of the 1<sup>st</sup> respondent is only with regard to the commencement of



construction during pendency of the application for environmental clearance certificate and the same is liable to be set aside. When the environmental clearance certificate is mandatory as per the above notification dated 14.09.2006, it cannot be called procedural violation and the violation goes to the root of the matter which makes the entire construction as illegal. Obtaining of post facto clearance would not legalize the construction of the 1<sup>st</sup> respondent. The very purpose of obtaining of environmental clearance certificate is to see that the construction does not cause any environmental disturbance. The very fact of obtaining environmental clearance certificate on 27.06.2018 after the construction was over on 03.05.2017, which has been referred to in the clearance certificate itself, would speak volumes about the manner in which the authority has given the certificate. The environmental authorities are not established to give post facto certificate and the duty of the authority is to see that the proposed construction would cause any disturbance or any environmental damage would be caused. There is no justification for the authorities in giving environmental clearance certificate which is required to be



obtained before the commencement of construction, when the construction was over. It is like playing of music which is supposed to be done during the marriage is conducted, after the marriage was over. There is a failure on the part of State Level Environmental Impact Assessment Authority in giving the certificate.

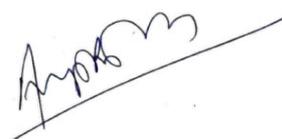
29. Merely because the authorities have initiated criminal proceedings for failure to obtain mandatory environmental clearance certificate from the competent authority by filing criminal case before Judicial Magistrate Court, Ambattur could not condone non obtaining of environmental clearance certificate.

30. The authority relied upon the apology letter given on 01.07.2013 by the 1<sup>st</sup> respondent for violation of EIA notification, 2006, that apology cannot in any way be relied upon to give the post facto environmental clearance certificate. Having given a finding in paragraph 12 of the impugned order that



there is a clear violation of EIA notification, 2006 by the 1<sup>st</sup> respondent, the Tribunal ought not have found that it is only procedural violation with regard to the commencement of construction, pending environmental clearance. Therefore, the findings given by the Tribunal that environmental clearance certificate ratifying the actions of 1<sup>st</sup> respondent are set aside.

31. Merely because the appellant's sister took possession the property and occupied the flat and the appellant was offered flat to take possession, it will not absolve the respondent's responsibilities and duties cast upon it as a developer to develop the property as per law after getting approvals and clearances. The observation/finding of the Tribunal that issuing of environmental clearance certificate after initiating penal action for procedural violation amounts to leaving the 1<sup>st</sup> respondent project from the concept of 'ongoing project' is contrary to law. The completion of the project on 03.05.2017 allegedly admitted by the appellant in any way would not support the respondent's case as



even on 03.05.2017, there was no clearance. In the absence of environmental clearance, the whole construction would become illegal.

32.The Tribunal relied upon the statement of the appellant that appellant's sister had occupied the flat and the appellant admitted the completion of construction on 03.05.2017, and all these actions were done even before applying for completion certificate. Without obtaining completion certificate, the 1<sup>st</sup> respondent cannot offer or put the purchasers into possession of the property. Therefore, the said observations of the Tribunal are liable to be set aside. The findings of the Tribunal that the 1<sup>st</sup> respondent completed real estate project and applied for completion certificate before commencement of the Rules on 22.06.2017 and in conformity with the Section 2(z)(n) of the RERA Act have to be set aside for the simple reason that Rule 2(h)(ii) should be employed only by those developers who applied for completion certificate on the date of commencement of the Act on 01.05.2017 whereas the first



respondent applied for completion certificate on 29.05.2017 after the Act came into force.

33.It is also brought to the notice of this Court by Mr.R.Singaravelan the learned senior counsel appearing on behalf of the appellant that after obtaining environmental clearance certificate dated 27.06.2018, an application for revised completion certificate has been applied on 23.07.2018 and thereafter revised completion certificate has been issued on 06.09.2018. He would point out that as per the original planning permission dated 20.07.2012, 950 dwelling units were permitted to be constructed. The said construction was alleged to have been completed on 03.05.2017. However, thereafter first respondent applied for revised approval plan on 20.07.2018 for dwelling units of 1050 and revised plan was also given on the same day viz., 20.07.2018. According to him, without the knowledge of the purchasers and contrary to the planning permission dated 20.07.2012 issued by CMDA and building permission dated 20.07.2012 issued by Corporation of Chennai, violating the rights of the purchasers.



34.However, the learned senior counsel appearing on behalf of the respondent would submit that the application for revised plan has been applied and thereafter only a revised completion certificate was obtained and application for revised completion certificate was submitted on 23.07.2018 and completion certificate was obtained on 06.09.2018. Therefore, everything has been done according to law.

35.It is seen from the records especially application for revised completion certificate dated 23.07.2018 filed by the respondent, it is stated planning permission for the construction of 950 dwelling units was obtained on 20.07.2012. Once the plan has been approved and the building permit was given for construction of 950 dwelling units and sale cum construction agreement was entered into between the 1<sup>st</sup> respondent and the purchasers, the 1<sup>st</sup> respondent cannot unilaterally without notice to the purchasers increase the dwelling units from 950 to 1050. It would certainly violate the rights of every



purchaser as undivided share in the land would get reduced by increasing the dwelling units from 950 to 1050. The said action is illegal. Moreover even as per the averments of the 1<sup>st</sup> respondent, the building was completed in all aspects as on 03.05.2017 and they themselves applied for completion certificate on 29.05.2017.

36.The letter dated 23.07.2018 is extracted in its entirety:

*“We had obtained planning permission for the above construction vide reference-1 cited above for an FSI area of 1,16,382.00 Sqm with 950 dwelling units and building permit from greater Chennai corporation vide reference-2 cited above:*

*Subsequently we had applied for revised planning permission vide reference-3 cited above with a lesser FSI area of 1,13,465.26 Sqm but increase in no. of dwelling units to 1050. The DC advice was issued in letter no.C3(N)10839/2014 dated 09-09-2016.*

*Even though the construction of building as per the revised plan was completed in all respects prior to 31-05-2017 for 1050 dwelling units, we had applied for completion certificate for 950 dwelling units as per the earlier approved plan on 31-05-2017.*



*Now we have obtained planning permission for the revised plan vide reference-4 cited above and request you to issue completion certificate for 1050 dwelling units as per the revised approval”*

It is also clear from the above letter, that the 1<sup>st</sup> respondent applied only for completion certificate on 30.05.2017 and they have not applied for revised planning permission as falsely stated by them in that letter. Though they referred in the reference item No.3 as completion certificate in application dated 30.05.2017, they deliberately and mischievously in the body of the letter stated that they applied for planning permission vide reference No.3 cited. It would go to show that there is no application for revised planning permission at all.

37.In the same letter, the revised planning permission is said to have been obtained on 20.07.2018, especially when the entire construction was completed as on 03.05.2017. There is no question of getting a revised planning permission on 20.07.2018, especially when the construction itself admittedly was over on 03.05.2017.



38.The appellant filed a copy of the revised planning permission dated 20.07.2018 wherein it is stated in reference No.24 as the respondent's application dated 19.07.2018. Therefore, it is evident that the 1<sup>st</sup> respondent applied for revised approved plan only on 19.07.2018. On the very next day, they obtained revised plan on 20.07.2018. This also would go to prove connivance between the CMDA and the developer. It is not known as to how without making spot inspection, revised plan has been given.

39.When the application for revised approved plan was filed on 19.07.2018 as evident from the CMDA revised approval dated 20.07.2018, it is not known as to how in paragraph 3 of the letter dated 23.07.2018, the 1<sup>st</sup> respondent stated that construction of the building as per the revised plan was completed in all aspects prior to 31.05.2017 for 1050 dwelling units.

40.Assuming for a moment that the 1<sup>st</sup> respondent completed construction of 1050 dwelling units prior to 31.05.2017, the application dated



29.05.2017 for completion certificate made by the 1<sup>st</sup> respondent is false. If really 1050 dwelling units were completed, contrary to the plan, the 1<sup>st</sup> respondent cannot apply for completion certificate stating that the 1<sup>st</sup> respondent completed the construction as per the approved plan. Therefore, the original application dated 29.05.2017 for completion certificate cannot be called as an proper application for completion certificate as it contains false informations that they completed the construction as per the original planning permission which authorized the 1<sup>st</sup> respondent to construct only 950 dwelling units.

41.The above facts would also show that there is no regular inspection by the CMDA or Corporation officials while the construction is going on to verify as to whether the construction is made as per the planning permission and building permit. The concerned officials who are responsible have to be proceeded with. Therefore, the details given in the original application for completion certificate dated 29.05.2017 are false and action has to be taken against the developer for cheating the original purchasers as well as try to



mislead the authorities by giving false documents as stated in letter dated 29.05.2017 which are as follows:

- “1) *Completion certificate application in the prescribed format (Part I, Part II, Part III).*
- 2) *Declaration by the applicant and Architect in the prescribed format.*
- 3) *Attested copy of the following*
  - a) *CMDA approved plan and letter attested*
  - b) *Planning permit issued by CMDA*
  - c) *Building permit issued by local body*
  - d) *Receipt of remittance towards Infra Structure and Amenities charges*
  - e) *Receipt of remittance towards security deposit*
- 4) *As on site plan*
- 5) *Photographs of the building*
- 6) *Form of Supervision – CC1*
- 7) *Form of Completion Certificate – CC2*
- 8) *Form for Undertaking by Architect – CC3*
- 9) *DF & RS Fire Compliance Certificate*
- 10) *Change of Architect Letter*



11) *Change in Structural Consultant Letter*

12) *OSR & ROAD Gift Deed Documents.*

13) *Structural Stability Certificate.*”

42. Though the original authority passed orders regarding maintainability of the complaint filed by the appellant holding that the complaint is maintainable, the Regulatory Authority on Appeal by the 1<sup>st</sup> respondent went into finer details giving finding with regard to the merits of the case. Therefore, this Court is compelled to go into the issue and reverse the judgment of the Tribunal, giving positive finding in favour of the appellant.

43. Therefore, the substantial questions of law are answered in favour of the appellant and against the respondent and the order of the Tribunal is set aside holding that

(i) As on the date of the commencement of the Act on 01.05.2017, the 1<sup>st</sup> respondent has not applied for completion certificate and therefore, the 1<sup>st</sup> respondent project is an ongoing project".



(ii) The respondent cannot take shelter under Rule 2(h)(ii) of the Tamil Nadu RERA Rules stating that the 1<sup>st</sup> respondent has applied for completion certificate on 29.05.2017 as Rule give an exemption only to the developers who applied for completion certificate on or before 01.05.2017.

(iii) According to the 1st respondent the entire project was completed on 03.05.2017 whereas the 1st respondent applied for completion certificate on 29.05.2017.

(iv) After completion of the project on 03.05.2017, the 1st respondent applied for revised approval plan on 20.07.2018 for dwelling units of 1050, altering the original dwelling units of 950 and revised plan was obtained on the very same day on 20.07.2018.

(v) After completion of the entire project, Environmental Clearance Certificate was obtained on 27.06.2018 only as a formality.

(vi) Admittedly there is no environmental clearance certificate obtained before commencement of construction of project by the 1<sup>st</sup> respondent as stated in the environmental clearance certificate itself.



(vii) The application for completion certificate without environmental clearance certificate is a defective application and in the eye of law, it cannot be called as an application for completion certificate.

(viii) The State Level Environmental Impact Assessment Authority cannot issue post facto environmental clearance certificate, inspite of the admission made by the 1<sup>st</sup> respondent in their letter of apology/commitment dated 01.07.2013 that is violating EIA notification, 2006. The construction activities have already been started without mandatory prior environmental clearance from the competent authority.

44. Therefore, the following directions are issued:

- सत्यमेव जयते
- (a) The authority is directed to number the appeal within a period of one week from the date of receipt of a copy of this order.
- (b) The first respondent is directed to file their counter within a period of two weeks thereafter.



C.M.S.A.No.22 of 2019

(c) The authority shall decide the matter after giving opportunity to both the parties within a period of eight weeks thereafter.

(d) After the complaint is disposed by the authority and if any appeal is filed against the order of the authority, the Appellate Tribunal shall dispose of the appeal after giving opportunity to all the parties within a period of twelve weeks from the date of entertaining the appeal.

45. In fine, the Appeal is allowed. No costs.

(N.K.K.,J)

(P.V.,J)

15.09.2020

sai

Index : Yes / No

Internet : Yes / No

सत्यमेव जयते

To

1. CMDA, Greater Chennai Corporation, Chennai.

2. State Level Environmental Impact Assessment Authority,  
Tamil Nadu,  
III Floor, Panagal Maaligai,  
No.1, Jeennis Road, Saidapet, Chennai 600 015.

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C.M.S.A.No.22 of 2019

**N.KIRUBAKARAN, J.**  
**and**  
**P.VELMURUGAN, J.**

*sai*



**C.M.S.A.No.22 of 2019**

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**Dated :15.09.2020**

**ABSTRACT**

Urban - Development - Insisting TNRERA Registration by Chennai Metropolitan Development Authority, Directorate of Town and Country Planning, Local Planning Authorities and Local Bodies while issuing Planning Permission- Orders -Issued.

=====

**Housing and Urban Development [UD4(3)] Department**

**G.O.(Ms).No.166**

..0.0 3835

**Dated: 29.11.2018**

விளம்பி, காந்திதிகை 13,  
திருவள்ளூர் ஆண்டு 2049

Read:

1. G.O.Ms.No.112, Housing and Urban Development Department, dated 22.06.2017.
2. From the Chairperson, TNRERA, Letter No.TNRERA/3277/2018, dated 02.11.2018.

=====

**ORDER:**

In the Government Order first read above the Government has notified the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 in order to implement the Central Act. Accordingly, the Real Estate Regulatory Authority has been established on 22.06.2017.

2. Under section 3(1) of The Real Estate (Regulation and Development) Act, 2016 "No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act" and hence Registration with Tamil Nadu Real Estate Regulatory Authority is mandatory for all the projects. Tamil Nadu Real Estate Regulatory Authority has taken several steps to make the Promoters to register their project with Real Estate Regulatory Authority.

3. A clause has also been included in the final approval letter issued by Chennai Metropolitan Development Authority and Directorate of Town and Country Planning wherein it was stated that the Promoters should register their projects with Tamil Nadu Real Estate Regulatory Authority before commencing any booking or selling. In spite of several measures taken by this Authority, still certain Promoters have not registered their projects with Tamil Nadu Real Estate Regulatory Authority which ought to be registered.

4. Hence, in the letter 2<sup>nd</sup> read above, the Chairperson, Tamil Nadu Real Estate Regulatory Authority has requested the Government to issue necessary orders making mandatory to produce TNRERA Registration Certificate for issue of Completion Certificate by Chennai Metropolitan

..2..

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Development Authority, Directorate of Town and Country Planning, Local Planning Authorities and Local Bodies where the area of land proposed to be developed exceeds 500 sq.m. or the number of apartments proposed to be developed exceeds 8 inclusive of all phases in the proposed Common Building Rules as Completion Certificate guidelines.

5. The Government carefully examined the request of the Chairperson, TNRERA in para 4 above and direct the Member Secretary, Chennai Metropolitan Development Authority and Commissioner of Town and Country Planning to include the registration of projects with TNRERA as one of the conditions in the planning permission and its compliance is a pre-requisite for issue of Completion Certificate, where the area of land proposed to be developed exceeds 500 sq.m. or the number of apartments proposed to be developed exceeds 8 inclusive of all phases. Compliance of this condition shall also be checked and ensured before issue of Completion Certificate. This condition is also to be incorporated in the Tamil Nadu Combined Development Regulations and Building Rules, 2018

6. The Principal Secretary / Member Secretary, Chennai Metropolitan Development Authority and the Commissioner of Town and Country Planning are directed to pursue action accordingly.

**(BY ORDER OF THE GOVERNOR)**

**S.KRISHNAN,  
PRINCIPAL SECRETARY TO GOVERNMENT.**

To

The Principal Secretary,  
Municipal Administration and Water Supply Department,  
Chennai - 600009.

The Additional Chief Secretary,  
Rural Development and Panchayat Raj Department,  
Chennai-600009.

✓ The Chairperson, Tamil Nadu Real Estate Regulatory Authority,  
Chennai-600008.

The Principal Secretary / Member Secretary,  
Chennai Metropolitan Development Authority, Chennai-600 008.

The Commissioner of Town and Country Planning, Chennai-600002.

The Director of Municipal Administration, Chennai-600005.

The Director of Rural Development, Saidapet, Chennai-600015.

The Commissioner, Greater Chennai Corporation, Chennai-600003.

Copy to:-

The Principal Private Secretary to Principal Secretary to Government,  
Housing and Urban Development Department, Chennai-600009.

**SF/SC**

**//FORWARDED BY ORDER//**

*[Handwritten signature]*

*[Handwritten signature]*  
SECTION OFFICER.  
13/01/18  
27/11/18

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

**in**

**Original Application No. 21/2021**

**BETWEEN**

**Dr. Anupkrishnan.V                      .... Applicant**

**VS**

**Director, Ministry of Environment  
Forest and Climate Change,  
MOEF&CC RO(SEZ), HEPC Building,  
No.34, Cathedral Garden Road,  
Nungambakkam, CHENNAI  
and 7 Others                      .....Respondents**

**Rejoinder Filed u/s 19 of the  
National Green Tribunal Act, 2010**

**Dr. Anupkrishnan. V  
Party in Person**