

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

Original Application No. 21 of 2021 (SZ)

Dr. Anupkrishnana.V
Flat 7173, Tower 7, Prestige Bella Vista,
Ayyappanthangal Village,
Mount Poonamallee Road,
Kanchipuram District,
Chennai – 600056.

...Applicant(s)

Vs

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 & 5 others.

...Respondent(s)

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**Advocate
Thiru. S. Sai Sathya Jith,
Advocate, Chennai.**

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Ayyappanthangal Village, Mount Poonamallee Road,
Kanchipuram District, Chennai – 600056.
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...Applicant(s)

Versus

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

...Respondent(s)

REPORT FILED ON BEHALF OF THE 6th RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD.

I, R. Rajamanickam, son of P. M. Ramasamy, Hindu, aged about 57 years, having my office at No. 76, Mount Salai, Guindy, Chennai – 32, do hereby solemnly affirm and sincerely state as follows:-

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

2. It is submitted that, the Tamil Nadu Pollution Control Board issued show cause notice vide Proc. dated 16.08.2021 to M/s. Prestige Estates Projects Ltd - Prestige Bella Vista, Ayyappanthangal Village, Kundrathur Taluk, Kancheepuram District under section 5 of the E (P) Act, 1986 to show cause within 15 days, as to why Environmental Compensation shall not be levied to the unit as per the guidelines issued by the Hon'ble NGT & CPCB, as the unit has not taken any effective steps to comply with the directions issued by the Board and also continued violation of consent conditions as stipulated in the CTO. The above status report was submitted to the Hon'ble NGT.

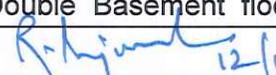
R. Rajamanickam
12.11.2022
JOINT CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,

3. It is respectfully submitted that, the applicant has filed an objection in the form of rejoinder to the report submitted by the TNPCB. Subsequently, the Hon'ble NGT vide order dated 23.09.2021 and 18.11.2021 has directed TNPCB to consider the objections filed by the applicant regarding the report submitted by TNPCB and to answer the same by filing a further report.

4. It is respectfully submitted that the detailed remarks on the objections filed by the applicant is submitted below:

	Objections filed by the applicant	Remarks of the Tamil Nadu Pollution Control Board
1	<p>The instant Application was filed by the Applicant inter-alia under Sections 14 and 15 of the National Green Tribunal Act, 2010, alleging that the Fourth and Fifth Respondents ("the Answering Respondents") violated the conditions imposed in the Environmental Clearance and also regarding the other permissions granted for the Project, namely "Prestige Bella Vista Project" ("The Project").</p>	<p>The developer has obtained Environmental clearance from SEIAA-TN vide F.No.SEIAA/F430/2011-1A-III dated 16/10/2012 for the construction of Residential apartment in the total land area of 1,00,199 Sq.mt with total build up area 4,78,003 Sq.mt comprising of 20 Blocks of residential building and 1 block of club house at Survey Numbers. 1/1, 1/2, 2, 3/1, 3/2, 3/3, 5/1, 8/2A, 50/1A, 50/2, 50/3, 50/4, etc Ayyappanthangal Village, Kundrathur Taluk, Kancheepuram District in the name and style of M/s " Prestige bella vista" subject to certain conditions.</p> <p>The said apartment was inspected and the following violations were noticed,</p> <ol style="list-style-type: none"> 1. As per EC the total space proposed to provide for car parking is 3769 Equivalent car space (ECS). But the available car parking is only for 2216 cars and most of cars are parked illegally in ground floor before the occupant's houses which was noted as violation. 2. As per the Environmental clearance, 26 D.G.sets of each 750 KVA capacity has to be installed as standby for power requirement. But the Respondent has installed only 17 D.G.sets viz 725 KVA-10 Nos, 600KVA-5Nos & 500KVA -5Nos with a total capacity of 12.75MVA for the project which was noted as violation. 3. As per the Environmental clearance, adequate drinking water facility based on the Reverse Osmosis treatment technology has be provided by the developer. However during inspection it was noticed that the developer has not provided any Reverse osmosis plant for the treatment of Drinking water to be

		<p>provided for the occupancies which was noted as violation</p> <p>4. As per the Environmental clearance, Application of solar energy should be incorporated for the illumination of common areas, lighting for garden and street lighting in addition to provision for Solar water heating. The solar energy was not provided for the above by the Respondents 4 & 5. which is noted as violation</p> <p>5. As per the EC, the solid waste generated should be properly collected before disposal to the City Municipal Facility. The In-Vessel bio-conversion techniques should be used for composting the organic waste, however during inspection it was noticed that un-segregated solid is being disposed in to Ayyanpanthangal Municipal solid waste dump site which is noted as violation.</p> <p>6. As per EC, the respondents 4 & 5 has to implement the above said conditions whereas, they have not complied the EC conditions.</p>
2	<p>The Joint Committee had inspected the Project site and submitted its Inspection Report on 10/08/2021, The answering Respondents have filed a detailed objections to the said Report on 22/09/2021. The Answering Respondents have also filed an independent response to the main application.</p>	No remarks
3	<p>Meanwhile, the Sixth Respondent has filed a Report on 07/09/2021 ("the Report under Reply"). The Answering Respondents have perused the contents of the Report under Reply and deny each and every allegation and averment made by the Sixth Respondent therein, except to the extent specifically admitted hereinunder. The Answering Respondents further crave leave of this Hon'ble Tribunal to read the Answering Respondents' Objections dated 22.09.2021 to the Committee's Report as well as the Counter Statement dated 07/10/2021 to the Application, as a part and parcel to this Objections to the Report. under Reply</p>	<p>CTE was issued to the developer vide Proc. No. T11/ TNPCB/ F.18722/ OL/ SPR/ W&A /2013 dated 28.06.2021 for construction of Residential apartment in the total land area of 100199 S.qm with total build up area 458341 S.qm Comprising of 33 Blocks in 20 Towers of residential building with two basement and 1 block of club house, Each tower having 2 basement plus ground plus 16 floor. This consent to Establish is valid for Two years which was expired on 27.06.2015.</p> <p>Consent to Operate was issued to the developer of M/s. Prestige Estates Projects Ltd, - Prestige Bella Vista Ayyappanthangal Village, KundrathurTaluk, Kancheepuram District for Residential Building Complex "Prestige Bella Vista" Comprising of 25 Blocks in 17 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2083 Dwelling units & 1 Block of Club House having Double Basement floor +</p>


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Ground floor + 1 floor) with total built up area (Phase -I) of 338661 Sq.m vide Proc NO.T2/TNPCB/F.1918SPR/RL//SPR/W&A/2018 DATED: 26/11/2018 valid upto 31.03.2020. Further consent was extended up to 30.09.2020 due to Covid -19.

As per the Consent Order special conditions no. 1, This consent to operate is valid for operating the facility for the manufacture of products (Col. 2) at the rate (Col. 3) mentioned below. Any change in the products and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained

Description	Quantity	unit
Product Details		
Residential Building Complex "Prestige Bella Vista" Comprising of 25 Blocks in 17 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2083 Dwelling units & 1 Block of Club House having Double Basement floor + Ground floor + 1 floor) with total built up area (Phase -I)	338361	Sq.m

Whereas, the developer unit was inspected on 22.09.2021 and during inspection it was noticed that the developer has constructed the total build up area extended from 338361 Sqm to 352151 Sqm without obtaining necessary consent of the Board and also they have reported that 25 blocks are already occupied and remaining 8 blocks were partially occupied by the consumers which is noted as violation

As per the Consent Order special conditions no. 2, This Consent to operate is valid for operating the facility with the mentioned outlets for the discharge of sewage/trade effluent. Any change in the outlets and the quantity has to be brought to the notice of the Board and fresh consent / Amendment has to be obtained.

Effluent Type: Sewage

		Out let No	Description of Outlet Maximum daily discharge in KLD	Point of disposal
		1.	Sewage	829 376 KLD for flushing 216KLD for Gardening 237 KLD to CMWSSB
4	The Answering Respondents submit that, pursuant to the Joint Committee's Report dated 10/08/2021 was filed before this Hon'ble Tribunal, the Sixth			<p>The developer has applied for renewal of consent through online vide application No. 32759129 dated 27.07.2020 in the jurisdiction of DEE/Maraimalai Nagar and resubmitted on 03.08.2020 in the same office for Residential Building Complex "Prestige Bella Vista" comprising of 25 Blocks in 17 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2083 Dwelling units & 1 Block of Club House having Double Basement floor + Ground floor + 1 floor) with total built up area (Phase -I) – 338361 sq.m</p> <p>However during inspection it was noticed that the treated sewage partially utilized for toilet flushing and partially utilized for gardening/green belt development. The developer has not disposed the excess treated sewage CMWSSB Nesapakkam Decanting Point. It is reported that the entire treated sewage generated from the residential complex is being utilized for toilet flushing/Green belt development in their premises.</p> <p>However there is no sufficient area available for gardening within the premises. Since the developer is having 3.828 Hectare for gardening/Green belt development which is not adequate as per hydraulic loading rate [35 KL/hect] which is noted as violation</p> <p>And also they have reported that 25 blocks are already occupied and remaining 8 blocks were partially occupied by the consumer which is noted as violation.</p> <p>Show Cause Notice was issued to the Developer vide Bd No. Proceeding No.TNPCB/LAW/LA-III/NGT/003582/2021 dated</p>


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	<p>Respondent has preferred to issue a Show-Cause Notice dated 16/08/2021 (signed on 17/08/2021 and dispatched on 18/08/2021) ("Show-Cause Notice") calling upon the Answering Respondents to show cause as to why the Environmental Compensation should not be levied against the Answering Respondents. The Show Cause Notice further directed the Answering Respondents to respond within a period of 15 days of receipt of the notice failing which action will be initiated on merits. It is pertinent to note that the said Show Cause Notice was received by the Answering Respondents on 19/08/2021.</p>	<p>16.08.2021 in view of the following reasons.</p> <ol style="list-style-type: none"> The said Residential Building Complex "Prestige Bella Vista" constructed comprising of 33 Blocks in 20 Towers with 2613 dwelling units thus violating the said consent order conditions. Total build up area of residential building complex is extended from 338361 Sq.m to 352151 Sq.m thus violating consent order conditions. Sewage generation is increased as against the permitted quantity of sewage of 850 KLD. There is a discrepancy in the consent order, Environmental clearance and in actual construction made. Consent was issued in the name of M/s. Prestige Estates Projects Limited – Prestige Bella Vista - Phase I and Environmental clearance was issued in the name of M/s. Prestige Estates Projects private Limited
5	<p>In the Show Cause Notice, the Sixth Respondent, by drawing reference to the Order dated 03/08/2018 passed by the Hon'ble NGT (PB) in O. A. No. 593/2017 had raised six (6) allegations of non-compliance against the Answering Respondents. Upon receipt of the Show Cause Notice, the Answering Respondents, vide a Detailed Reply dated 01/09/2021 (the Reply to Show-Cause Notice"), duly responded to the same, by categorically refuting each and every allegation contained therein and consequently informed the Sixth Respondent that they are not liable to pay any compensation for alleged violations/ non-compliances. The Answering Respondent further informed the Sixth Respondent that the matter is sub-judice before this Hon'ble Tribunal. The reply to the Show-cause notice was hand –delivered by the Answering Respondents to the Sixth Respondent on the same day i.e.,01/09/2021. The Answering Respondents crave leave of this Hon'ble Tribunal to read the reply to the Show cause Notice dated 01/09/2021 as part and parcel of this</p>	<p>Detailed show cause Notice was issued to the developer vide Show Cause Notice proc. dated 16.08.2021.</p> <p>However the reply furnished by the unit is not satisfactory.</p>

	Report under Reply.	
6	<p>Notwithstanding the same, the Sixth Respondent has proceeded to file the instant Report under Reply before this Hon'ble Tribunal on 07/09/2021, by totally disregarding the Reply to the Show-Cause Notice sent by the Answering Respondents. A perusal of the Report under Reply makes it evident that the same is a mere reiteration of the contents of the Show Cause Notice that had already been duly responded to by the Answering Respondents earlier. Be that as it may, by way of abundant caution, the Answering Respondents reiterate and reaffirm their stand that they have not committed any violations of environmental laws, whatsoever, and consequently, not liable to pay any compensation thereof.</p>	<p>Environmental clearance was issued by SEIAA-TN subject to the following conditions that</p> <ol style="list-style-type: none"> 1. As per EC, the total space proposed to provide for car parking is 3769 Equivalent car space (ECS). But the available car parking is only for 2216 cars and most of cars are parked illegally in ground floor before the occupant's houses which was noted as violation for not complying the EC conditions. 2. As per the Environmental clearance issued 26 D.G.sets of each 750 KVA capacity has to be installed as standby for power requirement. But the Respondent has installed only 13 D.G.sets which is less than the standby power capacity assured by the developer in the EC and was noted as violation. 3. As per the Environmental clearance, adequate drinking water facility based on the Reverse Osmosis treatment technology has to be provided by the developer. However during inspection it was noticed that the developer has not provided any Reverse osmosis plant for the treatment of Drinking water to be provided for the occupancies which was noted as violation. As per the Environmental clearance, Application of solar energy should be incorporated for the illumination of common areas, lighting for garden and street lighting in addition to provision for Solar water heating and the solar energy was not provided for the above by the Respondents 4 & 5. which is noted as violation 4. In EC para 2, Sewage generated from the project site is 1133 KLD for which 3 No's of Sewage Treatment Plant (STP) having total capacity of 1550 KLD (240 KLD – 1 No., 450 KLD– 1 No. and 860– 1 No. KLD) is installed in the project site and the STP adequacy report was furnished by the Anna university vide letter dt.24.09.2018. During inspection it was noticed that the treated sewage is being used only for Toilet Flushing, Green Belt Development and it was reported that remaining treated sewage water whenever generated excess is being sent to the Nesapakkam decanting point through tanker lorry for disposal.


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		<p>However, there is no documental evidence in this regard.</p> <p>5. As per the EC, the solid waste generated should be properly collected before disposal to the City Municipal Facility. The In-Vessel bio-conversion techniques should be used for composting the organic waste during inspection it was noticed that un-segregated solid is being disposed in to Ayyanpanthangal Municipal solid waste dump site which is noted as violation thereby the local body has already been dumped in catchment area of Porur eri.</p> <p>As per EC, The respondent 4 &5 should be implement the above said condition but they are not implemented the same.</p>
7	The contents of paragraphs 1 to 3 are admitted as they are facts on record and hence require no specific traversal.	No Remarks
8	As regards the averments made in paragraph 4 are concerned, it is respectfully submitted that, as per the EC, the Project was to be constructed as a residential complex comprising of 20 blocks/ towers ("Towers"). As stipulated in the EC, there are only 20 Towers that have been constructed within the Project within the permissible built-up area. Each of these Towers, comprises of one or more blocks (to a maximum of 3 blocks), aggregating to a total of 33 blocks ("Blocks"). This is evident from a perusal of the planning permit issued by the Third Respondent and the master plan of the Project. It is further submitted that the Project is constructed with a total built-up area of 4,49,971 sq. m. (inclusive of FS1 and non-FSI areas), and 4,43,738.16 sq. m. excluding the non-FSI area., which is well within the EC conditions and planning permit. It is true that the Answering Respondents had obtained Consent to Establish on 28/06/2013. Further, it is also clarified that the renewal for CTO was applied by the Answering Respondents by 27/07/2020 itself i.e., much prior to the expiry of the consent up to 30/09/2020. Consequently, all statements and averments made to the contrary in the paragraph under reply are denied as false and baseless.	<p>Consent to Operate was issued to the developer of M/s. Prestige Estates Projects Ltd, - Prestige Bella Vista for Residential Building Complex "Prestige Bella Vista" Comprising of 25 Blocks in 17 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2083 Dwelling units & 1 Block of Club House having Double Basement floor + Ground floor + 1 floor) with total built up area (Phase -I) of 3,38,661 Sq.mt vide Board Proc No.T2/TNPCB/F.1918SPR/RL/SPR/W&A/2018 dated. 26/11/2018 valid upto 31.03.2020</p> <p>However it was reported by the developer that, the Project site was constructed with a total built-up area of 4,49,971 sq. mt (inclusive of FS1 and non-FSI areas) and 4,43,738.16 sq. mt excluding the non-FSI area., which is well within the EC conditions and planning permit.</p> <p>Whereas Consent to operate was issued to the units of M/s. Prestige Estates Projects Ltd, - Prestige Bella Vista vide Bd'sProc dated 26.11.2018 for "Residential Building Complex "Prestige Bella Vista" Comprising of 25 Blocks in 17 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2083 Dwelling units & 1 Block of Club House having Double Basement floor + Ground floor + 1 floor) with total built up area (Phase -I)-to a total Build up area of 3,38,361 Sq.mt" only.</p> <p>CTO was issued subject to the following Special conditions vide Sl.No.1 stating that,</p> <p>"This consent to operate is valid for</p>

		<p>operating the facility for the manufacture of products (Col. 2) at the rate (Col. 3) mentioned below. Any change in the products and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained.”</p> <p>However, during joint committee inspection on 20.04.2021 it was noticed that, the developer has constructed total build up area of residential building complex for 4,49,971 Sq.mt and has not obtained Consent for the remaining Phase II built up area of 1,11,610 Sq.mt thus violating consent order conditions mentioned above.</p>
9.	<p>The averments contained in paragraph 5 are merely factual narration of events from 22/09/2020 to 03/12/2020 and hence require no specific traversal. However, it is submitted that the observations recorded by the Sixth Respondent during the inspection on 22/09/2020 and the subsequent show-cause notice dated 23/09/2020 are inherently flawed and erroneous.</p>	<p>Consent to Operate was issued to the developer of M/s. Prestige Estates Projects Ltd, - Prestige Bella Vista for Residential Building Complex “Prestige Bella Vista” Comprising of 25 Blocks in 17 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2083 Dwelling units & 1 Block of Club House having Double Basement floor + Ground floor + 1 floor) with total built up area (Phase -I) of 3,38,661 Sq.mt vide Board Proc NO.T2/TNPCB/F.1918SPR/RL/ SPR/W&A/2018 dated. 26/11/2018 valid upto 31.03.2020</p> <p>However during inspection it was reported by the developer that, the Project site was constructed with a total built-up area of 4,49,971 sq. mt (inclusive of FS1 and non-FSI areas) and 4,43,738.16 sq. mt excluding the non-FSI area., which is well within the EC conditions and planning permit.</p> <p>CTO was issued subject to the following Special conditions vide SI.No.1 stating that,</p> <p>“This consent to operate is valid for operating the facility for the manufacture of products (Col. 2) at the rate (Col. 3) mentioned below. Any change in the products and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained.”</p> <p>However, during joint committee inspection on 20.04.2021 it was noticed that, the developer has constructed total build up area of residential building complex for 4,49,971 Sq.mt and has not obtained Consent for the remaining Phase II built up area of 1,11,610 Sq.mt thus violating consent order conditions mentioned above.</p> <p>CTO was issued subject to the following</p>


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		<p>Special conditions vide Sl.No.2 stating that,</p> <p><i>This Consent to operate is valid for operating the facility with the mentioned outlets for the discharge of sewage/trade effluent. Any change in the outlets and the quantity has to be brought to the notice of the Board and fresh consent / Amendment has to be obtained.</i></p> <p>Consent to operate was issued to the respondent 4 & 5 for disposal of sewage is 829 KLD for the construction of residential building with total Build up area of 3,38,361 Sq.mt only.</p> <p>Whereas during inspection they have reported that 25 blocks are already occupied and remaining 8 blocks were partially occupied by the consumer which is noted as violation.</p> <p>However, during inspection on 22.09.2020 & joint committee inspection on 20.04.2021 it was noticed that, the developer has constructed total build up area of residential building complex for 4,49,971Sq.mt and partially occupied. whereas the sewage generation quantity is increased from the phase II for which respondent 4 &5 has not obtained Consent for the remaining Phase II built up area of 1,11,610 Sq.mt thus violating consent order conditions mentioned above.</p> <p>However during inspection it was noticed that the treated sewage partially utilized for toilet flushing and partially utilized for gardening/green belt development. The developer has not disposed the excess treated sewage CMWSSB Nesapakkam Decanting Point. It is reported that the entire treated sewage generated from the residential complex is being utilized for toilet flushing/Green belt development in their premises.</p> <p>However there is no sufficient area available for gardening within the premises. Since the developer is having 3.828 Hectare for gardening/Green belt development which is not adequate as per hydraulic loading rate [35 KL/hect] which is noted as violation.</p>
10.	<p>In precise terms, the observation that the Answering Respondents have violated the consent order conditions is vehemently denied as erroneous and misleading. In fact, the construction of the Project is as Per the EC conditions and planning permit. The building</p>	<p>Whereas Consent to operate was issued to the developer of M/s. Prestige Estates Projects Ltd, - Prestige Bella Vista vide Bd's Proc dated 26.11.2018 to subject to the following Special conditions No.1</p> <p><i>This consent to operate is valid for operating the facility for the manufacture of products</i></p>

construction did not exceed the built-up area stipulated therein. Consequently, the averment that there is a discrepancy in the consent order, EC conditions and actual construction is totally denied as false and baseless. Further, there is no discrepancy in the name on which the consent was issued and the purported allegation in this regard appears bald, vague, and misconstrued.

(Col. 2) at the rate (Col. 3) mentioned below. Any change in the products and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained

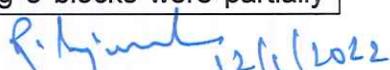
Description	Quantity	Unit
Product Details		
Residential Building Complex "Prestige Bella Vista" Comprising of 25 Blocks in 17 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2083 Dwelling units & 1 Block of Club House having Double Basement floor + Ground floor + 1 floor) with total built up area (Phase -I)	338361	Sq.m

However, the developer has constructed total build up area of residential building complex is 4,49,971 Sq.m without obtaining prior Consent from TNPC Board for CTO-Expansion for the remaining Constructed/Built up area thus violating consent order conditions issued to the developer unit.

11. In addition, the observation that permitted quantity of sewage is only 850 KLD is incorrect and based on a mere theoretical inference. The Sixth Respondent is put to strict proof of the same. Be that as it may, the current quantity of treated sewage does not exceed the aforementioned quantity of 850 KLD and the averments made to the contrary are denied in its entirety.

Consent to operate was obtained by Respondents 4 & 5 from TNPC Board vide Proc.dt. 26.11.2018 for Residential Building Complex "Prestige Bella Vista" Comprising of 25 Blocks in 17 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2083 Dwelling units & 1 Block of Club House having Double Basement floor + Ground floor + 1 floor) with total built up area (Phase -I) of 3,38,661 Sq.m and to discharge 829 KLD(376 KLD – Flushing, 216 KLD-Gardening, 237 KLD-CMWSSB-Nesapakkam Decanting point).

It is reported that 25 blocks have been already occupied and remaining 8 blocks were partially


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		occupied by the customers and is evident there was considerable increase in generation of sewage as against the permitted quantity of 829 KLD which is violation Consent order conditions issued dt. 26.11.2018 under Water (P&CP) Act 1974 as amended.
12.	The Answering Respondents duly responded to the aforementioned show cause notice dated 23/09/2020 on 19/10/2020 as well as on 03/12/2020, stating that there are no violations/ discrepancies. Hence, all averments made to the contrary in this regard are strongly denied as false and untenable. The Answering Respondents put the Sixth Respondent to strict proof of the averments made to the contrary.	<p>The developer unit was inspected on 22.09.2020 and during inspection following discrepancies were noted,</p> <ol style="list-style-type: none"> The said Residential Building Complex "Prestige Bella Vista" was constructed comprising of 33 Blocks in 20 Towers with 2613 dwelling units instead of permitted 20 Blocks as per EC ,thus violating the said consent order conditions. Total build up area of residential building complex was extended from 3,38,361 Sq.mt to 352151 Sq.mt thus violating consent order conditions. Sewage generation was increased to 850 KLD as against the permitted quantity of sewage of 829 KLD. There is a discrepancy in the consent order, Environmental clearance and in actual construction made. Consent was issued in the name of M/s. Prestige Estates Projects Limited – Prestige Bella Vista - Phase I and Environmental clearance was issued in the name of M/s. Prestige Estates Projects private Limited <p>Again, the project site was inspected on 19.02.2021 and during inspection it was noticed that</p> <ol style="list-style-type: none"> The developer has not provided Reverse Osmosis treatment technology for adequate drinking water. The excess treated sewage 237 KLD is to be disposed in to CMWSSB Nesapakkam Decanting Point sewer network. However during inspection it was noticed that the treated sewage partially utilized for toilet flushing and partially utilized for gardening/green belt development. The developer has not disposed the excess treated sewage CMWSSB Nesapakkam Decanting Point. It is reported that the entire treated sewage generated from the residential complex is being utilized for toilet flushing/Green belt development in their premises. However there is no sufficient

		<p>area available for gardening within the premises. However there is no sufficient area available for gardening within the premises. Since the developer is having 3.828 Hectare for gardening/Green belt development which is not adequate as per hydraulic loading rate [35 KL/hec] which is noted as violation.</p> <p>3. As per EC conditions, the developer has not obtained Authorization under Hazardous and other waste (Management & Transboundary Movement) Rules, 2016 for disposal of hazardous wastes generated from the unit.</p> <p>Based on the above, Board has issued directions to the developer vide Bd's Proc.NoT2/TNPCBd/F.2549/SPR/RL/W&A/ 2021 dated 08.04.2021 to comply as illustrated below,</p> <ul style="list-style-type: none"> a) The developer shall apply for CTO for the entire projects as per CTE within 15 days b) The developer shall operate the activities only after obtaining necessary consent of the Board. c) The developer shall provide Reverse Osmosis treatment technology for drinking purpose as the EC conditions. d) The developer shall obtain authorization under hazardous and other waste (Management & Trans Boundary Movement) Rules,2016 for disposal of hazardous waste generated from the unit. e) The developer shall dispose treated sewage to CMWSSB STP at Nessappakkam. f) The developer all strictly abide by the outcome/order of the Hon'ble NGT(SZ) in OA No.21 of 2021 from time to time."
13	<p>In response to the averments made in paragraph 6 of this Report, it is submitted that the observations of the Sixth Respondent during the inspection on 19/02/2020 are erroneous and highly misplaced. In specific terms, there is no deviation/ change in the number of Towers or built-up area for which EC</p>	

	<p>was granted, as erroneously observed by the Sixth Respondent. It is reiterated that, as per the EC, the Project was to be constructed as a residential complex comprising of 20 blocks/ towers ("Towers"). As stipulated in the EC, there are only 20 Towers that have been constructed within the Project. Each of these Towers, comprises of one or more blocks (to a maximum of 3 blocks), aggregating to a total of 33 blocks ("Blocks"). This is evident from a perusal of the planning permit issued by the Third Respondent and the master plan of the Project. Accordingly, there arises no question of change in scope, as suggested by the Sixth Respondent, In fact, the Project was constructed as per the planning permission issued by the Third Respondent and in due compliance of the EC conditions. As such, there is no violation by the Answering Respondents in this regard.</p>	<p>Consent to operate was obtained by Respondents 4 & 5 from TNPCB vide Proc.dt. 26.11.2018 for Residential Building Complex "Prestige Bella Vista "Comprising of 25 Blocks in 17 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2083 Dwelling units & 1 Block of Club House having Double Basement floor + Ground floor + 1 floor) with total built up area (Phase -I) of 3,38,661 Sq.m.</p> <p>However, the respondent 4 & 5 has constructed total build up area of residential building complex is 4,49,971 Sq.m without obtaining prior Consent from TNPC Board for CTO-Expansion for the remaining Constructed/Built up area thus violating consent order conditions issued to the developer unit.</p>
14	<p>It is further submitted that the Answering Respondents obtained planning permit and building permit on 13/02/2013 and 23/04/2013 respectively. Hence, the averments made to the contrary are also denied as false and incorrect. Moreover, while it is true that the completion certificates for 25 Blocks have been obtained, the Third Respondent has withheld the completion certificates for the remaining 8 Blocks, citing pendency of an unrelated litigation before the Hon'ble Supreme of India. It is denied that the entire building is occupied, and the Sixth Respondent is put to strict proof of the same.</p>	
15	<p>As regards the observation regarding the non-availability of Reverse Osmosis Treatment technology, it is respectfully submitted that the same is not required for the Project because the fresh water/drinking water is being obtained from the CMWSSB which is pre-treated. Moreover, the water is also treated by 3 water treatment plants installed within the Project. In fact, the Hon'ble Green Tribunal (PB) in OA No, 134 of 2015 has held that RO plans are not to be installed where the water TDS is <500, and wherein water is supplied by the</p>	<p>As per the EC stating that the developer shall provide adequate drinking water facility based on the Reverse Osmosis treatment technology.</p> <p>However during inspection it was noticed that the developer has not provided Reverse Osmosis treatment technology for adequate drinking water, thus violating the Environmental clearance conditions</p>

	<p>water authorities. In this context, the Answering Respondents, for the sake of brevity, craves leave to not repeat and reiterate all that is stated in their Objections to the Committee's Report and Counter Statement to the main Application in respect of the RO technology.</p>	
16.	<p>It has also been erroneously observed that the excess treated sewage is not disposed to CMWSSB's decanting plant. The Answering Respondents adds that about 68% of the Project (majority) is dedicated to open spaces which include hard scaping, gardening areas, and plantations. Hence, there is sufficient area available for gardening within the premises. As such, the treated sewage is partly utilized within the Project for gardening and green-belt development, apart from being utilized for toilet flushing, while the excess is being transported to the CMWSSB's decanting plant. For the reasons stated above, the observation made to the contrary are denied as false and baseless.</p>	<p>As per the consent order the treated sewage 376KLD utilized for toilet flushing, 216 KLD utilized for gardening. The excess treated sewage 237 KLD is to be disposed in to CMWSSB Nesapakkam Decanting Point sewer network. However during inspection it was noticed that the treated sewage partially utilized for toilet flushing and partially utilized for gardening/green belt development. The developer has not disposed the excess treated sewage CMWSSB Nesapakkam Decanting Point. It is reported that the entire treated sewage generated from the residential complex is being utilized for toilet flushing/Green belt development in their premises.</p> <p>During inspection it was noticed that the treated sewage is being used only for Toilet Flushing, Green Belt Development and it was reported that remaining treated sewage water whenever generated excess is being sent to the Nesapakkam decanting point through tanker lorry for disposal. However there is no documental evidence in this regard.</p> <p>However there is no sufficient area available for gardening within the premises. Since the developer is having 3.828 Hectare for gardening/Green belt development which is not adequate as per hydraulic loading rate [35 KL/hec]</p>
17.	<p>The Answering Respondents states that the only waste generated by the project is waste oil from DG sets. The same is disposed of by one Thirumalai Agency which whom an agreement has been entered for disposal of the waste oil discharged from the D.G sets. This agency has been duly authorized under the Hazardous and Waste Rules, 2016. The Answering Respondents have also duly applied for necessary authorization under the Hazardous and Other Waste (Management & Transboundary Movement) Rules, 2016, for disposal of Hazardous waste generated.</p>	<p>The Developer/respondent has installed only 17 D.G.sets such as power of 725KVA -10Nos, 600KVA-5Nos & 500KVA -5Nos with total capacity of 12.75MVA, Hazardous waste generated by the developer/respondent has to obtain authorization and then disposed to the authorized recyclers. The developer has not obtained necessary authorization under Hazardous and Other Waste (Management & Transboundary Movement) Rules, 2016, for disposal of Hazardous waste generated from the residential apartment D.G Sets</p>

18	<p>However, the Sixth Respondent has rightly observed that the treated sewage are within permissible limits and that the units are provided Electro-Magnetic Flow Meters (EMFs) for STPs, as per the requirements. It has also been rightly observed that the Answering Respondents: (i) have provided for necessary rain water harvesting, (ii) have provided separate wet and dry bins for segregation of waste, (iii) have provided green belt development, (iv) have provided solar panels at roof top, (iv) have installed organic waste converter for composting which is being utilized as manure for gardening and (v) do not generate trade effluents from the residential complex, (vi) are operating the DG sets which meet all relevant parameters and (vii) have given provision of energy meters in STPs. All these observations clearly evidence that the allegations of the Applicant are entirely false, baseless and do not merit any consideration.</p>	<p>As per the consent order the treated sewage 376KLD utilized for toilet flushing, 216 KLD utilized for gardening. The excess treated sewage 237 KLD is to be disposed in to CMWSSB Nesapakkam Decanting Point sewer network. However during inspection it was noticed that the treated sewage partially utilized for toilet flushing and partially utilized for gardening/green belt development. The developer has not disposed the excess treated sewage CMWSSB Nesapakkam Decanting Point. It is reported that the entire treated sewage generated from the residential complex is being utilized for toilet flushing/Green belt development in their premises.</p> <p>During inspection it was noticed that the treated sewage is being used only for Toilet Flushing, Green Belt Development and it was reported that remaining treated sewage water whenever generated excess is being sent to the Nesapakkam decanting point through tanker lorry for disposal. However there is no documental evidence in this regard.</p> <p>However there is no sufficient area available for gardening within the premises. Since the developer is having 3.828 Hectare for gardening/Green belt development which is not adequate as per hydraulic loading rate [35 KL/hec]</p> <p>As per the EC, The solid waste generated should be properly collected before disposal to the City Municipal Facility. The In-Vessel bio-conversion techniques should be used for composting the organic waste.</p> <p>However during inspection it was noticed that un-segregated solid is being disposed in to Ayyanpanthangal Municipal solid waste dump site thereby local body has already been dumped in catchment area of porur eri</p> <p>As per the Environmental clearance Application of solar energy should be incorporated for the illumination of common areas, lighting for garden and street lighting in addition to provision for Solar water heating and the solar energy was not provided for the above by the Respondents 4 & 5. which is noted as violation.</p> <p>The Respondents 4 & 5 has provided solar water heater for the top 2 floors of 30 blocks and has not installed solar light existing poles along the internal roads and garden area of the project</p>
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		site which is noted as violation.
19.	As regards the handing over of the Project to the welfare association, the Answering Respondents have repeatedly requested the elected association to come forward and take over the maintenance of common areas. However, the associations have not come forward to take over the same until date. In fact, the Answering Respondents are ready and willing to hand over the maintenance to the association.	No remarks
20.	In response to the averments made in paragraph 7 of this Report, the Respondent further submits that, pursuant to the inspection on 19/02/2021, the Sixth Respondent further issued Proceedings dated 08/04/2021, calling upon the Answering Respondents to comply with certain conditions. The said Proceedings dated 08/04/2021 was duly responded by the Answering Respondents on 16/04/2021. In precise terms, the Answering Respondents had, inter-alia, duly agreed to comply with the Sixth Respondent's direction to apply for CTO Expansion and the same was duly complied with by filing such application before the Sixth Respondent. The Answering Respondents further clarified that they have engaged one M/s. Thirumalai Agency (approved by TNPCF3) for disposal of spent oil/waste discharged from the DC sets and also that it disposes excess treated sewage (when generated) to CMWSSB's decanting point for disposal. It was further agreed by the Answering Respondents had agreed to apply for Hazardous Waste Authorization, which was also subsequently duly complied with.	<p>The developer/respondent has applied for CTO-Expansion through online vide application No. 38788041 dated 05.08.2021 for construction of Residential Building Complex "Prestige Bella Vista" Comprising of 33 Blocks in 20 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2613 Dwelling units & 1 Block of Club House having Double Basement +Ground+1 floor) with total buildup are - 449971.58 sq.m.</p> <p>CTO-Expansion was not issued to the developer for entire construction project without uploaded building completion certificate, Planning permission, Building permit for the entire project in this regard the unit has to furnish the above said details.</p> <p>Hence the application was returned to the developer on 15.08.2021 for want of additional particulars. The unit has not resubmitted the application through online so far.</p> <p>Hazardous waste generated by the developer/respondent has to obtain authorization and then disposed to the authorized recyclers.</p> <p>Subsequently, The developer/respondent has applied for authorization under Hazardous and other waste(Management & Trans boundary Movement)Rules, 2016 through OCMMS 40810455 on 13.09.2021 for disposal of hazardous waste generated from the unit. The application was returned to the developer on 13.10.2021 for want of additional particulars The unit has not resubmitted the application through online so far.</p> <p>In EC para 2, Sewage generated from the project site is 1133 KLD for which 3 No's of Sewage Treatment Plant (STP) having total</p>

		<p>capacity of 1550 KLD (240 KLD – 1 No., 450 KLD– 1 No. and 860– 1 No. KLD) is installed in the project site and the STP adequacy report was furnished by the Anna university vide letter dt.24.09.2018.</p> <p>During inspection it was noticed that the treated sewage is being used only for Toilet Flushing, Green Belt Development and it was reported that remaining treated sewage water whenever generated excess is being sent to the Nesapakkam decanting point through tanker lorry for disposal. However there is no documental evidence in this regard.</p>				
21	<p>The averments in paragraph 8 of this Report are totally denied as false and incorrect. It is vehemently denied that the Answering Respondents had failed to take any effective steps to comply with the directions of the Board. It is further denied that the consent conditions, stipulated in the CTO are violated by the Answering Respondents. Consequently, the Answering Respondents submit that they are not liable to pay any environmental compensation, much less the amount sought to be levied by the Sixth Respondent. In any event, it is respectfully submitted that the entire methodology adopted for computing the period for Environmental Compensation is erroneous for the following reasons:</p> <p>(i) The CTO was valid up to 31/03/2020. Thereafter, due to the ongoing COVID-19 pandemic, the validity of CTOs was automatically extended up to 30/09/2020. The Answering Respondents applied for renewal of CTO for 25 blocks by 27/07/2020 itself i.e., 2 months prior to the expiry of the extended period for renewal. Therefore, the computation of the starting date of violation from 23/09/2020 is arbitrary and untenable.</p>	<p>The Board has issued direction to the developer vide Bd's Proc.NoT2/TNPCBd/F.2549/SPR/RLW&A/2021 dated 08.04.2021 and The developer residential complex was again inspected the joint committee on 20.04.2021 and Compliance of the above direction are furnished below</p> <table border="1" data-bbox="792 892 1398 2088"> <thead> <tr> <th data-bbox="792 892 1045 1041">Board directions points</th> <th data-bbox="1045 892 1398 1041">Compliance</th> </tr> </thead> <tbody> <tr> <td data-bbox="792 1041 1045 2088"> <p>The developer shall apply for CTO for the entire projects as per CTE within 15 days</p> </td> <td data-bbox="1045 1041 1398 2088"> <p>Not complied. The developer/respondent has applied for CTO-Expansion through online vide application No. 38788041 dated 05.08.2021 for construction for the entire project with total buildup are – 449971.58 sq.m.</p> <p>However the unit has not uploaded building completion certificate, Planning permission, Building permit for the entire project.</p> <p>Hence the application was returned to the developer on 15.08.2021 for want of additional particulars. The unit has not resubmitted the application through online so far.</p> </td> </tr> </tbody> </table>	Board directions points	Compliance	<p>The developer shall apply for CTO for the entire projects as per CTE within 15 days</p>	<p>Not complied. The developer/respondent has applied for CTO-Expansion through online vide application No. 38788041 dated 05.08.2021 for construction for the entire project with total buildup are – 449971.58 sq.m.</p> <p>However the unit has not uploaded building completion certificate, Planning permission, Building permit for the entire project.</p> <p>Hence the application was returned to the developer on 15.08.2021 for want of additional particulars. The unit has not resubmitted the application through online so far.</p>
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		<p>The developer shall operate the activities only after obtaining necessary consent of the Board.</p>	<p>Not Complied. Whereas during inspection they have reported that 25 blocks are already occupied and remaining 8 blocks were partially occupied by the consumer which is noted as violation.</p>
		<p>The developer shall provide Reverse Osmosis treatment technology for drinking purpose as the EC conditions.</p>	<p>Not Complied. The developer has not provided Reverse Osmosis treatment technology for drinking purpose as the EC conditions.</p>
		<p>The developer shall obtain authorization under hazardous and other waste (Management & Trans Boundary Movement) Rules, 2016 for disposal of hazardous waste generated from the unit.</p>	<p>Not Complied. The developer/respondent has applied for authorization under Hazardous and other waste (Management & Trans boundary Movement) Rules, 2016 through OCMMS 40810455 on 13.09.2021 for disposal of hazardous waste generated from the unit. The application was returned to the developer on 13.10.2021 for want of additional particulars. The unit has not resubmitted the application through online so far.</p>
		<p>The developer shall dispose treated sewage to CMWSSB STP at Nessappakkam.</p>	<p>Not complied. During inspection it was noticed that the treated sewage is being used only for Toilet Flushing, Green Belt Development and it was reported that remaining treated sewage water whenever generated excess is being sent to the Nesapakkam decanting point through tanker</p>


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		<p>lorry for disposal. However there is no documentary evidence in this regard.</p>
<p>On a without prejudice basis, it is submitted that on account of the fact that the validity of CTOs was automatically extended till 30/09/2020, the computation of duration from 23/09/2020 is untenable.</p> <p>ii) Furthermore, considering the fact that the CTO was applied by the Answering Respondents by 27/07/2020 itself, the computation of the cessation date as 23/06/2021 for computing the compensation is also baseless and unsustainable. The 6th Respondent, during its inspection conducted on 22/09/2020, proceeded on a wholly erroneous premise that the CTO had expired (despite the automatic renewal) and failed to consider the renewal application on merits. The said delay therefore cannot be imputed to the answering respondent herein.</p>	<p>The developer all strictly abide by the outcome/order of the Hon'ble NGT(SZ) in OA No.21 of 2021 from time to time</p> <p>No remarks</p> <p>The unit has applied for renewal of consent though online vide application No. 32759129 dated 27.07.2020 in the jurisdiction of DEE/Maraimalai Nagar and resubmitted on 03.08.2020 in the same office for construction of Residential Building Complex "Prestige Bella Vista" Comprising of 25 Blocks in 17 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2083 Dwelling units & 1 Block of Club House having Double Basement floor + Ground floor + 1 floor) with total built up area (Phase -I) – 338361 sq.m and the application was returned to the unit to comply the Board direction and returned for the following reasons.</p> <p>During inspection on 22.09.2020 it was noticed that</p> <ol style="list-style-type: none"> 1. The builder has not hand over the property to the Owner/Society/Welfare Association so far. 2. The builder has not remitted consent fee for the Residential Building Complex "Prestige Bella Vista" Comprising of 25 Blocks in 17 Towers with total built up area (Phase -I) of 3,38,661 Sq.m. <p>In this regard, the unit is requested to remit consent fee based on Total Project Cost as Gross Fixed Assets. Hence the application was returned for the said reason.</p> <p>Subsequently, The developer has resubmitted the renewal of consent application by remitting consent fees of Rs.3305727 for the period 2020-</p>	<p>Case is still in progress</p>


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<p>(iii) In fact, there is absolutely no basis, reasons, or rationale to compute the period of alleged violation up to 23/06/2021 since the Answering Respondents had made an application For renewal of CTO in respect of 25 blocks even before the deemed expiry of CTO on 30/09/2020, i.e., on 27/07/2020 and same has been pending with the Board for reasons best known to them. As such, the computation of duration of 273 days i. e. between 23/09/2020 and 23/06/2021 is highly arbitrary, irrational, and unsustainable.</p> <p>(iv) Moreover, as stated above, CTO renewal application was made for 25 blocks as early as on 27/07/2020 itself. As on 23/06/2021, CTO was not applied only in respect of the remaining 8 out of 33 blocks, for the reasons that are not attributable to and wholly outside the control of the Answering Respondents. However, as stated above, this was because the completion</p>	<p>22 vide T.O CR No.98018 (Rs.2,33,232) dated 28.07.2020 & C.R.No.98328 (Rs.2,33,232)dated 09.12.2020 and 98484 (Rs.2839263) dated 11.02.2021</p> <p>Consent to operate was obtained by Respondents 4 & 5 from TNPCB vide Proc.dt. 26.11.2018 for Residential Building Complex "Prestige Bella Vista" Comprising of 25 Blocks in 17 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2083 Dwelling units & 1 Block of Club House having Double Basement floor + Ground floor + 1 floor) with total built up area (Phase -I) of 3,38,661 Sq.m.</p> <p>The unit has applied for renewal of consent for construction of Residential Building Complex "Prestige Bella Vista" Comprising of 25 Blocks in 17 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2083 Dwelling units & 1 Block of Club House having Double Basement floor + Ground floor + 1 floor) with total built up area (Phase -I) – 338361 sq.m</p> <p>However The respondent 4 & 5 has constructed total build up area of residential building complex is 4,49,971 Sq.m without obtaining prior Consent from TNPC Board for CTO-Expansion for the remaining Constructed/Built up area thus violating consent order conditions issued to the developer unit. Hence show cause notice were issue to the developer on 23.09.2021 As the developer has not taken any effective steps to comply the directions issued by the Board as on date and also continued violation of consent conditions as stipulated in the CTO Hence levying Environmental Compensation (EC) an amount of Rs. 95,97,656/- is calculated for not complying consent order conditions.</p> <p>Consent to Establish was issued to the developer of M/s.Prestige Bella Vista vide CTE Proc.No.T11/TNPCB/F.18722/OL/SPR/W&A/20 13 dated 28.06.2013 which was expired on 27.06.2015. Further the developer has not applied for CTE- Extension for construction of remaining 8 Blocks</p> <p>Presently ,The developer has constructed has constructed total build up area of residential building complex is 4,49,971 Sq.m, But they have applied for with total built up area (Phase - I) – 338361 sq.m the developer has not</p>
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certificate was a pre-requisite for issuance of CTO for these 8 blocks and the said completion certificate for the 8 blocks was erroneously withheld by the CMDA.

(v) The show-cause notice for CTO Expansion for the entire Project was issued only on 08/04/2021, which was duly complied with on 03/08/2021, and hence the computation of compensation is also untenable on this account since there admittedly arose no grievance on 23/09/2020, which is the start date for such computation.

(vi) Without prejudice to the above, the Sixth Respondent had itself, on 19/02/2021, certified that all 33 blocks in the Project were ready to be occupied and its own observation has now been disregarded for computing compensation up to 23/06/2021.

(vii) The fact that the Answering Respondents had applied for renewal of existing CTO for 25 Blocks even before the expiry of

complied Consent order conditions which is violation to the consent order condition, Hence Show cause Notice was issued to the developer on 23.09.2021 as well as compensation levied to the developer from 22.09.2021. The developer site was inspected and during inspection the developer has not complied the consent order conditions & EC conditions

Hence, The renewal of consent is not able to be considered for the above said reasons

Presently, The developer has constructed has constructed total build up area of residential building complex is 4,49,971 Sq.m, But they have applied for with total built up area (Phase - I) - 338361 sq.m the developer has not complied Consent order conditions which is violation to the consent order condition, Hence Show cause Notice was issued to the developer on 23.09.2021 as well as compensation levied to the developer from 22.09.2021 In this regard, Board has issued direction to the developer vide Bd's Proc.NoT2/TNPCBd/F.2549/SPR/RLW&A/2021 dated 08.04.2021

During inspection the developer has reported that 25 blocks are already occupied and remaining 8 blocks were partially occupied by the consumers.

Whereas during inspection they have reported that 25 blocks are already occupied and remaining 8 blocks were partially occupied by the consumer which is noted as violation.

However, during inspection on 22.09.2020 & joint committee inspection on 20.04.2021 it was noticed that, the developer has constructed total build up area of residential building complex for 4,49,971Sq.mt and partially occupied. whereas the sewage generation quantity is increased from the phase II for which respondent 4 & 5 has not obtained Consent for the remaining Phase II built up area of 1,11,610 Sq.mt thus violating consent order conditions mentioned above.

Subsequently, CTO-Expansion was not issued to the developer for entire construction project without uploaded building completion certificate,

<p>the extended period has not been considered; CTO expansion application for the entire Project comprising of 33 Blocks with the applicable fees was paid to the Sixth Respondent, which has also not been considered.</p> <p>(viii)As such, the Answering Respondents have complied with the EC conditions: the Answering Respondents have paid the entire CTO expansion fees as demanded by the Sixth Respondent; the Answering Respondents have not violated any of the laws in Environmental Act, such as discharge to the environment polluting the land, water, and air</p>	<p>Planning permission, Building permit for the entire project in this regard the unit has to furnish the above said details.</p> <p>Hence the application was returned to the developer on 15.08.2021 for want of additional particulars. The developer has not resubmitted the application through online so far.</p> <p>Environmental clearance(EC)was issued with certain conditions. However during inspection following violations were noticed,</p> <ol style="list-style-type: none"> 1. As per EC the total space proposed to provide for car parking is 3769 Equivalent car space (ECS).But the available car parking is only for 2216 cars and most of cars are parked illegally in ground floor before the occupant's houses which was noted as violation. 2. As per the Environmental clearance issued 26 D.G.sets of each 750 KVA capacity has to be installed as standby for power requirement. But the Respondent has installed only 17D.G.setsviz725KVA -10Nos,600KVA-5Nos & 500KVA -5Nos with a total capacity of 12.75MVA for the project which was noted as violation. 3. As per the Environmental clearance adequate drinking water facility based on the Reverse Osmosis treatment technology has be provided by the developer. However during inspection it was noticed that the developer has not provided any Reverse osmosis plant for the treatment of Drinking water to be provided for the occupancies which was noted as violation 4. As per the Environmental clearance Application of solar energy should be incorporated for the illumination of common areas, lighting for garden and street lighting in addition to provision for Solar water heating and the solar energy was not provided for the above by the Respondents 4 & 5. which is noted as violation 5. As per the EC, The solid waste generated should be properly collected before disposal to the City Municipal Facility. The In-Vessel bio-conversion techniques should be used for composting the organic wasteduring
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inspection it was noticed that un-segregated solid is being disposed in to Ayyanpanthangal Municipal solid waste dump site which is noted as violation.

As per EC, the respondents 4 &5 has to implement the above said conditions whereas, they have not complied the EC conditions.

Whereas Consent to operate was issued to the units of M/s. Prestige Estates Projects Ltd, - Prestige Bella Vista vide Bd'sProc dated 26.11.2018 for "Residential Building Complex "Prestige Bella Vista" Comprising of 25 Blocks in 17 Towers (Each tower having 2 basements, Ground plus 16 floors) with 2083 Dwelling units & 1 Block of Club House having Double Basement floor + Ground floor + 1 floor) with total built up area (Phase -I)-to a total Build up area of 3,38,361 Sq.mt" only.

CTO was issued subject to the following Special conditions vide SI.No.1 stating that,

"This consent to operate is valid for operating the facility for the manufacture of products (Col. 2) at the rate (Col. 3) mentioned below. Any change in the products and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained."

However, during joint committee inspection on 20.04.2021 it was noticed that, the developer has constructed total build up area of residential building complex for 4,49,971 Sq.mt and has not obtained Consent for the remaining Phase II built up area of 1,11,610 Sq.mt thus violating consent order conditions mentioned above.

CTO was issued subject to the following Special conditions vide SI.No.2 stating that,

"This Consent to operate is valid for operating the facility with the mentioned outlets for the discharge of sewage/trade effluent. Any change in the outlets and the quantity has to be brought to the notice of the Board and fresh consent / Amendment has to be obtained."

Consent to operate was issued to the respondent 4 & 5 for disposal of sewage is 829 KLD for the construction of residential building with total Build up area of 3,38,361 Sq.mt" only.

It is reported that 25 blocks have been already occupied and remaining 8 blocks were partially

		occupied by the customers and is evident there was considerable increase in generation of sewage as against the permitted quantity of 829 KLD which is violation Consent order conditions issued dt. 26.11.2018 under Water (P&CP) Act 1974 as amended.
22.	Moreover, as submitted above, the Show-Cause Notice was already duly responded to by the Answering Respondents on 01/09/2021. As such, the Reply to the Show Cause Notice was available on the records of the Sixth Respondent at the time of filing this Report under Reply. Despite that, the Sixth Respondent has failed to fairly disclose the same before this Hon'ble Tribunal. The Answering Respondents submit that they have not committed violations of any Rules framed under the Environmental (Protection) Act, 1986, as amended.	The developer has furnished reply for the show cause notice is not satisfactory and the copy of reply is enclosed for perusal.
23	Hence, for the reasons mentioned above, it is prayed that the findings and report of the Sixth Respondent, in so as attributing any noncompliance of the directions issued to the Answering respondents and quantifying the period to levy Environmental Compensation, may be rejected as the same is erroneous and without any basis.	<p>During inspection on.22.09.2020 certain violations was noticed and show cause notice was issued to the developer/Respondents 4 & 5 vide Board Proc.dated.23.09.2020.Based on the recommendation from the District Environmental Engineer, Sriperumbudur, TNPC Board, Chennai has issued direction to the developer vide Bd's Proc.NoT2/TNPCBd/F.2549/SPR/RL/W&A/2021 dated 08.04.2021 and the developer has not complied consent order conditions and not direction issued to the developer</p> <p>Board in its Circular Memo No:TNPCB/LAW/SCN/2021 dated 17-08-2021 has instructed that in order to levy EC for the erring units/Corporation/Municipality/Local bodies the following procedure shall be adopted.</p> <ol style="list-style-type: none"> Discharges in violation of consent conditions, mainly prescribed standards/consent limits. not complying with the directions issued such as direction for closure due to non-installation of OCEMS, non adherence to the action plans submitted etc., Intentional avoidance of data submission or data manipulation by tempering the online continuous emission/effluent monitoring systems. Violation caused under various rules framed under Environment [Protection]


 12/11/2022
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD

	<p>Act. 1986 as amended.</p> <p>The developer has replied vide his letter dated 16-04-2021 which is not satisfactory.</p> <p>The residential complex was again inspected on 20.04.2021</p> <p>The developer has not taken any effective steps to comply with the directions issued by the Board as on date and also continued violation of consent conditions as stipulated in the CTO and EC violation</p> <p>Hence, an amount of Rs. 95,97,656/- is calculated as the environmental compensation to the developer of M/s.Prestige Estates Projects Ltd for the above said violations.</p>
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Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

R. Rajamanickam 12/11/2022
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032,
BEFORE ME

VERIFICATION

I, R.Rajamanickam, Son of P.M.Ramasamy, working as Joint Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-600 032, do hereby submits that the contents of above report are true to the best of my knowledge through records.

R. Rajamanickam 12/11/2022
 JOINT CHIEF ENVIRONMENTAL ENGINEER
 TAMIL NADU POLLUTION CONTROL BOARD
 No.76, MOUNT SALAI, GUINDY,
 CHENNAI-600 032.

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

Original Application No. 21 of 2021 (SZ)

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

...Applicant(s)

Vs

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 & 5 others.

...Respondent(s)

**REPORT FILED ON BEHALF OF THE 6th
RESPONDENT - TAMIL NADU
POLLUTION CONTROL BOARD.**

**Advocate for Respondent No. TNPCB
Thiru. S. Sai Sathya Jith,
Advocate, Chennai.**

Date:12.01.2022.

Date of hearing on: 04.02.2022

