

**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

..... 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

2. State Level Environment Impact Assessment Authority

Represented Member Secretary

3rd Floor, Panagal Maligai, No.1, Jeenis Road, Saidapet

Chennai- 600015

Phone: 044 24359974, Email: mstnseiaa@yahoo.com

3. CMDA

Represented by its Member Secretary

Thalamuthu Natarajan Building



NO.1, Gandhi Irwin Road, Chennai-600008

Phone no: 044 28414355

Email: mscmda@tn.gov.in

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

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

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

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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OBJECTIONS FILED BY THE APPLICANT TO THE FINAL REPORT OF TNPCB DATED 13/02/2022 IN OA 21/2021(SZ).

MOST RESPECTFULLY SHOWETH THAT:-

1. This instant rejoinder is filed by the applicant to the Final Report of the 6th Respondent-TNPCB dated 13/02/2022 in compliance with the Hon'ble Tribunal order dated 04-02-2022.

Background:-

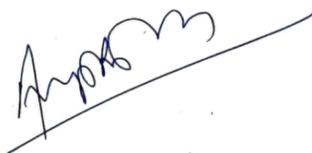
2. The applicant has filed a case against Respondent 1 – 8 before the Honorable NGT(SZ) vide OA/21/2021 for violation of conditions imposed in the environmental Clearance and also regarding the other permissions granted to the respondents 4&5 for their project.



3. The Hon'ble NGT(SZ), Chennai dated 05/02/2021 has ordered to appoint a Joint Committee comprising of (1) Senior Officer from the Regional Office of MoEF&CC, Chennai (2) Senior Officer from SEIAA and (3) Senior Scientist from the TN State Pollution Control Board to inspect the area in question and to find out if there is any violation.
4. DEE of TNPCB along with other members of Joint Committee inspected the said residential complex on 20-04-2021 and submitted its report on 10-08-2021 in compliance with the Hon'ble Tribunal order dated 05-02-2021. TNPCB has filed its independent report on 11-09-2021.
5. Applicant has filed an objection in the form of rejoinder to the report of TNPCB on 15/09/21. Subsequently, the Hon'ble NGT, vide order dated 23/09/2021 & 18/11/2021, has directed TNPCB to consider the objections filed by the applicant regarding the report submitted by them and answer the same by filing a further report.
6. TNPCB submitted their final report on 13/02/2022. The Hon'ble NGT has directed the applicant to file any objections to the final report submitted by TNPCB vide order dated 04/02/2022.

The applicant raises specific objections to the averments made by 6th Respondent.

7. The 6th Respondent has stated in the para 1 of the final report that "*the developer has obtained environmental clearance from SEIAA-TN vide F.No.SEIAA/F430/2011-IA-III dated 16-10-2012 for the construction of Residential apartment in the total land area of 100,199 sq.mt with total built up area of 478,003 sq.mt comprising of **20 blocks of residential building and one 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. at Ayyappanthangal village, Kundrathur Taluk, Kancheepuram District in the name and style of **M/s Prestige Bella Vista** subject to certain conditions.*"
8. The 6th Respondent stated in Para 3 of final report that "*CTE was issued to the developer vide proc.no.T11/TNPCB/F.18722/OL/SPR/W&A/2013 dated 28/06/2013 for*



*construction of Residential apartment in the total land area of 100,199 sq.mt with total built up area of 458,341 sq.mt comprising of **33 blocks in 20 towers of residential building with 2 basement and 1 block of club house**, each tower having two basement plus ground plus 16 floors. This CTE is valid for 2 years which was expired on 27/06/2015.”*

9. But the 6th Respondent failed to record that there is a discrepancy in the CTE and Environmental Clearance and the CTE was issued violating EC conditions.
10. It is not mentioned in the final report of TNPCB that the 6th Respondent issued CTO to Respondent 4&5 vide Proc. no. T2/TNPCB/F.1918SPR/W&A/2018 dated 26/11/2018, overlooking the fact that the CTE was already expired in 2015 and was not renewed.
11. It is not mentioned in the final report of TNPCB that the 6th Respondent issued CTO on 26/11/2018 to Respondent 4&5, violating the Office Memorandum of MOEF&CC dated 02/11/2018 insisting TNPCB **not to issue CTO to projects where ground water is proposed as water source till the project proponent obtains permission to draw ground water for project activities. (Please refer page 399-400 of Rejoinder to counter affidavit of Respondents 4&5)**
12. It is not mentioned in the final report that the 6th Respondent issued CTO to Respondents 4&5 violating
 - a) Special conditions 4 of CTE(W) and special condition 3 of CTE(A) which stated that **“the unit shall comply with the conditions imposed in Environmental Clearance obtained from SEIAA of TN vide their letter no. F.No.SEIAA/F430/2011-IA-III dated 16-10-2012.”**
 - b) Special conditions 5 of CTE(W) and 4 of CTE(A), which stated that **“the unit shall obtain and submit NOC from competent authority for ground water abstraction.” The unit hasn’t obtained NOC for ground water abstraction even now.**

- c) Special conditions 31 of CTE(W), which stated that ***“the unit shall provide electromagnetic flow meter, Online Continuous Monitors to measure the parameter viz PH, TSSDO at the inlet and outlet of the STP and it shall be connected with CARE Air Centre, Chennai within 3 months.”*** The unit hasn’t installed OCEMS even now.
- d) General conditions 1 of CTE(W&A), which stated that ***“the above CTE can’t be construed as CTO and the unit shall not commence the operation without obtaining CTO.”*** Unit was commissioned on 15-10-2016 according to the application for CTO-expansion submitted by the project proponent on 05-08-2021.
- e) General conditions 2 of CTE(W&A), which stated that ***“the industry shall make a request for grant of CTO at least 30 days before the commissioning of trial production.”*** But the unit applied for CTO for 25 blocks in 2018 only.
- f) General conditions 9 of CTE(W) and 5 of CTE(A) which stated that ***“CTO will not be issued unless the unit complies with all the conditions of CTE.”*** [please refer page 25-38 of Rejoinder to JC report filed by applicant]

PRAYER

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



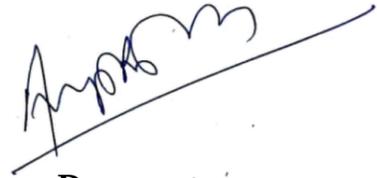
Applicant

Party in Person

AFFIDAVIT

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

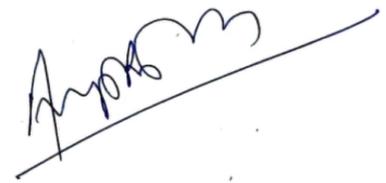
- 1. That I am the Applicant in the OA No. 21/2021(SZ) and I am well conversant with the facts and circumstances of the case and is competent to swear the present affidavit.**
- 2. That I have read the contents of the Rejoinder to the Final Report of TNPCB and the same is true and correct and is drafted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



Deponent

VERIFICATION:-

Verified at Ayyappanthangal, Chennai-56 on the 10th February 2022, that the contents of the affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.



Deponent