

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI

Original Application No. 222 of 2021 (SZ)

IN THE MATTER OF:

Jagan Kumar. J
C/o. The Renaissance Foundation,
Bengaluru.

....Applicant

Versus

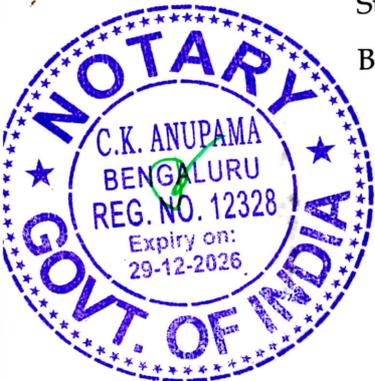
The Principal Secretary,
Forests, Environment and Ecology Department,
Bangalore and Ors.

.....Respondents

AFFIDAVIT FILED ON BEHALF 5TH AND 6TH RESPONDENTS

I D. P. Mahendra s/o Late. T. Puttegowda, aged 51 years working as Environmental Officer, having office at Karnataka State Pollution Control Board, Nisarga Bhavan, 3rd Floor, Thimmaiah Road, 7th D Cross Shivanahalli, Bengaluru 560079, do hereby solemnly affirm and sincerely state as follows:

1. I state that I am the Environmental Officer at the Karnataka State Pollution Control Board, and hence I am well versed with the facts of this case from its records, and I am competent and authorized to swear this affidavit on behalf of the 5th Respondent.
2. I state that the Applicant herein, resident of Bengaluru has filed petition/application before Hon'ble National Green Tribunal, Southern Zone (SZ), Chennai with regard to the dumping of waste and discharge of untreated sewage into VengayanaKere/K.R Puram Lake/Tank comprising in Survey No.9 of Krishnarajapuram (K.R.Puram) Village and Survey No. 46 of Sonnathammanahalli Village of K.R. Puram Hobli, Bangalore East Taluk, Bangalore Urban District and hence the same has



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been admitted in Hon'ble NGT (SZ) in the name of Original Application No.222 of 2021(SZ).

3. I state that the 5th and 6th Respondents crave the leave of this Hon'ble Tribunal to file an Independent Report regarding the action taken by the Karnataka State Pollution Control Board with respect to the prevention and control of Water Contamination in VengayyanaKere/K.R. Puram Lake/Tank located at K.R. Puram and Sannathammanahalli Village, Bengaluru East Taluk, Bengaluru Urban District, which is also the subject matter of the above OA.
4. I state that the 2nd and 3rd Respondent Bruhat Bengaluru MahanagaPalike (BBMP) is having ownership over the subject VengayyanaKere/K.R. Puram Lake/Tank. The subject waterbody has been classified under Class - D (Propagation of Wild Life, Fisheries) and Class - E (Irrigation, Industrial Cooling, Controlled Waste Disposal).
5. I state that the main reason for pollution is, rapid and large scale urbanization, change in land use pattern, under capacity of sewers, encroachment of sewers, damages to sewerage system and direct discharges from unauthorized layouts in upstream areas which leads to substantial amounts of sewage/sullage flowing in the storm water drains entering the subject lake.
6. I state that the Hon'ble National Green Tribunal, Southern Zone, Chennai has passed an order dated 27.10.2021 in Original Application No.222 of 2021 regarding the above allegations made by the applicant. In the said order, Hon'ble NGT has appointed a Joint Committee and has directed this Joint Committee to inspect the area in question and submit a factual as well as action taken report, if there is any violation found and also Karnataka State Pollution Control Board has been made as Nodal Agency for co-ordination and for providing necessary logistics for this purpose. Further, the spot inspection of the subject lake was carried out by the Joint

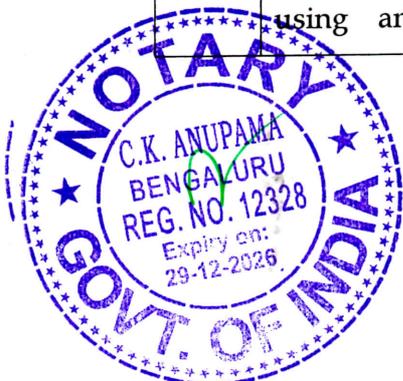


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Committee on 29.11.2021 wherein all the respondents were also accompanied for inspection to ascertain the ground reality. The observations made by the Joint Committee and action taken w.r.t Hon'ble NGT directions issued in the interim order dated 27.10.2021 has been submitted to Hon'ble NGT.

7. I state that the following directions are answered in brief below. The Independent Report, which has been annexed as Annexure - I, in Page 3 - 10, contains detailed

S. No.	Subject Directions	Observations of KSPCB Officers as on 29.11.2021
1.	Whether there is any encroachment in KR Puram Lake/Tank as alleged	As per ADLR recent survey and physical observations, few activities such as NH 75 road, BBMP parks, houses connecting roads, temple and private vacant land were observed which have encroached the lake area. During Inspection it was informed that the development in lake buffer zone has been taken place over a period of 30 to 40 years ago. The Assistant Director of Land Records (ADLR) is the authority to ascertain the extent of lake and the BBMP (Lakes) is the authority responsible to remove/clear all the lake encroached area, providing fencing to the lake.
2.	Whether any garbage or debris is dumped in the lake or in the buffer zone of the lake. Further, is the waste dumped using any machine or other	Yes, earlier, garbage/debris was being dumped in the buffer zone of the lake. However, during inspection, it was observed that the same has been cleared by BBMP. BBMP is not carrying out any sorting activity. Land outside the lake was used for shifting of



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	methods by involving BBMP officials?	garbage from primary collection vehicle to secondary collection vehicle.
3.	Whether there is any discharge of untreated sewage/septage water discharged into the lake.	<p>Yes, there is entry of untreated sewage into the lake in 3 inlets. [Details of sewage discharge are in Page 4 of the Independent Report, Annexure I]</p> <p>Action Taken by KSPCB:</p> <p>KSPCB has insisted on provision of Sewage Treatment Plants/Effluent Treatment Plants for all projects. Action is being initiated against all defaulters. [Details of sewage discharge are in Page 5 of the Independent Report, Annexure I]</p> <p>KSPCB has issued notices to concerned departments regarding the control of sewage entry into the lake, solid waste dumping in lake buffer and lake rejuvenation:</p> <p>Notice to BWSSB dated 30.03.2011 - Filed herewith as Annexure - III.</p> <p>Notice to BBMP & BWSSB dated 21.01.2019 - Filed herewith as Annexure - IV.</p> <p>Notice to BWSSB dated 20.11.2020 - Filed herewith as Annexure - V.</p> <p>Notice to BBMP dated 23.11.2020 - Filed herewith as Annexure - VI.</p>
4.	Whether the quality of water has been contaminated on account of such illegal activities and who is responsible for such things	<p>KSPCB has been monitoring the water quality of the lake on monthly basis. The complied analysis reports from April, 2017 to September, 2021 are filed herewith as Annexure - VII.</p> <p>KSPCB has collected samples at four different sides of the lake on 10.11.2021. The analysis</p>



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		<p>results of the said samples are attached herewith as Annexure - VIII.</p> <p>BWSSB is the authority to take up the Underground Drainage (UGD) works and connect all the missing links to their STPs in order to control the sewage flow in storm water drains.</p>
5.	<p>On assessing any damage caused, calculation of Environmental Compensation, remedial measures for restoration</p>	<p>Taking note of the reasons for pollution of the subject waterbody such rapid urbanisation, under capacity of sewers etc., as mentioned in Para 5 above, the Joint Committee has directed BWSSB to submit an action plan.</p> <p>KSPCB will take steps to identify polluters and take appropriate action.</p>
6.	<p>Testing sediment samples from the lake and testing the same.</p>	<p>The analysis report of the sediment samples has been filed herewith as Annexure - IX.</p> <p>The results are that the concentration limits are within the limits prescribed under Schedule II, Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008 with specifications for compost quality stipulated under Schedule II, Solid Waste Management Rules, 2016. Therefore, it was ascertained that the lake sediment was non-hazardous.</p>
7.	<p>Whether Municipal Solid Waste (Management and Handling) Rules, 2016 are being followed by</p>	<p>Yes. Strict directions have been given by the Committee to BBMP (SWM) officials to shift this transfer station to their newly identified land near T.C.Palya of KR Puram ward at the</p>



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<p>BBMP in that area and the directions issued by O.A.No. 606/2018 have been complied with and if not, what is the nature of action taken by KSPCB in this regard against the local bodies</p>	<p>earliest and to stop dumping/sorting of garbage/debris at KR Puram lake.</p> <p>Action taken by KSPCB: KSPCB, in compliance of Solid Waste Management (SWM) Rules, 2016 and Hon'ble NGT's Order in O.A. No. 606/2018, held meetings to review the progress made in SWM management. The latest such Board Meeting was on 20.01.2021 and 22.07.2021. BBMP has been issued directions. The Notices issued have been filed herewith as Annexure X and Annexure XI.</p>
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8. I state that the subject matter, that is the pollution of VengayyanaKere/KR Puram Lake/Tank has been dealt with the following cases/applications:

- (i) In W.P. No. 38401/2014 before the Hon'ble High Court of Karnataka
- (ii) Case Number Compt/LOK/BCD/2851/2018/DRE-03 before the Hon'ble Karnataka Lokayukta
- (iii) In O.A. No. 111/2020 before this Hon'ble NGT (SZ), at Chennai [Issue of chemical frothing is dealt with in this Original Application]

9. I state that the Karnataka State Pollution Control Board is putting forth the following recommendations/remedial measures for ensuring survival of VengayyanaKere/K.R.Puram Lake/Tank:

- 1) The BWSSB shall not give any more sewage connections to the UGD in the areas where the sewer network is not connected to terminal STP and also shall take immediate steps to connect the missing links.
- 2) The BWSSB shall take immediate action to replace the inadequate sewer line due to vertical development.



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- 3) The BWSSB shall encourage treated water from STPs to be utilized for public parks, construction activities, vehicle service stations including KSRTC, BMTC Depots & Railways.
- 4) BWSSB shall take up sewerage network along with the water supply works simultaneously.
- 5) The BWSSB shall initiate action to plug the leakages of water in the supply line on top priority.
- 6) BWSSB/BDA/BBMP shall establish STPs on the upstream of Lakes to treat the sewage before it joins the Lake. This improves the water quality in the Lake and also recharges the ground water table. (Recommended to establish decentralized STPs in the each lake catchment area).
- 7) The BBMP shall identify the abandoned quarries & set up processing facility for disposal of the C & D waste and as per the Rule of 2016 notified by MoEF & CC, GoI after obtaining necessary permission from KSPCB to avoid disposal of C & D waste in the lake bed areas.
- 8) The BBMP shall take action to link primary drains between the lakes, removal of the encroachment and construction of storm water drains wherever it has not been done.
- 9) The BBMP shall provide screens to the storm water drains at regular intervals in the major storm water drains to prevent carryover of solid waste/ garbage / floating matter.

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to record the above-mentioned facts, take the Independent Report of the 5th and 6th Respondents along with Annexures, and pass such order (or) any other orders as this Hon'ble Tribunal may deem fit and proper in this case and thus render justice.



DEPONENT

N. Reddy
ಪಂಪರ ಅಧಿಕಾರಿ
ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
ಬೆಂಗಳೂರು-ಮಹಾದೇವಪುರ, ಬೆಂಗಳೂರು

ENVIRONMENTAL OFFICER
Karnataka State Pollution Control Board
Bangalore-Mahadevapura, Bangalore

VERIFICATION

I D. P. Mahendra s/o Late. T. Puttegowda, aged 51 years working as Environmental Officer , having office at Karnataka State Pollution Control Board, Nisarga Bhavan, 3rd Floor, Thimmaiah Road, 7th D Cross, Shivanahalli Bengaluru 560079 do hereby verify that the above mentioned contents are true to my personal knowledge and that I have not suppressed any material fact.

Dated at Bengaluru on this the 14th day of March, 2022

DEPONENT

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ಪರಿಸರ ಅಧಿಕಾರಿ
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SWORN TO BEFORE ME

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