

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI
ORIGINAL APPLICATION NO. 25 OF 2022**

In the matter of

1. M.Sundaramurthy,
S/o Mathurai Naicker
68-A, Palavakkam VGP layout,
Chennai-600 041
Email-msm.2323@yahoo.com

2. Saraswathi Gopalen,
W/o S.V.Gopalen,
No.1197, Sixth Acenue,
Anna nagar West,
Chennai-600 040.
Email: sarasgopalen@gmail.com

3. Priya Gopalen,
W/o Ram C.Sekar,
No.1197, Sixth Avenue,
Anna nagar west,
Chennai-600 040.
Email: pgopalen@gmail.com

...Applicants
-Vs-

1. The Principal Secretary,
Department of Environment, Climate Change and Forest,

For ASHIANA HOUSING LTD.


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Government of Tamil Nadu,
Namakkal Kavignar Maligai,
Fort.St.George,
Chennai-600 009.

Email: tndoe@tn.nic.in Ph: 044 24336421 and 8 others

...Respondents

STATUS COMPLIANCE REPORT FILED BY 9TH RESPONDENT

I, BASKAR MUNUSAMY GNANAMUTHU S/o Mr.Gnanamuthu about 52 years, holding position as Vice President at M/s Ashiana Housing Limited , No.10, GJ Complex, 1st Floor, 1st Main Road, CIT Nagar 600035 Tamil Nadu, and the authorised signatory, do hereby solemnly affirm and sincerely state as follows:

For ASHIANA HOUSING LTD.


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S. No	Hon'ble Green Tribunal (SZ), Chennai in its order dated 15.03.2022 in Original Application No. 25 of 2022 has also directed the committee to ascertain the following	Reply by Joint Committee	Our Status Compliance
1.	Whether the Respondents 8 and 9 have obtained necessary Environmental Clearance (EC) and consent for establishing their units including the sewage treatment plant.	<p>a. The residential project has obtained Environmental Clearance from the MoEF, Gol, New Delhi for construction of residential complex on a plot area of 1,82,329.61 sq. m, total built up area of 1,15,492.88 sq. m, to construct 238 villas (G+1) and 368 apartments (stilt + 4 floors) STP having capacity of 400 KLD vide No. 21-563/2007-1A.111 dated 22.07.2008.</p> <p>b. Also, Environmental Clearance was accorded to the unit of M/s. Escapade Real Estate Pvt. Ltd., S.F No.</p>	<p>Point a.- The reply of the committee is accepted as correct.</p> <p>Point b. -The reply of the committee is accepted as correct. It to mention that Environment Clearance was granted in year 2015 for the project Ashiana</p>

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	<p>381/1A, 381/IBI, etc, Senkuntram Village, Chengalpattu Taluk and District from SEIAA, Tamil Nadu vide Lr. No. SEIAA/TN/F.3814/EC/8(a)/435/2015 dated 18.12.2015 for the proposed construction of residential development of Block A (G+ 3 Floors) - 7 wings, Block B (G+3 Floors)-30 wings, Block C (G+3 Floors)-3 wings, Block D (G+3 Floors)-4 wings, Block E (G+ 3 Floors)-7 wings, Block F (G+3 Floors)-1 wing, Block G (G+3 Floors)- 1 wing with a total built up area of 90531.36 sq. m. and with dwelling units-936 Nos. and for the sewage generation of 564 KLD and no trade effluent generation. The unit has proposed to provide DG set 250 KVA-I No, and 500 KVA-2 nos.</p> <p>c. Then the residential project has obtained Consent for Establishment under the</p>	<p>Shubham planned on 20 Acres and 20 cents, having built-up area of 90531.36 sq. m.</p> <p>Point c. The reply of the committee is accepted as correct</p>
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		<p>Water and Air Acts vide Board's proceedings no. T2/TNPCB/ F.1219MMN/RL//MMN/W/2020 dated: 19/02/2020 for the proposed construction of Residential development of Block A (G+3F)-7 Wings, Block B (G+3F) -30 Wings, Block C (G+3F) - 3Wings, Block D (G+3F) - 4 Wings, Block E (G+3F)-7 Wings, Block F (G+3F)- 1 Wing, Block G (G+3F) - 1 Wing with 936 dwelling units with total built up area of 90531.36 sq. m.</p> <p>d. The residential project has applied and obtained Consent to Operate -- Phase 1 under the Water and Air Acts vide Board's proceedings no. T2/TNPCB/ F.1219MMN/RL/MMN/W&A/ 2021 Dated: 30/04/2021 valid upto 31.03.2022 for the Residential development of Block A (G+3F)-2 Wings, Block B (G+3F) -2 Wings, Block D (G+3F)- 1 Wings with 144</p>	<p>Point d.The reply of the committee is accepted as correct.</p>
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		dwelling units with total built up area of 14727.23 sq. m.	
2.	Whether there are any violations of the conditions imposed in the Environmental Clearance (EC) granted causing damage to environment.	During inspection of the said area in question, no stagnation of sewage was noticed in the Petitioners land, however, the said unit was penalized for letting out of sewage into the forest area by the Forest Department, Chengalpattu Division, Kancheepuram District. It was ascertained that during the said rainy season the STP got flooded and the sewage along with the surplus water found its way into the forest area	Point 2. It is further to mention that the instance of penalization was an isolated occasion and there was no such violation aftermath. The committee also confirm that they did not find any violation in terms of discharge during their visit. Further, the instance of overflow into the Petitioner's land and forest area was due to the unprecedented rainfall, which was a Vis Major event and beyond the control of respondent. Also, as per the report of Marimalai Nagar

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		and to the Petitioner's area.	Municipality it has been acknowledged that the entire incident of flooding happened due to the unprecedented rainfall.
3.	Whether the allegation that the Respondents 8 and 9 are discharging their untreated sewage into the property of the applicant and the neighboring property owners by demolishing the compound wall illegally in an authorized manner causing damage to the property of the applicant and others	During the time of inspection of the committee, a certain portion of compound wall was found reconstructed by the said residential complex and there is no stagnation of sewage in the Petitioner's property as alleged, however during the early inspection on 20.04.2022, the compound wall provided by the residential complex on the Petitioner's land side was found broken.	Point 3. The alleged instance was an isolated event due to unprecedented rainfall beyond the control of the respondent and the same is not being repeatedly followed and practiced by the respondents. The same has also been observed during various visits by the joint committee and accordingly reported by the joint committee in its report. The unprecedented rainfall was the reason that the compound wall on the Petitioner's land side was found to be broken. Thus, the same being a Vis Major event it was beyond the control of the respondents. In fact, the respondents have reconstructed the portion of the compound wall and ascertained that there is no further damage caused to the property of the Petitioner.

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4.	Whether any damage has been caused to the property of the applicant and if so, what is the nature of remedial action to be taken to restore the same to its original position	During inspection it was ascertained that during unprecedented monsoon the STP got flooded and the sewage along with the surplus storm water found its way into the forest area and to the Petitioner's area. However, during the time of inspection on 20.04.2022, 05.07.2022 & 07.07.2022 no discharge of treated or untreated sewage and also no stagnation of sewage in the Petitioners land was noticed. Furthermore, the residential complex has reconstructed a portion of the compound wall and ascertained there is no further damage caused to the property of the applicant.	Point 4. The reply of the committee is accepted as correct. During inspection it was ascertained that during unprecedented monsoon the STP got flooded and the sewage along with the surplus storm water found its way into the forest area and to the Petitioner's area. However, during the time of inspection on 20.04.2022, 05.07.2022 & 07.07.2022 no discharge of treated or untreated sewage and no stagnation of sewage in the Petitioners land was noticed. It is further to mention that respondents have reconstructed compound wall. The respondent has also developed storm water drainage system and rain water harvesting pits have been made to manage the rainwater.
5.	If there is any violation found, what is the nature of action taken against the	It was ascertained that during unprecedented monsoon the STP got flooded and the	Point 5. It was only during unprecedented monsoon the STP got flooded and the sewage along

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	Respondents 8 and 9 including the imposition of environmental compensation for the violation committed by them, if any.	sewage along with the surplus storm water found its way into the forest area and to the Petitioner's area	with the surplus storm water found its way into the forest area and to the Petitioner's area. It is pertinent to mention here that the same was isolated event beyond the control of the respondent.
6.	Whether there is any violation of the siting criteria and discharge of any untreated sewage into the forest area as alleged in the application	<p>The residential project has obtained NOC from Forest Department vide letter dated 25.07.2014 subject to certain conditions inter-alia that,</p> <ol style="list-style-type: none"> 1. There must be sufficient and adequate vacant land between the industrial site and Reserve Forest as per statues and it should be free from any construction vice versa. 2. The firm should not in any way left the solid or liquid waste inside the forest area. 3. No effluent / sewage water to be let inside the forest. <p>However, during inspection it was observed that the</p>	<p>Point 6. The reply of the committee is accepted as correct. Further considering the Forest NOC dated 25.07.2014 and approved building plan sanctioned by Directorate of Town and Country Planning (DTCP) the respondent has left the vacant land as the set-back area between the constructed area and forest land.</p>

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		<p>residential complex has not provided any buffer zone/ vacant land between the site and the forest area. The compound wall has constructed in the boundary of reserve forest without complying the condition stipulated in the NOC issued to the residential complex. Earlier, during unprecedented monsoon the STP got flooded and the sewage along with the surplus storm water found its way into the forest area, for which the Forest Department, Chengalpattu Division, Kancheepuram District has levied compounding fee of Rs. 1,00,000/-.</p>	

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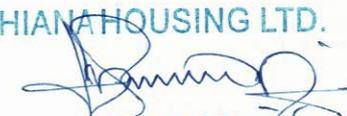
SL N O	JOINT COMMITTEE REMEDIAL MEASURES	STATUS
1	The proponent of the residential complex shall ensure that the sewage generated from the residential complex is properly collected, treated and disposed properly for toilet flushing and gardening	This Respondent at present has installed a packaged STP of 250 KLD (100KLD, 75KLD and 75KLD) to meet the requirement of the operational phases of the project. The proponent plans to replace 250 KLD STP with the STP of 750 KLD to meet the requirement of the whole project (existing as well as the future phases).
2	The proponent of the residential complex shall analyze the treated sewage through Board's laboratory every month to assess the quality of the treated sewage	This Respondent undertakes to adhere to this condition subject to an amendment that we should be allowed to analyze the treated sewage through any Govt. recognized laboratory instead of limiting the same to the Board's laboratory and a yearly testing can be done by the Board's Lab as well.
3	The proponent of the	This Respondent have already rebuilt, strengthen and rectified the

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	residential complex shall complete the broken compound wall bordering the forest area within two months	concrete broken compound wall bordering the forest.
4	The proponent of the residential complex shall complete the storm water network within the premises within two months to have a smooth disposal of storm water	This Respondent have already completed the storm water network within the premises. However, in cases of un-fateful events like recent unprecedented rainfall or any other event which is beyond the contours of reasonable foresight, the proponent shall not be hold accountable.
5	The proponent of the residential complex shall maintain the surplus rain-water disposal arrangements provided within the premises and ensure that there will not be any blockage in the	This Respondent have already maintained surplus rain-water disposal arrangements within the premises as per approved Plans. Further mechanism has been identified for regular clearing of rainwater drainage network system.

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	network system at any point of time	
6	The proponent of the residential complex shall apply and obtain necessary consent to operate for its activity including villas from the TNPCB	The project of the Respondent is being developed in phases wise manner. The Respondent has obtained CTO for Phase I which was valid till March 2022 and accordingly have applied for renewal. Together with this Respondent has as well applied for CTO of Phase II & III.
7	The proponent of the residential complex shall ensure that any other construction activity shall be undertaken other than the activity as envisaged in the Environmental Clearance and the Consent for Establishment.	The residential complex has not violated any Govt. norms so far and will be strictly adhering to the plan as envisaged by Environmental Clearance and the Consent for Establishment
8	The proponent of the	This Respondent have already rebuilt, strengthened and rectified

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	residential complex shall strengthen the compound wall provided bordering the petitioner's area and ensure for the structural stability.	the broken compound wall bordering the petitioner's area.
9	During early unprecedented monsoon the STP got flooded and the sewage along with the surplus storm water found its way into the forest area and to the petitioner's area, for which the Forest Department, Chengalpattu Division, Kancheepuram District has levied compounding fee. In same manner the same amount may be levied to the residential complex to	This Respondent should not be punished for matters which are beyond their control. The fact that there was unprecedented rain fall (acknowledged by the department itself) leaves no iota of doubt that the same was beyond the reasonable foresight of the project and amounts to Vis Major event. Any fine levied cannot rectify avoid the wrongs which cannot be attributed to the project proponent either directly or incidentally.

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	compensate the petitioner	
10	The residential complex shall remove the barbed wire fencing provided on compound wall along Reserve Forest boundary so as to avoid any injury to be happened to the wild animals. The residential complex can take any other measures to protect from the wild animals.	This Respondent have already removed the barbed wire fencing provided on compound wall along Reserve Forest boundary. (Photo is attached in the Annexure)

1. This Respondent submits that they unconditionally undertake to adhere to ensure that there will not be any hazardous damage to the environment and to neighbours and they are willing to comply with any directions of the pollution control board or this Hon'ble Tribunal suggesting to provide better facilities with a view to ensure that the impact on environmental damage.
2. This Respondent have applied to renewal of CTO for phases I and CTO application for Phase II and III has been made, and the online application is filed along with annexures.

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3. This Respondent submits that they have re-built the Compound wall which was damaged during the unprecedented rain, which will prevent the storm water and sewage from overflowing into the neighbors. (Photo is attached in the Annexure)

For the reasons stated above it is humbly prayed that this Hon'ble Tribunal may be pleased to take this affidavit on record and pass any further orders as it may deem fit and necessary thus render justice.

Solemnly affirmed at Chennai this
20th day of September 2022 and signed my name
in the Presence of

Naayha
MS/385/21
Before me 29, law 2022,
m HC/Ch-104.

Advocate: Chennai

For ASHIANA HOUSING LTD.


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FILED BY 9TH RESPONDENT

**M/S AIYAR AND DOLIA
K.D.SAISYAAM**

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