

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE

AT CHENNAI

O.A. NO. 258 /2020

BETWEEN:

C. Kiran Kumar

Applicant

AND:

State of Karnataka and others

Respondents

STATEMENT OF OBJECTS BY THE RESPONDENT. 5:

The Respondent no. 5 craves to leave as follows:

1). The Respondent no. 5 submits that, the property in Sy. No. 22/4 situated at Gundenahalli is ancestral property and the same is gifted to the Respondent no. 5 from his father vide Gift Deed dated 08/08/2016 . The copy of the Gift deed is furnished for the kind perusal as **Annexure- A**. The Respondent no. 5 had converted the same for the purpose of brick business, the land measuring 00.35 Gunta situated in Sy. No. 22/4 of Gundenahalli Village, Thyamagondlu-2 Hobli, Nelamangala Taluk, Bengaluru Rural District was converted. The Copy of the Gazette Notification dated 07/08/2019 along with the Typed Copy is furnished as **Annexure- B** for the kind perusal of this Hon'ble Court. The Respondent no. 5 submits that, for the purpose of ware housing purpose, the land measuring 1 acre 34 gunta situated in Sy. No. 22/4 of Gundenahalli Village, Thyamagondlu-2 Hobli, Nelamangala Taluk, Bengaluru Rural District was

converted from the Respondent no. 2. The Copy of the Gazette Notification dated 23/09/2019 along with the Typed Copy is furnished as **Annexure- C** for the kind perusal of this Hon'ble Court.

2. The Respondent no. 5 submits that, thereafter he intended to establish Tar Plant and accordingly huge sum was invested hugely on establishment for the Industrial Plant. The copy of the Certificate of Capital Investment is furnished as **Annexure – D** for the kind perusal of this Hon'ble Court.

3. The Respondent no. 5 submits that, the Tahasildar, Nelamangala Taluk, had issued Closure Notice dated 17/02/2020 on the complaint/objections made by some politically motivated persons, in which the Tahasildar had sought for the closure of plant in the event of failure in getting permission from the concerned Authority. The Copy of the Notice dated 17/02/2020 issued by the Tahasildar is annexed as **Annexure- E** for the kind perusal of this Hon'ble Court. The Respondent no. 5 further submits that, immediately, he had applied for the GFO vide Application dated 19/02/2020. The copy of the Application dated 19/02/2020 is furnished as **Annexure- F** for the kind perusal. The Respondent no. 5 submits that, KSPCB had obtained Undertaking letter dated 02/03/2020 and collected prescribed Fee and issued obtained Consent for Operation dated 03/03/2020, which is having validity up to

the period of 30/09/2029. The copies of the Undertaking Letter dated 19/02/2020 and CFO dated 03/03/2020 with typed Copy are furnished as **Annexure- G1 and G2** for the kind perusal

4. The Respondent no. 5 submits that, meanwhile, one Mr. Kirankumara filed petition before this Hon'ble Green Tribunal Southern Zone at Chennai seeking closure of the petitioner's Hot Mix Plant for the violations and made several allegations and sought stringent action against the Respondent no. 5 and the Hon'ble Tribunal has issued notice to the Respondent no. 5 and he had already been filed his objection due to non-availability of legal Expert due the COVID-19 issue/s issues at the earliest.

5. The Respondent no. 5 submits that, the Joint Committee had visited the spot and given Report dated 16/12/2020, wherein the **point no. 4.0 sub point no. 8 and 9**, it is mentioned all the industries are allowed to establish except stone quarries and stone crushers as mentioned and observed in Sl. No. 266 of TGRCA Notification dated 18/11/2003 and issued CFO dated 03/03/2020 valid up to 30/09/2029 the Recommendation/s were made by the Senior Environmental Officer, Bengaluru North, Regional Office Nelamangala. The Copy of the Joint Committee Report dated 16/12/2020 is furnished for the kind perusal as **ANNEXURE-H.**

6. The Respondent no. 5 submits that, the KSPCB also done Analysis Report about the pollution issues and conforms to the standard prescribed limit and the same is **well within the prescribed standard limit as 37 Units against 150 Units and hence, there is no truth in the version of the complainant/petitioner.** The copy of the Analysis Report is furnished for the kind perusal of this Hon'ble Court as **Annexure- J.**

7. The Respondent no. 5 seek dismissal of the petition on the following grounds.

a). That, the KSPCB had visited the plant and also done Analysis Report about the pollution issues and conforms to the standard prescribed limit and the same is **well within the prescribed standard limit as 37 Units against 150 Units and hence, there is no truth in the version of the complainant/petitioner as Annexure- J** and also there is **no water pollution in the plant.** On this ground alone, the petition is liable to be dismissed.

b). It is pertinent to note that, **the TGR Notification 2003 is already withdrawn by the Government of Karnataka vide TGR Preservation**

Notification dated 24/07/2014 and hence, considering the TGR Notification 2003 will not arise at all and the KSPCB is already having the knowledge of the same even then, they are intending to mislead before this Hon'ble Court.

c). It is further pertinent to note that, the Government of Karnataka already issued Zonal Category, wherein, the plant subjected is not falling in any of the Zone Category (in Annexure). However, the said Notification is under consideration before the Hon'ble High Court of Karnataka in Writ Petition No. 38218/2013 and in order dated 06/01/2021 the withdrawal of the TGR Notification dated 2003 was observed and the matter is pending and subjudiced. Under the circumstances, the KSPCB ought to check the violation and report to this Hon'ble Court, but they are having some hidden agenda. The copies of the Gazette Notification dated 20/07/2019 and the High Court Order dated 06/01/2021 are furnished as **Annexure-K1 and K2** for the kind perusal.

d). For the purpose of commercial activities land measuring 1 acre 34 gunta situated in Sy. No. 22/4 of Gundenahalli Village, Thyamagondlu-2 Hobli, Nelamangala Taluk, Bengaluru Rural District was converted and not subjected any activity.

e). It is pertinent to note that, the KSPCB had issued CFO by observing all the norms and the Respondent no. 5 did not hide any information and huge investment taken place and it is the KSPCB, who did mistake in issuing the CFO. In the same time there are certain public projects are pending. Under the said circumstances, the respondent no. 5 is ready and willing to re-locate if the TGR Notification brought back or any adverse Order passed by the Hon'ble High Court of Karnataka.

f). The complainant Mr. Kirankumar filed petition before this Hon'ble Green Tribunal Southern Zone seeking closure of the Tar Plant and sought stringent action against the Respondent No., which itself, shows the motivation behind the petition.

g). It is pertinent to note that, the said Mr. Kirankumar and his agents also approaching KSPCB and Revenue Authorities continuously pressurizing them to close the plant and on the instruction/s of the said political agenda, the KSPCB un-constitutionally opposing the plant even though they are well aware of the Withdrawal of the TGR Notification 2003 by the Government and entire complaint has political motivation.

h). It is pertinent to note that, on 01/03/2021, the meeting was held and the petitioner also attended the meeting and raised certain objections in

the meeting and sought for the production of Gazette Notification (TGR) dated 08/11/2003, but KSPCB denied to handover the copy mentioning that, copy is not available, but now the entire matter is brought before this Authority as per **Annexure K1 and K2** and it is visible that, KSPCB is also dancing to the tunes of the complainant for the best reasons known to them.

j). The KSPCB also done Analysis Report about the pollution issues and conforms to the standard prescribed limit and the same is **well within the prescribed standard limit as 37 Units against 150 Units as Annexure- J.** **Under the Circumstances, the complaint/petition is liable to be dismissed because, the plant of the respondent no. 5 is not violated any of the terms of the Air and Water Pollution limit.**

k). There is no complaint from the KSPCB regarding the violation of any of the terms of the Consent For Operation and the plant was running with all the precautions. Only on individual allegation/s they cannot take any action/s without any merit and also the operation of the Hot mix plant is not producing Water Pollution and the Air Pollution is under limit.

l). The Respondent No. 5 had made necessary application to respondent no. 2 seeking necessary consent. The Karnataka state Pollution control Board after following necessary procedure and collecting necessary documents and conducting necessary examination has issued consent for operation (CFO-Air, Water), its combined consent Order AW-317413 PCB ID:85975 dated 03.03.2020 and hence, the respondent no. 5 carried out the business and the KSPCB also done Analysis Report about the pollution issues and conforms to the standard prescribed limit and the same is **well within the prescribed standard limit as 37 Units against 150 Units.**

m). The Respondent No. 5 is being a new entrepreneur and PWD contractor Class-1 had borrowed loan from nationalized banks, entered into agreement with the PWD, Public Civil Contractors and supplying tar mix for the construction of the roads at various places, and the work is under progress as the same is public work, which is being done as per the orders of the Government of Karnataka.

n). The establishment of tar mixing is by using specified machineries, which are manufactured as per the specification of Government of India as well as Government of Karnataka and there is no violation of any of the provisions of water (Prevention and control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and they are valid up to 30-09-2029.

o). The Respondent No. 5 being a Public Works Department Class-1 Contactor has under taken to compete the Road construction 3 Kilometers, another road measuring 5 kilometers. The contract quotation estimate is Rs. 1.5 cores and Rs. 2 Cores. The material of Tar mixing used for the said contract work out of the utilization of tar mixing produced from the plants at Gundenahalli.

p). The tar Mixing machine is established at a distance of about 1.3 kilometer far from the water body and it doesn't falls under any of the Zone as per the 2019 Notification. There is no nuisance caused either by way of emission of smoke or any kind of effluents, which is harmful either to human beings or animal or birds. None of the public authorities have found that, because of the establishment and functioning of the Tar Mixing Plant, there causing any kind of illness to human beings or animals or nature. In total the Tar Mixing plant is not violation to environmental protection and conversation of forests and other resources including enforcement of any legal rights relating to the environment or causing any kind of damage to any person or health public or public property or private property. The Plant is not using any hazardous substance in function of the Tar Mixture Plant.

q). The Respondent No. 5 states that, KSPCB being aware of about the terms and conditions of the government order and also the consequences of violating it, permitted the respondent No. 5 to continue business. Moreover, the KSPCB is already enquired about the allegations by visiting the spot and Analyzed the function and Analysis Report reveals there is n pollution issues and conforms to the standard prescribed limit and the same is **well within the prescribed standard limit as 37 Units against 150 Units** and moreover, the KSPCB has no power or jurisdiction to entertain the some of the third party's complaints illegally, which are evident from the allegation herein in the petition/complaint.

r). The KSPCB have no complaint and allegations under water act and the allegations are only under Air Act for which is the competent Authority and due to the withdrawal of the 2003 TGR notification, the complaint/petition is not maintainable before this Hon'ble Court and liable to be dismissed.

Wherefore, this Hon'ble Court may be pleased to dismiss/reject the complaint/petition with exemplar cost/s, in the interest of Justice and Equity.

Date:

Advocate for Respondent no. 5

Chennai

BEFORE THE ON'BLE NATIONAL GRE TRIBUNAL SOUTHERN ZONE

AT CHENNAI

O.A. NO. 258 /2020

BETWEEN:

C. Kiran Kumar

Applicant

AND:

State of rnataka and others

Respondents

VERIFYING AFFIDAVIT

I, Arun Kumar K, S/o. Krishnappa, Aged 33 years, Sy. No. 22/4, GundenahaLLI Village, Thyamagondlu Hobli, Nelamangala Taluk, Bengaluru Rural District , Karnataka, do hereby solemnly affirm and oath as follows:

I, state that, I am the owner of the Rpondent no. 5 concern in the above matter and well conversant with the facts of the case and deposing accordingly.

I, state that, the above objection is filed by me against the complaint/petition.

I state that, the contents in the para no. 1 to para no. 7 in the statement of are true and correct.

I state that, the Annexure - A to Annexure to are true copies and certified copies of the original and copies of the original.

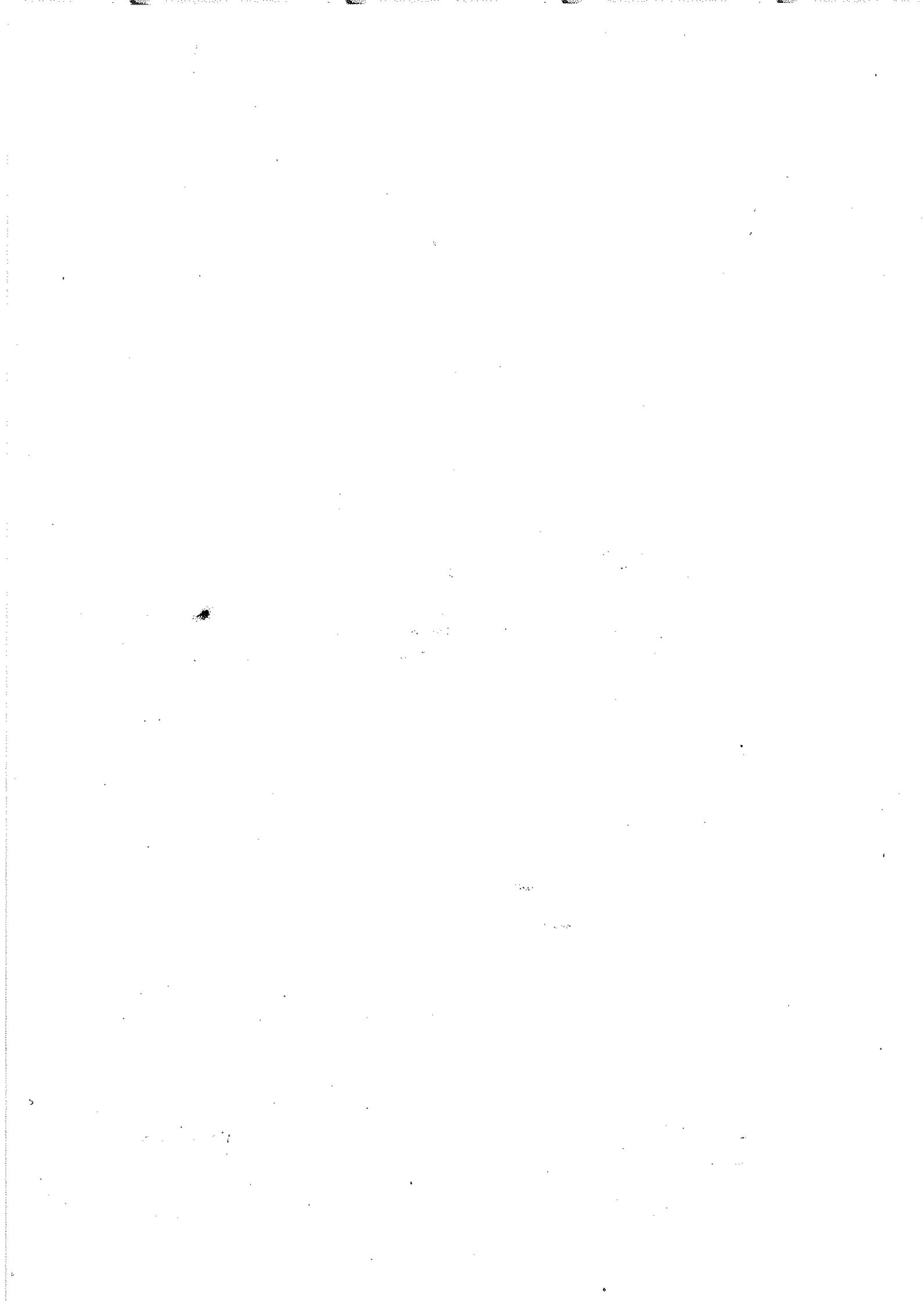
I hereby declare that, the version stated in the objection statement in Para no 1 to are true and correct and Annexure – A to 2 are Certified copy and true copies. The above version are true to the best of my information, belief and knowledge.

Nagendra Threedy
Identified by me

[Signature]
Advocate



[Signature]
Deposent
V. RANGARAMU
ADVOCATE & NOTARY
No. 99, Sathyanerayana Layout II,
J. C. Nagar, (K.B. Halli),
RANGALORE-560 086. Ph:32591952



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VERIFYING AFFIDAVIT

I, Arun Kumar K, S/o. Krishnappa, Aged 33 years, Sy. No. 22/4, GundenahaLLI Village, Thyamagondlu Hobli, Nelamangala Taluk, Bengaluru Rural District , Karnataka, do hereby solemnly affirm and oath as follows:

I, state that, I am the owner of the Rpondent no. 5 concern in the above matter and well conversant with the facts of the case and deposing accordingly.

I, state that, the above objection is filed by me against the complaint/petition.

I state that, the contents in the para no. 1 to para no. 1 in the statement of are true and correct.

I state that, the Annexure - A to Annexure - 1 are true copies and certified copies of the original and copies of the original.

I hereby declare that, the version stated in the objection statement in Para no 1 to 1 are true and correct and Annexure – A to 1 are Certified copy and true copies. The above version are true to the best of my information, belief and knowledge.

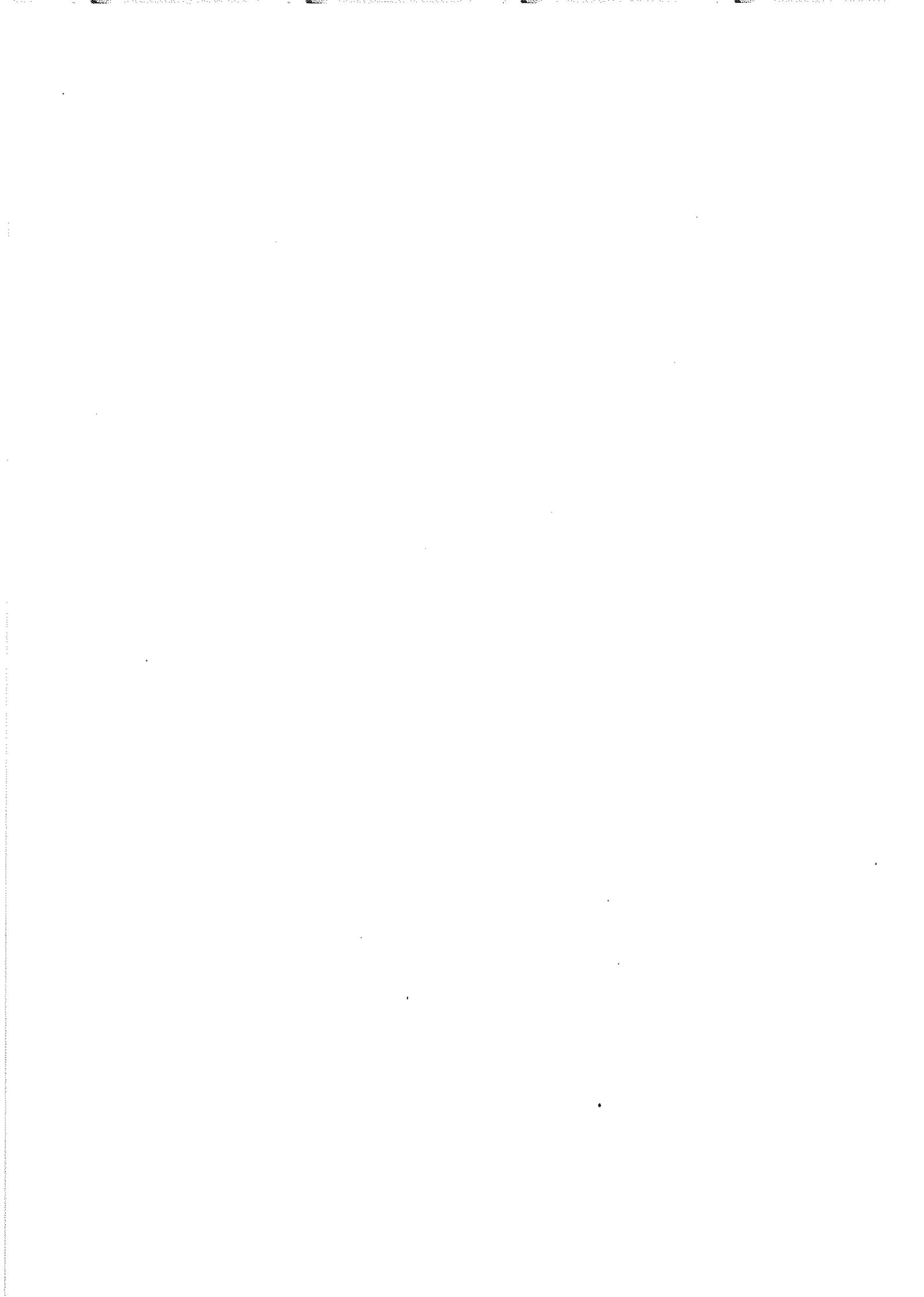
Identified by me

Advocate

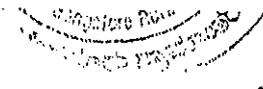


SWORN TO BEFORE ME

V. RANGARAMU
ADVOCATE & NOTARY
No. 99, Sathynerayana Layout II,
J. C. Nagar, (K.B. Halli),



BSS 4269
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ANNEXURE A

ಈ ದಸ್ತಾವೇಜು... ಸ್ಥಳೀಯ ಸರ್ಕಾರದಿಂದಿದೆ.
...ನೇ ಪ್ರಸ್ತುತವಾಗಿದೆ. 8/8/2016. ಜಿ. ದಸ್ತಾವೇಜಿನ ಸಂಖ್ಯೆ 1 ಸೇ ಕುಟ 2

GIFT DEED

This DEED OF GIFT is made on this the 8th day of August, 2016
[08.08.2016] at Nelamangala;

BY:

SHRI KRISHNAPPA,
s/o late Thirumalaiah,
aged about 66 years,
resident of Hanumanthagowdanapalya,
Kolalugatta Post,
Thyamagondlu Hobli,
Nelamangala Taluk,
Bengaluru Rural District,

hereinafter called as the 'DONOR' (which term shall mean and include his heirs, legal representatives, administrators, assigns, etc.,) of the one part,

IN FAVOUR OF

SRI. ARUNKUMAR., K.,
s/o Sri. Krishnappa
aged about 30 years,
resident of Hanumanthagowdanapalya,
Kolalugatta Post, Thyamagondlu Hobli,
Nelamangala Taluk,
Bengaluru Rural District

ಶ್ರೀ ಅರುಣ್ ಕುಮಾರ್

hereinafter called as the 'DONEE' (which term shall mean and include his heirs, legal representatives, administrators, assigns, etc.,) of the other part.

ಶ್ರೀ ಅರುಣ್ ಕುಮಾರ್

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Print Date & Time : 08-08-2016 01:34:49 PM

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ದಸ್ತಾವೇಜು ಸಂಖ್ಯೆ : 4269

ಸಬ್ ರಜಿಸ್ಟ್ರಾರ್ ನೆಲಮಂಗಲ ರವರ ಕಚೇರಿಯಲ್ಲಿ ದಿನಾಂಕ 08-08-2016 ರಂದು 01:18:01 PM ಗಂಟೆಗೆ ಈ ಕೆಳಗೆ ವಿವರಿಸಿದ ಶುಲ್ಕದೊಂದಿಗೆ

ಕ್ರಮ ಸಂಖ್ಯೆ	ವಿವರ	ರೂ. ಪೈ
1	ನೋಂದಣಿ ಶುಲ್ಕ	500.00
2	ಸ್ಟ್ಯಾಂಪಿಂಗ್ ಫೀ	315.00
3	ಪರಿವರ್ತನಾ ಶುಲ್ಕ	35.00
4	ಸರಿಕೋಡನಾ ಶುಲ್ಕ	35.00
	ಒಟ್ಟು :	885.00

ಶ್ರೀ ಅರುಣ್ ಕುಮಾರ್ ಕೆ. ಬಿನ್ ಕೃಷ್ಣಪ್ಪ ಇವರಿಂದ ಪಾಪರ ಮಾಹಿತಿಗಾಗಿ

ಹೆಸರು	ಫೋಟೊ	ಹೆಚ್ಚಿನ ಗುರುತು	ಸಹಿ
ಶ್ರೀ ಅರುಣ್ ಕುಮಾರ್ ಕೆ. ಬಿನ್ ಕೃಷ್ಣಪ್ಪ			A kca

ಶ್ರೀ ಅರುಣ್ ಕುಮಾರ್ ಕೆ. ಬಿನ್ ಕೃಷ್ಣಪ್ಪ
ನೋಂದಣಿ ಸಹಾಯಕಿ
ನಿರೀಕ್ಷಕಿ

ಬರೆದುಕೊಟ್ಟಿದ್ದಾಗಿ ಒಪ್ಪಿರುತ್ತಾರೆ

ಕ್ರಮ ಸಂಖ್ಯೆ	ಹೆಸರು	ಫೋಟೊ	ಹೆಚ್ಚಿನ ಗುರುತು	ಸಹಿ
1	ಅರುಣ್ ಕುಮಾರ್ ಕೆ. ಬಿನ್ ಕೃಷ್ಣಪ್ಪ (ಬರೆದುಕೊಂಡವರು)			A kca
2	ಕೃಷ್ಣಪ್ಪ ಬಿನ್ ತಿರುಮಲಯ್ಯ (ಬರೆದುಕೊಂಡವರು)			Krishnaappa Bin Tirumalayya

ಶ್ರೀ ಅರುಣ್ ಕುಮಾರ್ ಕೆ. ಬಿನ್ ಕೃಷ್ಣಪ್ಪ
ನೋಂದಣಿ ಸಹಾಯಕಿ
ನಿರೀಕ್ಷಕಿ

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WHEREAS, this Donor is the absolute owner in possession and enjoyment of the land bearing Survey Nos. 22/4 (old Sy. No. 22/1), situate at Gundenahalli, Thyamagondlu Hobli, Nelamangala Taluk, Bengaluru Rural District, measuring 02 acres 34 guntas, along with 06 guntas of kharab, more fully described in the Schedule hereunder, hereinafter called the 'schedule property'.

WHEREAS, the Donor herein is the absolute owner in possession and enjoyment of the schedule property, having acquired the same in terms of judgment and decree passed in O.S. No. 1149/2009 dated 18.04.2016 passed by the Senior Civil Judge, Nelamangala, in pursuance of the settlement arrived between the parties therein and by filing compromise. The aforesaid suit came to be instituted by the daughter of the Donor, i.e., Smt. Mangalamma, against the parties to this Deed of Gift and others for the relief of partition and separate possession claiming her share in respect of the schedule properties more fully mentioned therein.

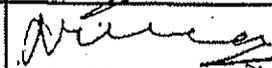
WHEREAS, the defendants in the aforesaid suit are none other than the daughters of the Donor and sisters of the Donee, i.e., (1) Smt. Hemavathi, (2) Smt. Bhagyamma, (3) Smt. Shakunthala and (4) Smt. Pushpalatha, have executed the Deed of Release dated 02.07.2009 relinquishing their claim/share in the suit properties, in favour of the Donor herein. In pursuance of the settlement arrived in the aforesaid suit, the plaintiff therein, who is also one of the daughter, i.e., Smt. Mangalamma, has

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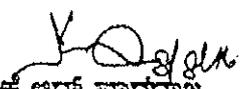
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ಗುರುತಿಸುವವರು

1 ನೇ ಪುಸ್ತಕದ ದಸ್ತಾವೇಜು ನಂಬರ NMG-1-04269-2016-17 ಆಗಿ
ಸಿ.ಡಿ. ನಂಬರ NMGD368 1 ನೇ ಧರಲಿ
ದಿನಾಂಕ 08-08-2016 ರಂದು ನೋಂದಾಯಿಸಲಾಗಿದೆ

ಕ್ರಮ ಸಂಖ್ಯೆ	ಹೆಸರು ಮತ್ತು ವಿಳಾಸ	ಸಹಿ
1	ಹನುಮಂತರಾಜು ಬಿನ್ ಹನುಮಯ್ಯ ಬಿ.ಹೆಚ್.ರಸ್ತೆ, ನೆಲಮಂಗಲ ಟೌನ್.	
2	ನಾರಾಯಣಮೂರ್ತಿ ಬಿನ್ ಗಂಗವ್ವ ಇಂದಿರಾನಗರ, ನೆಲಮಂಗಲ ಟೌನ್.	

ಉಪ ನೋಂದಣಿ
ಸಹಿ ರಜಿಸ್ಟ್ರಾರ್
ನೆಲಮಂಗಲ

<p style="text-align: center;"> 1 ನೇ ಪುಸ್ತಕದ ದಸ್ತಾವೇಜು ನಂಬರ NMG-1-04269-2016-17 ಆಗಿ ಸಿ.ಡಿ. ನಂಬರ NMGD368 1 ನೇ ಧರಲಿ ದಿನಾಂಕ 08-08-2016 ರಂದು ನೋಂದಾಯಿಸಲಾಗಿದೆ</p> <p style="text-align: center;"> ಕೆ. ಆರ್. ಸಾಗರಾಜು ಸಬ್ ರಜಿಸ್ಟ್ರಾರ್ (ನೆಲಮಂಗಲ) ನೆಲಮಂಗಲ</p>	
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also executed a Deed of Release, relinquishing her right/share in terms of the compromise arrived therein and also by executing a Deed of Release dated 20.04.2016. In consequence thereof, the schedule property absolutely vests with the Donor herein with right, title, interest and possession over the same. The records in respect of the property are in the name of the Donor and the schedule property is phoded and the authorities concerned have assigned the survey number as mentioned hereinabove.

WHEREAS, the Donor herein is the father and the Donee is the son. The schedule property is acquired by the Donor in the manner referred to supra and has got right to gift the schedule property in favour of his son, i.e., the Donee herein. The schedule property is unencumbered and there is no hindrance to execute this Deed of Gift in favour of the Donee.

WHEREAS, the Donor herein has executed this Deed of Gift gifting the schedule property in favour of the Donee out of love and affection. The Donee has accepted the gift in respect of the schedule property. Accordingly, the Donor herein is executing this Deed of Gift on the following terms and conditions:

NOW THIS DEED OF GIFT WITNESSETH AS FOLLOWS:

01. That in consideration of love and affection, the donor hereby and hereunder renounce all his right, title and interest in the schedule property in favour of the

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ನೀ ಪುಸ್ತಕದ ದಾಖಲೆ ಸಂಖ್ಯೆ 6 ನೇ ಪುಟ 2

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
ನೋಂದಣಿ ಹಾಗೂ ಮುದ್ರಾಂಕ ಇಲಾಖೆ
Department of Stamps and Registration

ಪ್ರಮಾಣ ಪತ್ರ

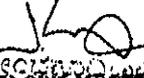
1957 ರ ಕರ್ನಾಟಕ ಮುದ್ರಾಂಕ ಕಾಯ್ದೆಯ ಕಲಂ 10 ಎ ಅಡಿಯಲ್ಲಿಯ ಪ್ರಮಾಣ ಪತ್ರ

ಶ್ರೀ ಅರುಣ್ ಕುಮಾರ್ ಕೆ. , ಇವರು 1170.00 ರೂಪಾಯಿಗಳನ್ನು ನಿಗದಿತ ಮುದ್ರಾಂಕ ಶುಲ್ಕವಾಗಿ ಪಾವತಿಸಿರುವುದನ್ನು ದೃಢೀಕರಿಸಲಾಗಿದೆ

ಪ್ರಕಾರ	ಮೊತ್ತ (ರೂ.)	ಹಣದ ಪಾವತಿಯ ವಿವರ
ನಗದು ರೂಪ	1170.00	ನಗದು ರೂಪ.
ಒಟ್ಟು:	1170.00	

ಸ್ಥಳ : ನೆಲಮಂಗಲ

ದಿನಾಂಕ : 08/08/2016


ಉಪ-ನೋಂದಣಿ ಮತ್ತು ಮುದ್ರಾಂಕ ಅಧಿಕಾರಿ
ನೆಲಮಂಗಲ
(ನೆಲಮಂಗಲ)

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T. de ... F. de ...

Donee, which shall vests in him unto the use of the donee freely and voluntarily, and the donor delivers possession of the schedule property in favour of the donee to have and to hold the same forever absolutely and unconditionally free from all encumbrances.

- 02. The donee accepts the gift of the schedule property hereunder made as testified by him, being a party hereto and executing these presents.
- 03. The donor hereby declares and confirms in unequivocal and unconditional terms, having relinquished all right, title and interest in the schedule property in favour of the donee; and that the schedule property vests absolutely with the donee with no claim of whatsoever nature by any person claiming through or under the donor or the original owner, through whom the donor has derived right, title and interest in the schedule property.
- 04. The donor hereby covenants with and assures the donee that he has not done or suffered anything to be done whereby his title to or possession or enjoyment of the schedule property is in any way encumbered and that the donee may hereafter hold and enjoy the schedule property absolutely and free from all claims, charges and obligations created or effected by the donor.

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19

4269

[Handwritten signature]

- 05. The donor has delivered the physical possession of the schedule property in favour of the donee herein and the donee has taken over the possession of the schedule property, along with the documents of title and entitled to enjoy the same as absolute owner thereof without any interruption.
- 06. That the donee has got right to get the khatha transferred in his name in respect of the schedule property on the basis of this Deed of Gift, for which the donor has no objection of whatsoever nature.

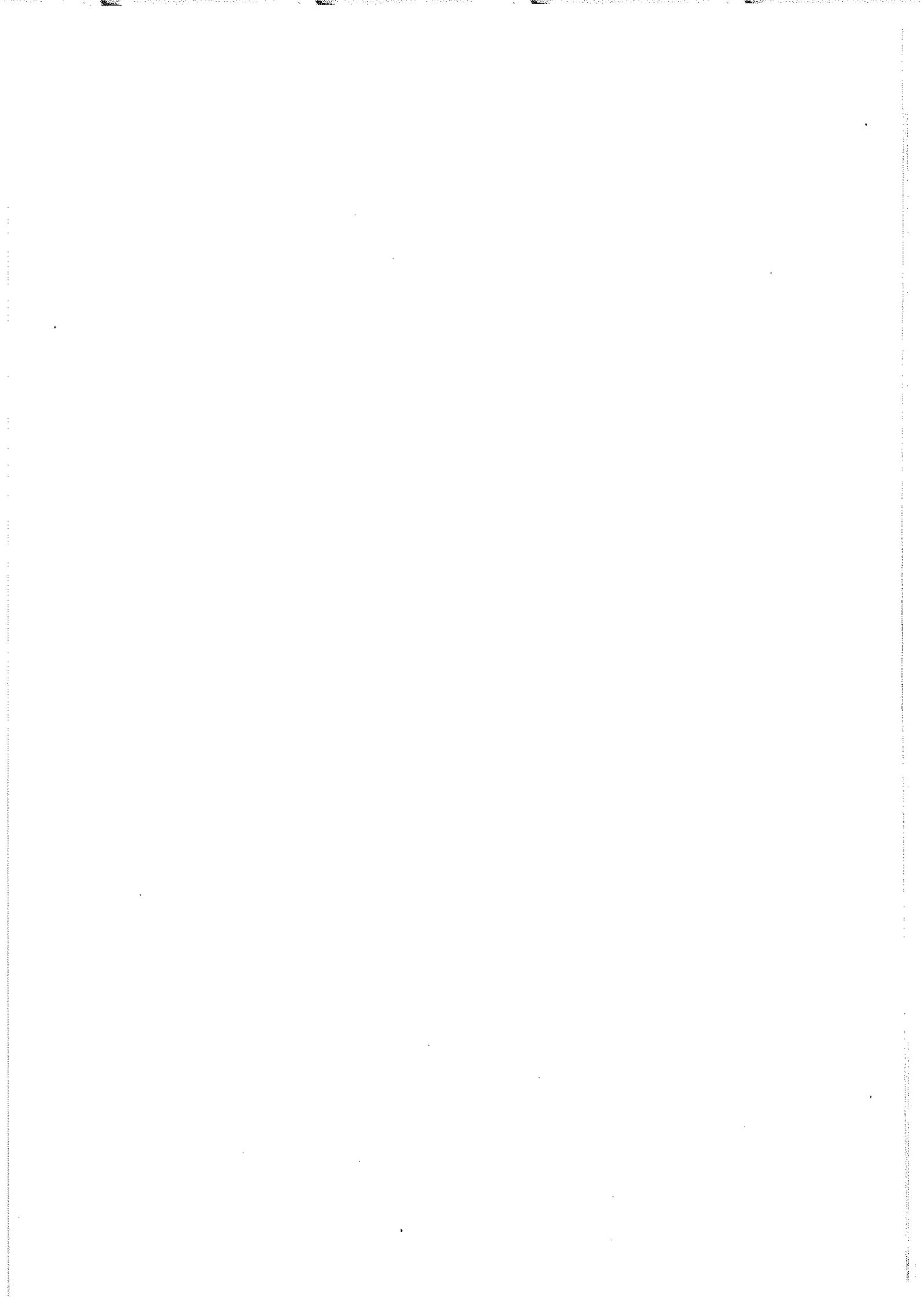
SCHEDULE

The land bearing Survey No. 22/4 (old Sy. No. 22/1), situate at Gundenahalli, Thyamagondlu Hobli, Nelamangala Taluk, Bengaluru Rural District, measuring 02 acres 34 guntas, along with 06 guntas of kharab, and bounded on:

- East by : Road;
- West by : Hanumanthaiah's land;
- North by : Ramaiah's land;
- South by : Govindaiah's land.

[Handwritten signature]

~~Handwritten scribble~~



~~22~~ 22

Typed copy of ANNEXURE-B.

Land 10017737

GOVERNMENT OF KARNATAKA
OFFICE OF THE DEPUTY COMMISSIONER, BANGALORE
RURAL DISTRICT

No. LND 10017737

Dated: 07-08-2019.

OFFICIAL MEMORANDUM

Sub: Application dated 07-02-2019 submitted by Sri. Arun Kumar.K requesting for conversion of agricultural land to the extent of 0.35.0.00 acre/gunta in Survey No. 22/*/4 of Gundenahalli village, Thyamagondlu-2 Hobli, Nelamangala Taluk, Bangalore Rural District into non agricultural industrial-brick factory purpose reg.

Ref: 1. Letter No. AL.N.S.R./45/18-19 dated: 23-02-2019 of the Tahsildar, Nelamangala Taluk.

4. Remittance of land conversion fee of Rs.152460, podi fee of Rs.65-00, fine of Rs.0 and kharab fee of Rs.0, totally Rs.152525 by the applicant under challan No. CR 0719002900312730 dated 10-07-2019 to the Treasury.

Upon remittance of land conversion of Rs.174240.0000 (Rupees one lakh seventy four thousand two hundred forty rupees only) per acre by the applicant under reference (2) as

~~24~~ 23

2

per Rule 107 (1) of Karnataka Land Revenue (Amended) Rules of 1994, subject to the conditions under Section 95(2), 95(4) and 95(7) of Karnataka Land Revenue Act of 1964 and to the following conditions, by considering the application of the applicant Sri. Arun Kumar.K the land conversion order has been issued by converting the land to the extent of totally 0.35.0.00 acre/gunta in S.No.22/* /4 of Gundenahally village, Thymagondlu-2 Hobli, for non agricultural industrial/brick factory purpose, subject to the following conditions.

1. Unless the sanction obtained from competent authority i.e., from Bangalore Development Authority, /Pollution Control Board/T.M.C/C.M.C. for using for that purpose, this order will not give any right to the occupier.
2. This converted land shall be used only for industrial/brick factory purpose, without the prior permission, this land should not be used for other purpose.
3. After obtaining the layout plan and licence proposed/ in this land from the NPA (Authority/Nagara Palike/etc.), later as per the approved plan the building has to be constructed.
4. The other required road space, road margin, park, C.A. site, vacant space etc., shall be reserved as per the approved layout plan from (Authority/Nagara Palike/etc.) and as per the approved plan and as per the specified rules, reserve for the said purpose.
5. In the interest of the public, it is the responsibility of the applicant to provide as per law all the facilities like civic amenities like electricity, water supply drainage etc., for the health, sanitation and security purpose.

~~25~~ 24

6. If there is phut kharab abutting to this land, it shall be reserved under Section 67 of Karnataka Land Revenue Act 1964 for the Government purpose land for the market value under the present land conversion the land conversion fee Rs.0 paid and land conversion issued for using it for commercial/warehouse purpose. And 22/*/4.0.4.0.00 of "B" kharab, has been reserved for public purpose. On this area the applicant has no any right. On this "B" kharab area the right always vests to the Government. The Tahsildar shall enter in this regard in the R.T.C. clearly.
7. As per the Government Order No. PWD/7556-665 R and B-6-54-5 of the Government and the letter No. P 1/7(11)67, dated:1.1.1966 of the Transport Department of the Central Government as per the order issued by the Government from time to time, the building proposed in this land relating to National and the State Highways, 40 meter gap from the middle of the road and relating to District Highway and State Highways, 25 meter gap from the middle of the road shall be reserved and in this vacant area, no any building should be constructed.

225

4

8. If the applicant has not submitted the declaration as per Section 6(1) of Urban Land Ceiling Act 1976 before the competent authority, such declaration shall be submitted immediately and the copy of this order has been sent to the Land Ceiling Authority.
9. By preventing effectively the smoke, gas, other wastes emitted by the industrial units to be established in this converted land shall see that no any type of damage to the public health and environment pollution is caused. The industrial units to be established in the converted land for industrial purpose should have permission from the Karnataka Pollution Control Board and of the Environmental Department.
10. If any of the above conditions are violated, this land conversion order will be cancelled without any notice and further action will be taken to impose the fine under Section 96 of Karnataka Land Revenue Act of 1964. Also the action will be taken to demolish the buildings constructed unauthorizably in this land without giving any compensation. And the cost incurred towards this will be recovered from the Kathedar as arrears of land revenue.

~~27~~ 26

5

DETAILS OF SCHEDULE

The boundary to the converted land to the extent of 1.34.0.00 acre/gunta in S. No. 22/*/4 of Gundenahalli village, Tymagondlu-2 Hobli, Nelamangala Taluk, Bangalore Rural district is:

S. No.	Extent	Boundary			
		East	West	North	South
22/*/4	0.35.0.00	S.No.2	Block 1	Block-1	Sy. No. 22 of 2

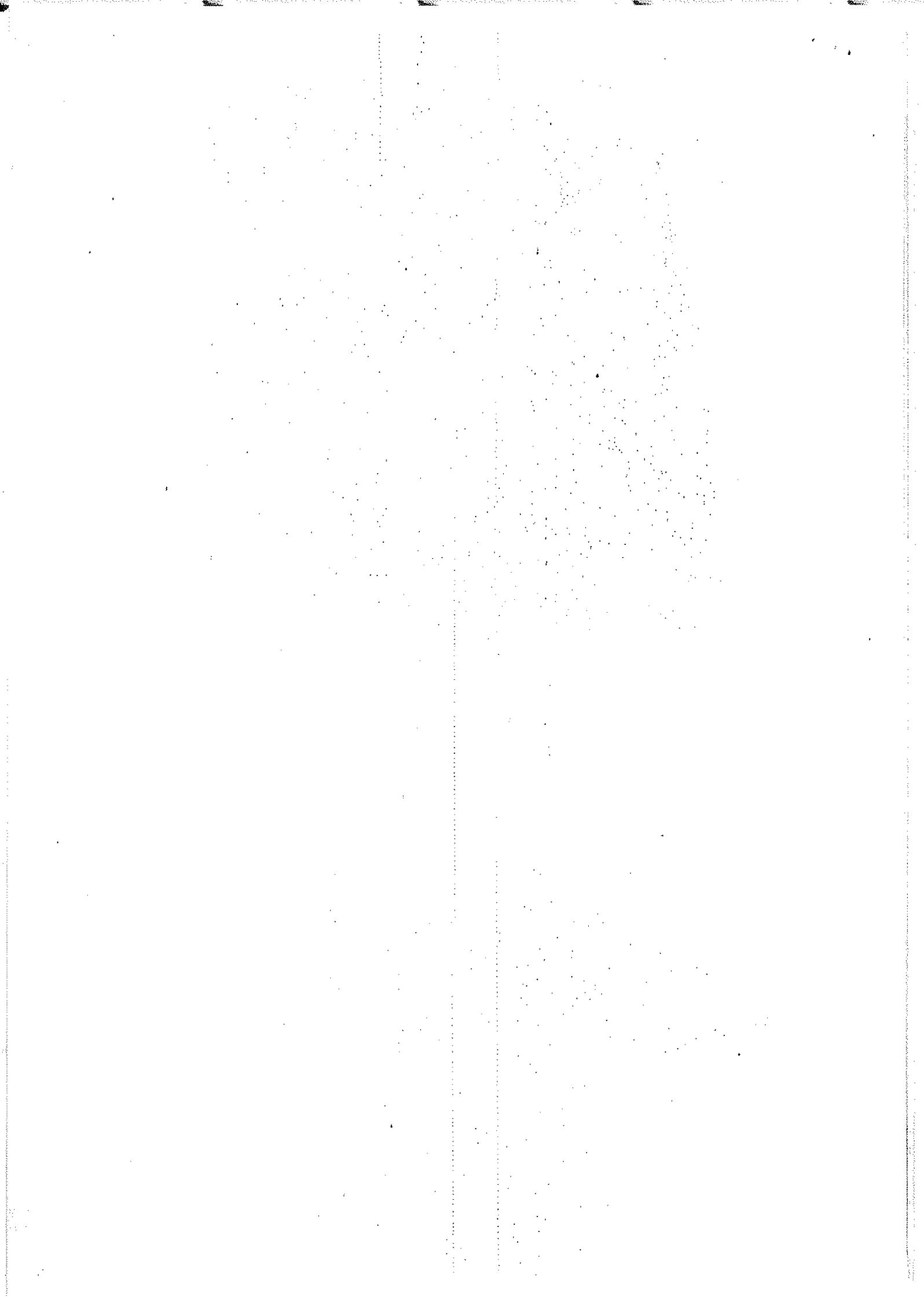
D.C. Name:
KAREEGOWDA

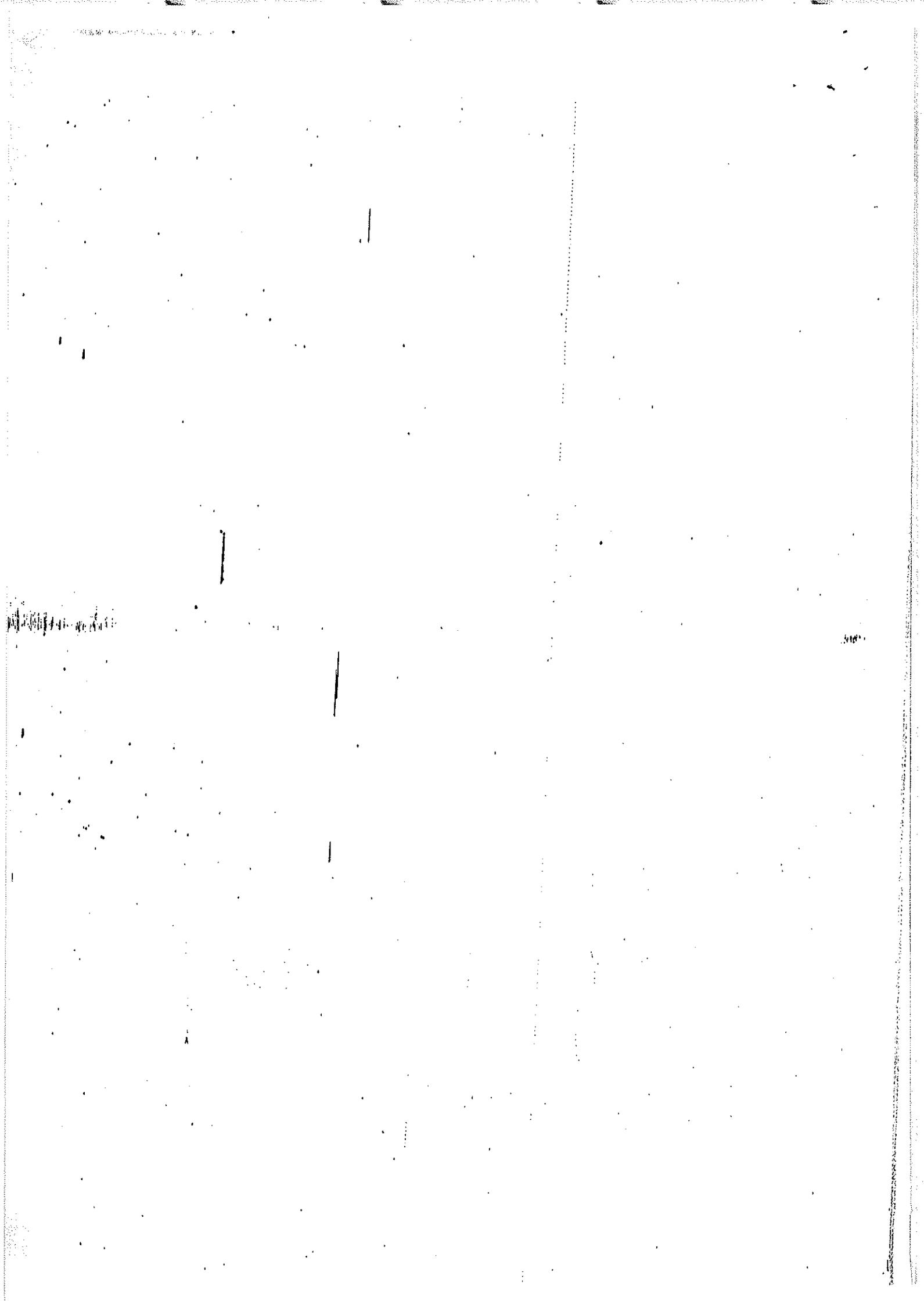
Sd/-
Deputy Commissioner,
Bangalore Rural District.

Copy sent to the following for further necessary action:-

1. Tahsildar, Nelamangala Taluk, along with the original file and challan, as per this order shall enter in the computerized R.T.C. immediately that the concerned survey number land has been converted and to reduce the land tax in the account of the kathedar of this land.
2. N.P.A (Authority/Nagara Palike) for further necessary action.
3. Assistant Commissioner, Doddaballapur Sub division,.
4. Deputy Director, Department of Land Survey and Land Records , Doddaballapur Sub division
5. Applicant: Sri. Arun Kumar,K., Address: No.33, Hanumanthagowdapalya, Kalalugatta, Tyamagondlu,Nelamangala, Nelamangala, Bangalore Rural-562132 by certificate of posting.
6. Spare copy.

/Translated by me from Kannada language/





28

Typed copy of ANNEXURE



C

Land 10015074

GOVERNMENT OF KARNATAKA
OFFICE OF THE DEPUTY COMMISSIONER, BANGALORE
RURAL DISTRICT

No. LND 10015074.

Dated: 23-09-2019.

OFFICIAL MEMORANDUM

Sub: Application dated 02-01-2019 submitted by Sri. Arun Kumar, K requesting for conversion of agricultural land to the extent of 1.34.0.00 acre/gunta in Survey No. 22/*/4 of Gundenahalli village, Thyamagondlu-2 Hobli, Nelamangala Taluk, Bangalore Rural District into non agricultural commercial-warehouse purpose reg.

Ref: 1. Letter.No. AL.N.S.R./36/18-19 dated: 23-02-2019 of the Tahsildar, Nelamangala Taluk.

4. Remittance of land conversion fee of Rs.322344, podi fee of Rs.65-00, fine of Rs.0 and kharab fee of Rs.0, totally Rs.322409 by the applicant under challan No. CR 081900468991 dated 21-08-2019 to the Treasury.

Upon remittance of land conversion of Rs.174240.0000 (Rupees one lak seventy four thousand two hundred forty rupees only) per acre by the applicant under reference (2) as

29

2

per Rule 107 (1) of Karnataka Land Revenue (Amended) Rules of 1994, subject to the conditions under Section 95(2), 95(4) and 95(7) of Karnataka Land Revenue Act, of 1964 and to the following conditions, by considering the application of the applicant Sri. Arun Kumar.K the land conversion order has been issued by converting the land to the extent of totally 1,34,0.00 acre/gunta in S.No.22/*4 of Gundenahally village, Tymagondlu-2 Hobli, for non agricultural commercial/warehouse purpose, subject to the following conditions.

1. Unless the sanction obtained from competent authority i.e., from Bangalore Development Authority(Local Planning Authority), /Pollution Control Board/T.M.C/C.M.C. for using for that purpose, this order will not give any right to the occupier.
2. This converted land shall be used only for commercial /warehouse purpose, without the prior permission, this land should not be used for other purpose.
3. After obtaining the layout plan and licence proposed/ in this land from the NPA (Authority/Nagara Palike/etc.), later as per the approved plan the building has to be constructed.
4. The other required road space, road margin, park, C.A. site, vacant space etc., shall be reserved as per the approved layout plan from (Authority/Nagara Palike/etc.) and as per the approved plan and as per the specified rules, reserve for the said purpose.
5. In the interest of the public, it is the responsibility of the applicant to provide as per law all the facilities like civic amenities like electricity, water supply drainage etc., for the health, sanitation and security purpose.

5. If there is phut kharab abutting to this land, it shall be reserved under Section 67 of Karnataka Land Revenue Act 1964 for the Government purpose land for the market value under the present land conversion the land conversion fee Rs.0 paid and land conversion issued for using it for commercial/warehouse purpose. And 22/*/4.0.4.0.00 of "B" kharab, has been reserved for public purpose. On this area the applicant has no any right. On this "B" kharab area the right always vests to the Government. The Tahsildar shall enter in this regard in the R.T.C. clearly.

7. As per the Government Order No. PWD/7556-665 R and B-6-54-5 of the Government and the letter No. P 1/7(11)67, dated:1.1.1966 of the Transport Department.of the Central Government as per the order issued by the Government from time to time, the building proposed in this land relating to National and the State Highways, 40 meter gap from the middle of the road and relating to District Highway and State Highways, 25 meter gap from the middle of the road shall be reserved and in this vacant area, no any building should be constructed.

31

4

8. If the applicant has not submitted the declaration as per Section 6(1) of Urban Land Ceiling Act 1976 before the competent authority, such declaration shall be submitted immediately and the copy of this order has been sent to the Land Ceiling Authority.
9. By preventing effectively the smoke, gas, other wastes emitted by the industrial units to be established in this converted land shall see that no any type of damage to the public health and environment pollution is caused. The industrial units to be established in the converted land for industrial purpose should have permission from the Karnataka Pollution Control Board and of the Environmental Department.
10. If any of the above conditions are violated, this land conversion order will be cancelled without any notice and further action will be taken to impose the fine under Section 96 of Karnataka Land Revenue Act of 1964. Also the action will be taken to demolish the buildings constructed unauthorizedly in this land without giving any compensation. And the cost incurred towards this will be recovered from the Kathedar as arrears of land revenue.

32

DETAILS OF SCHEDULE

The boundary to the converted land to the extent of 1.34.0.00 acre/gunta in S. No. 22/*/4 of Gundenahalli village, Tymagondlu-2 Hobli, Nelamangala Taluk, Bangalore Rural district is:

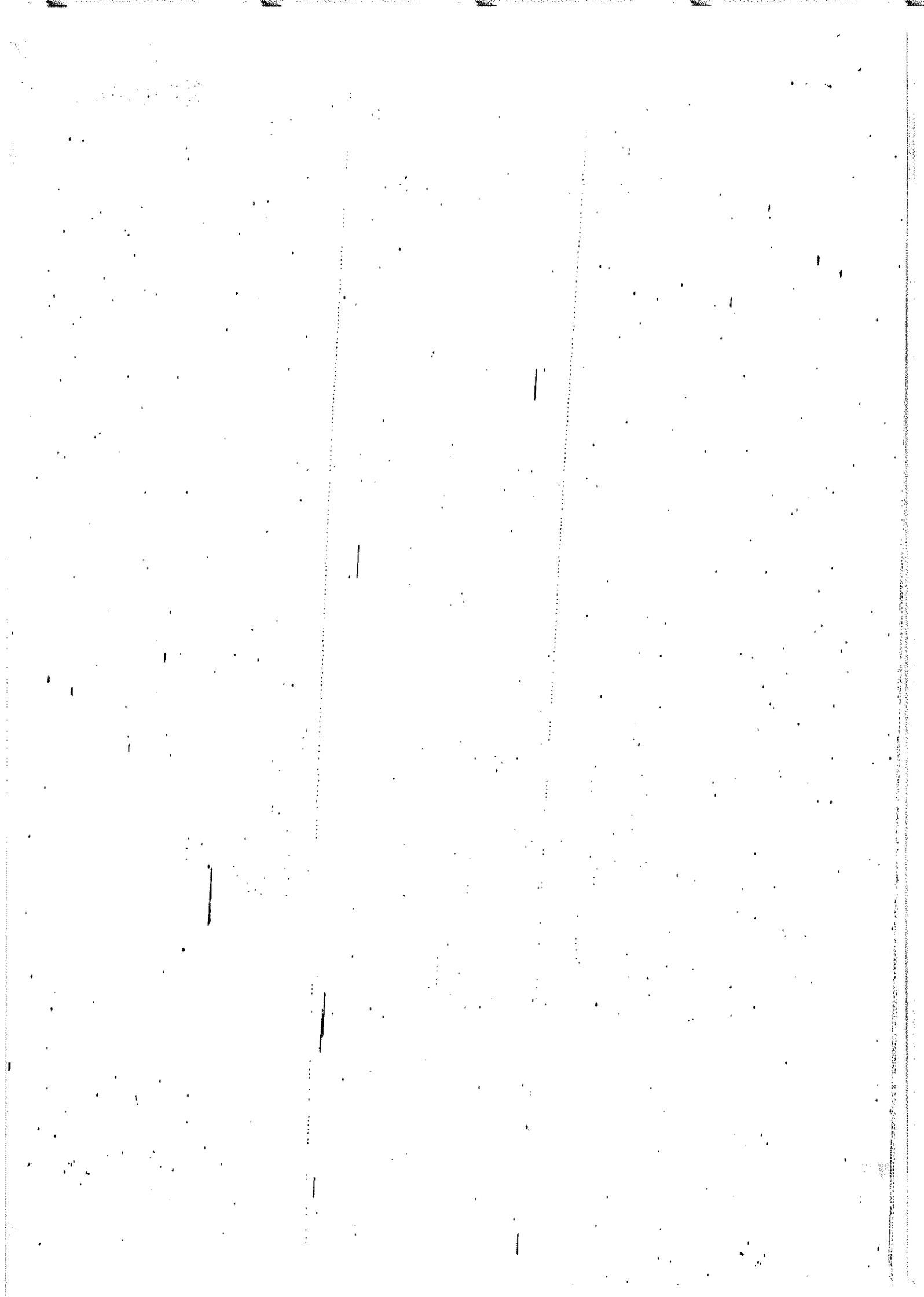
S. No.	Extent	Boundary			
		East	West	North	South
22/*/4	134.0.00	S.No.2	Block 1	S. No. 22 of 3	Block 1

D.C. Name:
P.N. RAVINDRA
D.C. signed date: 21/09/2019.

Sd/-
Deputy Commissioner,
Bangalore Rural District.

Copy sent to the following for further necessary action:-

- 1) Tahsildar, Nelamangala Taluk, along with the original file and challan, as per this order shall enter in the computerized R.T.C. immediately that the concerned survey number land has been converted and to reduce the land tax in the account of the kathedar of this land.
- 2) N.P.A (Authority/Nagara Palike) for further necessary action
- 3) Assistant Commissioner, Doddaballapur Sub division,,
- 4) Deputy Director, Department of Land Survey and Land Records, , Doddaballapur Sub division
- 5) Applicant: Smt/Sri. Arun Kumar.K., Address: Hanumanhegowda Palya, Gundenahalli, Nelamangala, Bangalore Rural-562132 by certificate of posting.
- 6) Spare copy.





SRIDHARA & SASTRY

CHARTERED ACCOUNTANT

N. Sridhara
B.Com, B.L., F.C.A.

2, 2nd Phase, 6th Cross, Manjunathanagara, Bengaluru-560 010.
Ph.: 080-2335 2061 Mob: 96324 99965
E-mail : cnsridhara@gmail.com

CERTIFICATE OF CAPITAL INVESTMENT

This is to certify that, **M/s. SMH ENTERPRISES** located at No 2 Bhanumanthgowdanapal kalaghatta post Tyamagondlu Hobli Nelamangala Taluk Bangalore 562123 is having the Capital investment since inception of the units reflected in our books of accounts and in the audited report till the financial year 2019 is as follows:

No	Particulars of Assets	Gross Block value as on 31.03.2019		Additions during the year 2019		Deletions during the year 2019		Total Gross Block value on 31.03.2019	
		Owned	Leased	Owned	Leased	Owned	Leased	Owned	Leased
01	Land And Building	1,12,19,505						1,12,19,505	
02	Building Advance								
03	Vehicle	37,76,265						37,76,265	
04	Machinery & Equipment	17,42,809		27,43,500				44,86,309	
05	Furniture & Fixture								
07	Other (if any) Electrical Fitting & Computers								
	Total	1,67,38,579						1,94,82,079	

Further certified that for the purpose of calculating the consent fee the Capital Investment of the said amounts to :-

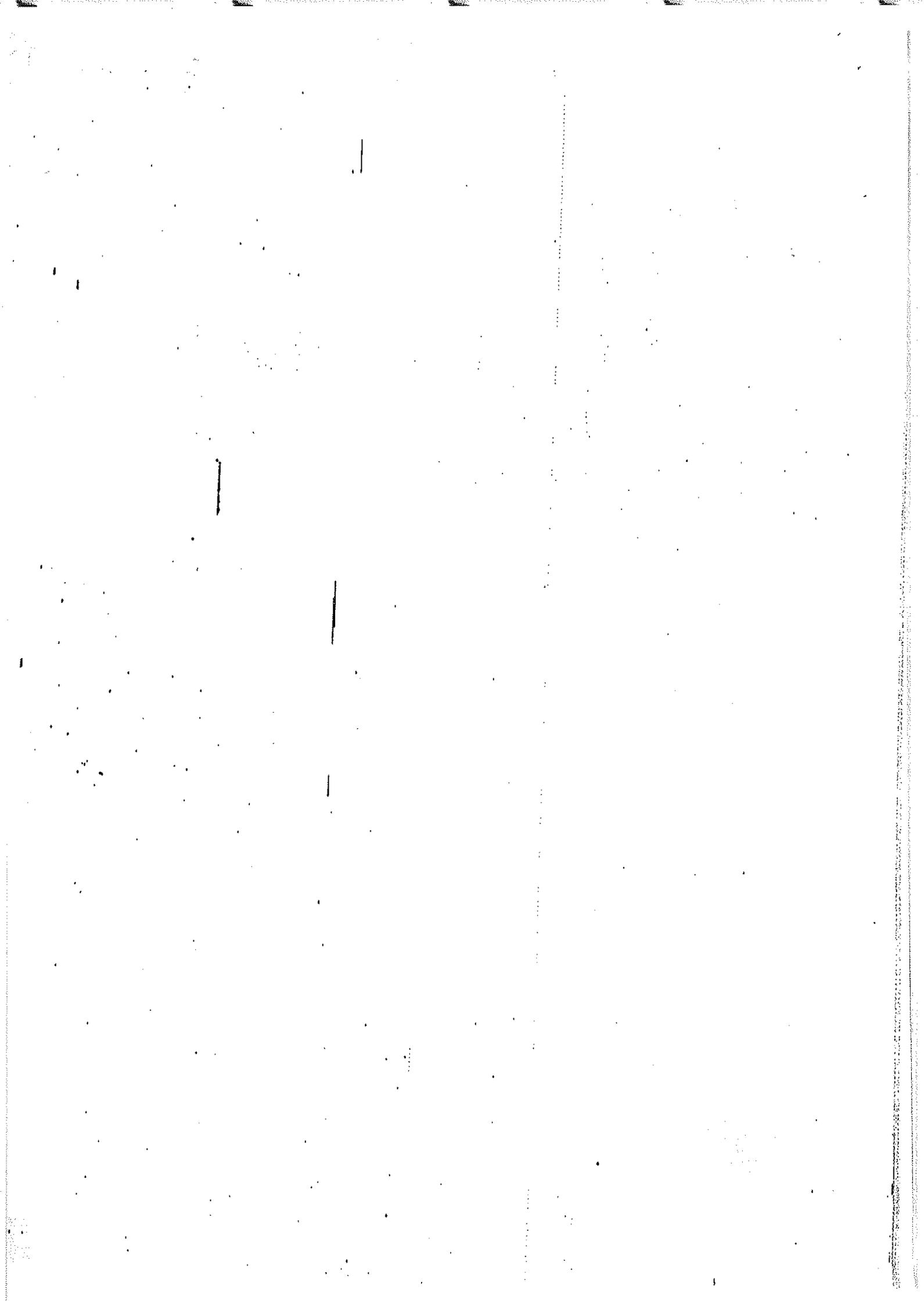
Total of Assets owned : **1,94,82,079**

Total of Annual Lease charges of assets taken on Rent : _____

Total : 1,94,82,079

Rs. One Lakh Eighty Two Thousand Seventy Nine Only





34

ANNEXURE E

ಕರ್ನಾಟಕ ಸರ್ಕಾರ



ಕಂದಾಯ ಇಲಾಖೆ

ತಹಶೀಲ್ದಾರ್ ರವರ ಕಾರ್ಯಾಲಯ ನೆಲಮಂಗಲ ತಾಲ್ಲೂಕು ನೆಲಮಂಗಲ

ಕಛೇರಿ:080 27722126 ಫ್ಯಾಕ್ಸ್ :080 27722126 ಇ-

ಮೇಲ್: fahasildarnelmangala04@gmail.com

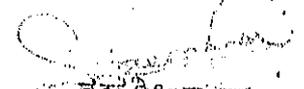
ನಂ. THNL-ADMSOMAG/10/2019-SEC AD1-TAHSILDAR OFFICE NELAMANGALA

ದಿನಾಂಕ: 17-02-2020

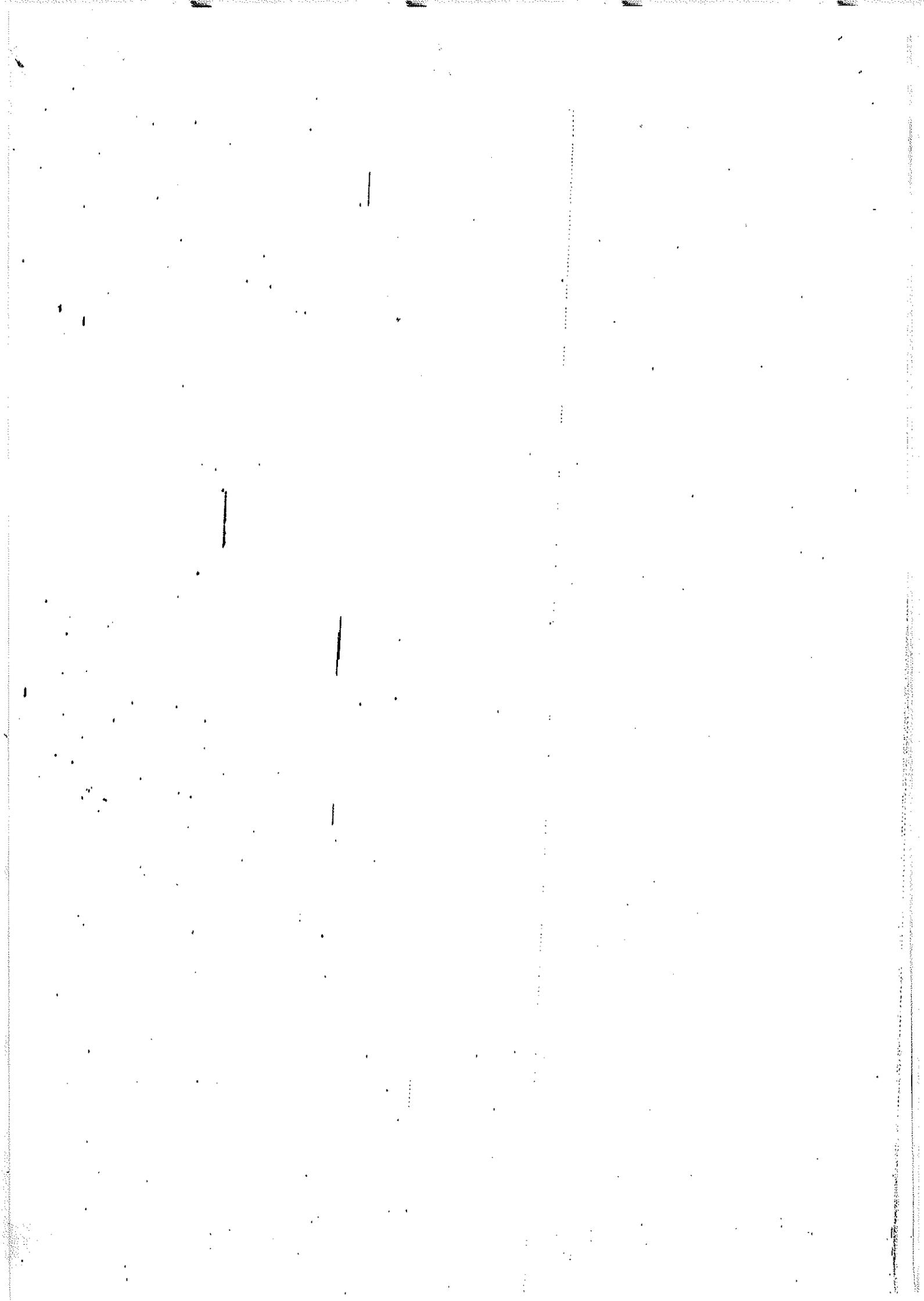
ತಿಳುವಳಿಕೆ ಪತ್ರ

ಶ್ರೀ ಅರುಣ್ ಕುಮಾರ್ ಕೆ ಬಿನ್ ಕೃಷ್ಣಪ್ಪ, ಗುಂಡೇನಹಳ್ಳಿ ಗ್ರಾಮದ ದಾಖಲೆ ಹನುಮಂತೇಗೌಡನಪಾಳ್ಯ ಗ್ರಾಮ, ತ್ಯಾಮಗೊಂಡ್ಲು ಹೋಬಳಿ ನೆಲಮಂಗಲ ತಾಲ್ಲೂಕು ಪಾಸಿಯಾದ ನಿಗೆ ಈ ಮೂಲಕ ತಿಳಿಯಪಡಿಸುವುದೆಂದರೆ.

ನೀವು ಗುಂಡೇನಹಳ್ಳಿ ಗ್ರಾಮದ ಸ.ನಂ. 22/4.ರಲ್ಲಿ ಯಾವುದೇ ಪ್ರಾಧಿಕಾರದಿಂದ ಹಾಗೂ ಸರ್ಕಾರದಿಂದ ಅನುಮತಿಯನ್ನು ಪಡೆಯದೆ ಟಾರ್‌ಪ್ಲಾಂಟ್ ನಡೆಸುತ್ತೀರಿತ್ತಿರಿ ಇದರಿಂದ ಗ್ರಾಮಸ್ಥರಿಗೆ ತೊಂದರೆಯಾಗುತ್ತಿದೆ ಈದನ್ನು ತೆರವುಗೊಳಿಸಿ ಎಂದು ಗುಂಡೇನಹಳ್ಳಿ ಗ್ರಾಮಸ್ಥರು ಮನವಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಅದರಂತೆ ಪರಿಶೀಲಿಸಲಾಗಿ ನೀವು ಸೂಕ್ತ ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮತಿ ಪಡೆಯದೆ ಟಾರ್‌ ಪ್ಲಾಂಟ್ ನಡೆಸುತ್ತಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ, ಈ ತಿಳುವಳಿಕೆ ಪತ್ರ ತಲುಪಿದ ಒಂದು ವಾರದೊಳಗಾಗಿ ನೀವು ಸೂಕ್ತ ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮತಿ ಪಡೆದು ಟಾರ್‌ಪ್ಲಾಂಟ್ ಕೆಲಸ ಮುಂದುವರಿಸುವುದು ಇಲ್ಲದಿದ್ದಲ್ಲಿ ಸ್ಥಗಿತಗೊಳಿಸಲು ಸೂಚಿಸಿದೆ. ಅಷ್ಟಿದ್ದಲ್ಲಿ ಕಾನೂನು ರೀತ್ಯಾ ಕ್ರಮ ಪಡಿಸಲಾಗುವುದು ತಿಳಿಯುವುದು.


ತಹಶೀಲ್ದಾರ್,
ನೆಲಮಂಗಲ ತಾಲ್ಲೂಕು

ಶ್ರೀ ಅರುಣ್ ಕುಮಾರ್ ಕೆ ಬಿನ್ ಕೃಷ್ಣಪ್ಪ,
ಗುಂಡೇನಹಳ್ಳಿ ಗ್ರಾಮದ ದಾಖಲೆ
ಹನುಮಂತೇಗೌಡನಪಾಳ್ಯ ಗ್ರಾಮ,
ತ್ಯಾಮಗೊಂಡ್ಲು ಹೋಬಳಿ,
ನೆಲಮಂಗಲ ತಾಲ್ಲೂಕು.



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TRANSLATED TYPED COPY of ANNEXURE F

No. THNL-ADMSOMAG/10/2019-EC AD1-TAHSILDAR OFFICE
NELAMANGALA

Dated: 17/02/2020

INTIMATION LETTER

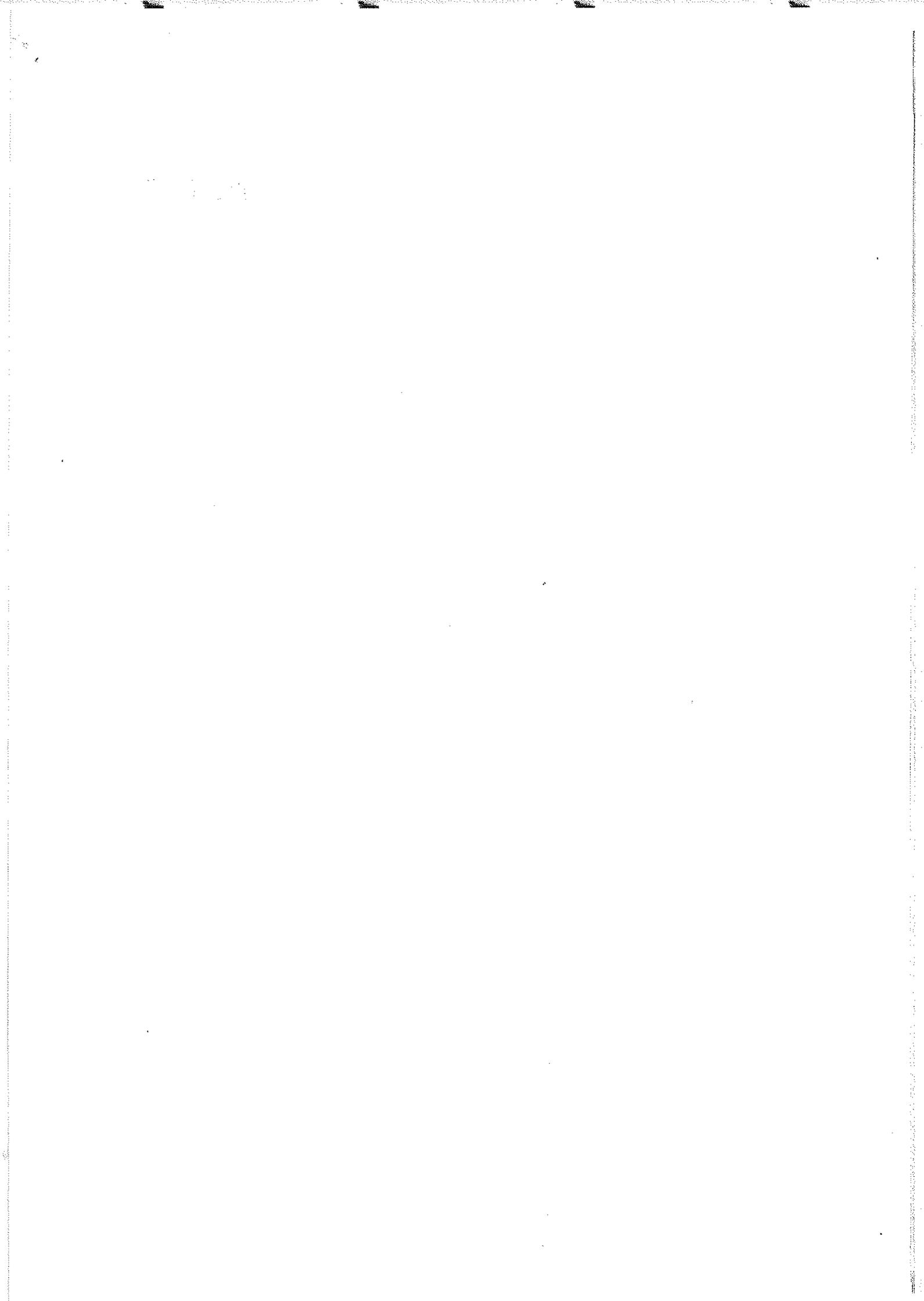
IT IS INTIMATED TO MR. AUNKUMAR. K S/o. KRISHNAPPA, Gundenahalli Village Record, Hanumanthegowdanapalya, THYAMAGONDLU HOBLI , Nelamangala Taluk, Bengaluru Rural District as following:

The Villagers have made representation that, they are having problems because of you are running the Tar Plant without obtaining permission. As per the said representation, on enquiry the said allegation came to be true and hence, you are required to obtain permission from the competent authority within a week, and in the event of running the plant without obtaining the permission from competent authority, you are required to stop the plant or else action would be initiated legally.

Sd/-
Tahasildar,
Nelamangal Taluk.

To:

MR. AUNKUMAR. K S/o. KRISHNAPPA,
Gundenahalli Village Record,
Hanumanthegowdanapalya,
THYAMAGONDLU HOBLI ,
Nelamangala Taluk,



Annexure - VI

ANNEXURE

Date: 19.02.2020

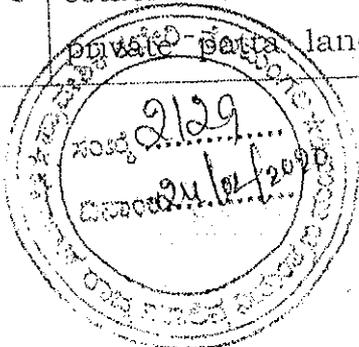
From,
Arya Hot Mix Plant (SMH Enterprises)
Sy. No.22/4, Gundenahalli,
Thyamagondlu Hobli,
Nelamangala Taluk,
Bangalore Rural District -562123

To,
THE ENVIRONMENTAL OFFICER
K S P C B
Regional Office - Nelamangala
Urban Eco Park, 100 ft. Road
III Phase, Peenya Industrial Area,
Bangalore -560 058

Sir,
Sub: Compliance under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981
Ref: Y.O. Letter # PCB/RO(NEL)/IND/2019-20/760 Date:-17.02.2020

In continuation to the receipt of your office letter vide reference above, we hereby submit the point wise compliance to the issues raised in your letter;

Sl. No.	Observations	Compliance
1	You have established and operating a hot mix plant at the aforementioned location and engaged in production of hot asphalt and jelly mixture with an installed capacity of 150MT/hr, without obtaining mandatory consent of the Board.	We have established a hot mix plant of capacity 200MT/day for public works department road works. We have started the process of filing the consent application in online XGN software.
	The hot mix plant seems to be established and operating in an private patta land, which is not	The land has been converted for Industrial purpose. A copy of conversion order is here with



A l k e
Public Information Officer
And Environmental Officer
Karnataka State Pollution Control Board
Regional Officer-Nelamangala

DT

	duly converted for industrial activity.	enclosed.
3	After verification of Thippagondanahalli Reservoir Catchment Area Notification No. FEE 215ENV 2000 dated 18.11.2003., it is noted that Hot Mix plant is established in Gundenahalli village, Tyamagondanahalli Hobli, Nelamangala Taluk, which falls in Zone 1.	Yes, agreed.
4	The hot mix plant is surrounded by agriculture land in all the four direction.	Yes, agreed. However the project location is converted for industrial purpose.
5	The chimney height provided to the asphalt heating tank is insufficient. Since asphalt heating tank is not provided with sufficient height chimney, smell nuisance during asphalt heating may be caused in and around the hot mix plant area. Also, you have not taken adequate measures to mitigate the odor emanating from the hot mix plant.	We are using diesel as the source of fuel. Hence the odour nuisance is very minimal. However the chimney height is also increased upon your direction during the inspection and a photograph is enclosed.
6	The height of the stack provided to the asphalt and jelly mixing drum is also not adequate and there are no suitable air pollution control equipment's installed for the	A photograph of asphalt and jelly mixing drum having provided with the required chimney is enclosed.

A Kulk



**Public Information Officer
And Environmental Officer
Karnataka State Pollution Control Board
Regional Officer-Nelamangala**

	control of air emissions from the stack.	
7	The raw material such as metal (jelly), asphalt (bitumen) were stored in the project site, the site is not provided with metteling or asphalt surface.	The project site is metalled and the asphaltting will be done in due course of time.
8	Required pollution control measures such as sheet metal barricade around the project site, regular water sprinkling on raw material stock and site area for effective dust suppression is not being followed. Due to which the fugitive emissions discharged from the project site was deposited on the surrounding plants as well as on the agricultural crops in the adjacent agriculture land.	We are regularly carrying out the water sprinkling on dust causing area. However barricading will be taken up within a month's time and the photographic evidence will be submitted to your good office.
9	You have established and operating a DG set of 120KVA capacity thereby discharging emission without valid consent of the Board. Further, the chimney height provided to the DG set is not adequate.	The work of increasing the height of the DG set chimney is in progress. Also in the online consent application the DG set has been included as an air pollution source.
10	The public road used by you for transporting of our raw material and finished product is not paved or not provided with water sprinkling measures to suppress	Water sprinkling activity is in process. However asphaltting of the same road will be taken up in the due course of time and the completion status will be reported

A-120

Public Information Officer
And Environmental Officer
Karnataka State Pollution Control Board
Regional Officer-Nelamangala

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fugitive emission. Deposition of dust was noticed all among the agricultural land adjacent to the road.	to your good office.
---	----------------------

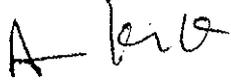
With all the above said compliances we request your good office not to initiate any such actions against our industry and grant us the consent for operation at the earliest.

Kindly accept and acknowledge the receipt of this letter.

Thanking You

Yours faithfully

for Arya Hot Mix Plant (SMH ^{Enterprises})



Authorized Signatory



Public Information Officer
And Environmental Officer
Karnataka State Pollution Control Board
Regional Officer-Nelamangala

Forwarding & Undertaking Letter from Industry

Application for consent for establishing / operation the industrial plant / plants under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981

Important Note: This Document or its copy does "NOT" serve as a Supporting Document Proof of Industry's Submission of an Application for a CFE / CFO. This Letter does "NOT" ensure that the Application FEES has been paid.

Application Purpose: Dear Sir, This application is for the purpose of consent for operation - fresh. We are applying directly for CFO-fresh along with the CFE - fresh fees. The consent fees is calculated for investment of Rs.0.98 Crores and the consent fees under Small Orange category is Rs.5,000.00 under water act & Rs.5000.00 under air act. The total consent fees for 10 years is 10,000.00 X 6 i.e 60,000.00 and CFE fees of Rs.5,000.00. The total consent fees is Rs.65,000.00. Kindly accept the application and do the needful.

From: Smh Enterprises, Category: ORANGE / SMALL
 PLOT NO:Sy. No. 22/4,
 sy. no. 22/4, no. 2b, hanumanthegowdana palya, sy. no. 22/4, no. 2b,
 hanumanthegowdana palya, kalalugatta post, gundenahalli vi,
 Gundenahalli - 562123
 Contact Person: Arun Kumar K, Mob:9740440444, Ph:9740440444
 DIST: Bangalore Rural, TAL: Nelmangala, SIDC: Not In I.A

Print Date: 02/03/2020

PCB-ID : 8597
 INWARD : 9066
 Dt:19/02/2020

To,

Scrutinized By: BHEEM SINGH GOWGI S
 (107)

The Member Secretary,
 Karnataka State Pollution Control Board
 Parisara Bhavan, #49,4th & 5th Floor,
 Church Street, Bangalore-560001

I / We here by Submit application for CCA ,Inward No : 90661, Date : 19/02/2020 for CFO(CFO-Fresh) under Water (Prevention & Control of Pollution) Act, 1974 / Air (Prevention & Control of Pollution) Act, 1981 / Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 and enclosed Consent fee Payment Details are given below as the Capital investment is 0.98 Crs

Query / Reply Bank Transaction Id Amount in Rupees

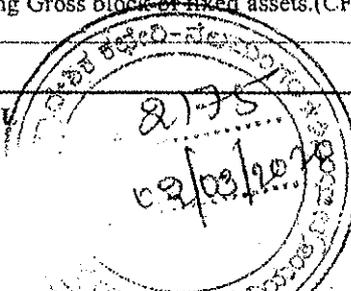
RHMP8577430967	65000.00
Total	65000.00

Submit compliance to CFE conditions [19/02/2020-1074]~[20/02/2020-1074] *** Reply Dear sir, since our industry is an existing industry, we directly applied for CFO-fresh application along with the CFE-fresh fees. Kindly accept the application and do the needful [19/02/2020]~Dear Sir, E-sign has been done. Kindly approve the E-sign for further processing. [02/03/2020]

I / We have Uploaded the following PDFs		Date	# Files	Size(kb)	#Page
1	000 - Project report indicating location, extent of land, water source, raw materials, products and by-products, water consumption details, waste water generation & Air Pollution Sources, Estimated/Proposed investment on Project & Pollution Control Measures (CFE/CFExp)	20/02/20	1	1098	7
2	DC2 - Document2	19/02/20	1	2749	14
3	TFS - Land/premises Details - To set up in "other than industrial area", Land Conversion Certificate, Land Possession Certificate along with the sale deed (registered) (CFE/CFExp)	19/02/20	1	601	2
4	DC1 - Document1	19/02/20	1	463	4
5	ANR - Copy of proprietorship/ partnership /company deed (CFE/CFO-1st)	19/02/20	1	122	4
6	PLL - Layout Plan showing the location of manufacturing area, ETP/APC and Solid/Haz.waste storage & collection points (CFE)	19/02/20	1	75	1
7	ACA - Audited Balance sheet along with schedule of fixed assets indicating Gross block of fixed assets.(CFO-1st/CFO Renewal)	19/02/20	1	122	2

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1 (Through XGN)



Public Information Officer
 And Environmental Officer
 Karnataka State Pollution Control Board
 Regional Office, Bangalore

AM

I, the applicant declare that I have submitted full and complete documents and information in conformity to the applicable Acts / Rules. I am aware that, any delay / rejection in the processing of application on account of incorrect / incomplete information shall be my responsibility.

Signature By
(Arun Kumar K)

Note: I am hereby enclosing Form-I(AIR),Form-XIII(WATER) printed through XGN Software along with above enclosures.


Public Information Officer
And Environmental Officer
Karnataka State Pollution Control Board
Regional Officer-Nelamangala

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Karnataka State Pollution Control Board
Parisara Bhavan, 4th & 5th Floor, Church Street, Bangalore-560001

FORM - I

[See Rule 20]

(To be submitted in triplicate)

9740440444

Authentic Signature

Yours faithfully

Accompaniments :

	I / We have Uploaded the following PDFs	Date	# Files	Size(kb)	#Page
1	000 - Project report indicating location, extent of land, water source, raw materials, products and by-products, water consumption details, waste water generation & Air Pollution Sources. Estimated/Proposed investment on Project & Pollution Control Measures (CFE/CFExp)	20/02/20	1	1098	7
2	DC2 - Document2	19/02/20	1	2749	14
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4	DC1 - Document1	19/02/20	1	463	4
5	ANR - Copy of proprietorship/ partnership /company deed (CFE/CFO-1st)	19/02/20	1	122	4
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7	ACA - Audited Balance sheet along with schedule of fixed assets indicating Gross block of fixed assets.(CFO-1st/CFO Renewal)	19/02/20	1	122	2

Signature valid

Digitally signed by
Date: 2020.03.02 09:11:57
+05:30


Public Information Officer
And Environmental Officer
Karnataka State Pollution Control Board
Regional Officer-Nelamangala

AIR

5 - Through XGN



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Karnataka State Pollution Control Board
Parisara Bhavan, #49, 4th & 5th Floor, Church Street, Bangalore-560001

FORM - I

[See Rule 20]

(To be submitted in triplicate)

Stack attached to	Mts	Remark	Details of APCM	Probable Pollutants
D.G. Sets	5	120kva- 5m arl chimney	AEC	0,0,0


**Public Information Officer
And Environmental Officer
Karnataka State Pollution Control Board
Regional Officer-Nelamangala**

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Karnataka State Pollution Control Board

Parisara Bhavan, #49,4th & 5th Floor, Church Street, Bangalore-560001

FORM - I

[See Rule 20]

(To be submitted in triplicate)

7. List of Raw materials with monthly consumption rate (MT/month)

Sr	Raw Material Name	Capacity - Unit / Month
1	12mm jolly	1800.0000 - M.T
2	20mm jolly	2100.0000 - M.T
3	bituminous	600.0000 - M.T
4	boulders dust	1500.0000 - M.T

7A. List of Products with monthly production rate (MT/month)

Sr	Product Name	CFE Qty	CFO Qty	Applied Qty
1	hot mix (asphalt)	6000.0000	6000.0000 - M.T	6000.0000

7B. Brief description of the manufacturing process together with a flow diagram and layout plan showing location of vents, stacks and any other emission points. As per the PDF attached

8 & 9. Details of Boilers / Heaters / Furnaces / Generators installed in the plant.

Sr	Stack attached to	Mts	Remark	APCM	Fuel	Consp-Unit	SM
1	Any Other	5	Hot mix plant (Tar Plant)	SCR	Diesel		N.A
2	D.G. Sets	5	120KVA- 5m ARL chimney	AEC	Diesel		N.A

Process emissions

10. Details of air Pollution control equipment for the control of Pollution resulting from emission of pollutants from process plant and combustion equipment.

Acoustic Enclosures, Scrubber

Boilers=0, DG Sets=1, Borewells = 0, Tubewells: 0, Capacity of All =

12. I/We further declare that information furnished through this application is correct to the best of my / our knowledge.

13. Declaration

(i) I/We hereby submit that in case of any change relating to manufacturing process / product, fuel emission rate pollution control equipment, capacity of the plant etc. fresh application for consent shall be made and until such Consent is granted, no change will be implemented.

(ii) I/We undertake to furnish any other information within one month of such intimation received from the Board.

(iii) I/We enclose here with Bank Draft No. =

& date : 19/02/2020 for Rs :65000 (In words : Sixty Five Thousand Rupees Only)

14. I/We hereby agree to submit to the Board, application for renewal of Consent atleast one month prior to the date of expiry of the present consent period.

Pay Remark :

In favour of the Karnataka State Pollution Control Board Parisara Bhavan, #49,4th & 5th Floor, Church Street, Bangalore-560001 as fees payable under section 25 of the Act.

Forward Purpose :

Dear Sir, This application is for the purpose of consent for operation - fresh. We are applying directly for CFO-fresh along with the CFE - fresh fees. The consent fees is calculated for investment of Rs.0.98 Crores and the consent fees under Small Orange category is Rs.5,000.00 under water act & Rs.5000.00 under air act. The total consent fees for 10 years is 10,000.00 X 6 i.e 60,000.00 and CFE fees of Rs.5,000.00. The total consent fees is Rs.65,000.00. Kindly accept the application and do the needful.

Other Information :

(Please refer to Schedule 1 for the rate of consent fees.)

Details of Applicant :

Arun Kumar K
 PLOT/PHASE No. Sy. No. 22/4,
 Sy. No. 22/4, No. 2B, Hanumanthegowdana palya Sy. No.
 22/4, No. 2B, Hanumanthegowdana palya, Kalalugatta Post,
 Gundenahalli Vi,
 Gundenahalli - 562123
 DIST : Bangalore Rural, TAL : Nelamangala, SIDC : Not In
 I.A

AIR

2 - Through XGN

Public Information Officer
 And Environmental Officer
 Karnataka State Pollution Control Board
 Regional Officer-Nelamangala

N I C

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Karnataka State Pollution Control Board

Parisara Bhavan, #49,4th & 5th Floor, Church Street, Bangalore-560001

FORM - I

[See Rule 20]

(To be submitted in triplicate)

CfO-Fresh - 90661

Application for consent for establishing / operation the industrial plant / plants under Section 21 of the Air (prevention & Control of Pollution) Act, 1981

Date : 02/03/2020

PCB-ID : 85975

From : Smh Enterprises

PLOT/PHASE No. Sy. No. 22/4,
Sy. No. 22/4, No. 2B, Hanumanthegowdana palya Sy. No. 22/4, No. 2B,
Hanumanthegowdana palya, Kalalugatta Post, Gundenahalli Vi,
Gundenahalli - 562123
DIST : Bangalore Rural, TAL : Nelamangala, SIDC : Not In I.A

To,
The Member Secretary,
Karnataka State Pollution Control Board
Parisara Bhavan, #49,4th & 5th Floor,
Church Street, Bangalore-560001

I/we hereby apply for consent / renewal of consent under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 to establish / operate / the industrial plant / plants owned by Smh Enterprises

to be located / located at

PLOT/PHASE No. Sy. No. 22/4, Sy. No. 22/4, No. 2B, Hanumanthegowdana palya Sy. No. 22/4,
No. 2B, Hanumanthegowdana palya, Kalalugatta Post, Gundenahalli Vi, Gundenahalli -
562123 DIST : Bangalore Rural, TAL : Nelamangala, SIDC : Not In I.A

The relevant details are as under :

1. Full name of the applicant with designation and address and Telephone /Telex number / Fax No. : Arun Kumar K
2. Names of full time directors / partners / owners with address and telephone nos. : As per Annexure 85975_dir
3. Full address of the factory / industrial plant/s (Survey No. Village plot No. location premises etc.) with telephone / telex Nos/ Fax No. : Smh Enterprises,
PLOT/PHASE No. Sy. No. 22/4,
Sy. No. 22/4, No. 2B, Hanumanthegowdana palya Sy. No. 22/4, No. 2B, Hanumanthegowdana palya, Kalalugatta Post, Gundenahalli Vi,
Gundenahalli - 562123
DIST : Bangalore Rural, TAL : Nelamangala, GIDC : Not In I.A
4. Date of commission of industrial plant/s or proposed date of commissioning : 10/01/2019
5. Plant/ project cost (Rs. in lakhs) : 98
- 5A. Specify whether small, medium or large scale. : Orange - Small
6. Total number of employees : 10

Ab

ANNEXURE

R2



Consent For Operation (S.O.-AW, Water)

Karnataka State Pollution Control Board
Zonal Office : Bangalore North,
Urban Eco Park, 3rd Floor, 100 Feet Road, 3rd Phase, Peenya
Industrial Area, Bangalore-560058
Tele : 080-28378716

Industry Scale: S/MAL

Number of pages (including annexure & excluding additional conditions) 8 pages including annexure & excluding additional conditions
Consent Order No: AW-317413 PCB ID: 85975 Date: 03/03/2020

Consent for discharge of effluents under the Water (Prevention and Control of Pollution) Act, 1974 and emission under Air (Prevention and Control of Pollution) Act, 1981

Application filed by the industry/organization on 02/03/2020
Reviewed by the industry/organization/by RO on 29/02/2020

Consent is hereby granted under Section 25(4) of the Water (Prevention & Control of Pollution) Act, 1974 (herein referred to as the Water Act) & Section 21 of Air (Prevention & Control of Pollution) Act, 1981 (here in referred to as the Air Act) and the Rules and Orders made there under and subject to the terms and conditions as detailed in the schedule Annexed to this order.
The industry is authorized to operate /carryout industry/activity & to make discharge of the effluents & emissions conforming to the stipulated standards from the premises mentioned below:

Name of the industry: SMLE Enterprises
Address: Sy. No. 22/4, Sy. No. 22/4, No. 2B, Hanumanthegowdana palya
Gundenahalli,
Nelmangala,
District: Bangalore Rural

Discharge of effluents under the Water Act:		WPC(KLD)	WWC(KLD)	Remark
Parameter	Limit			
Biochemical Oxygen Demand (BOD ₅)	0.350	0.280	The sewage is let in to septic tank followed by soak pits and effluent is treated in aeration tank for scrubber.	
Chemical Oxygen Demand (COD)	0.100	0.000		

Discharge of Air emissions under the Air Act from the following stacks etc.
S/N: Description of chimney/outlet Limits specified refer schedule
The details of Sources, control equipments and its specification, type of fuel, rate of emissions, constituents to be controlled in emissions etc. are detailed in Annexure-

Consent for operation is granted considering the activities/products

Product Name	Applied Qty/Month	Unit
	6000.000001	M.T

Valid from the period from 03/03/2020 to 30/09/2029

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**Consent For Operation
(CFO-Air,Water)**

Karnataka State Pollution Control Board
Zonal Office : Bangalore North,
Urban Eco Park, 3rd Floor, 100 Feet Road, 3rd Phase, Peenya
Industrial Area, Bangalore-560058
Tele : 080-28378716

Industry Colour
ORANGE

Industry Scale: SMALL

(This document contains 8 pages including annexure & excluding additional conditions)

To,
SMH Enterprises
Sy. No. 22/4, No. 2B,
Hanumanthegowdana palya,
Kalalugatta Post,
Gundenahalli VI

NOTE:

The following Conditions Nil mentioned above are not applicable

Additional Conditions:

Conditions A*(1), 2(b), 3(a) & 3(b) are not applicable

COPY TO:

1. The Regional Officer, Nelamangala for information and necessary action.
2. Master Register.
3. Case file.

Consent Fee paid Rs. 65000

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**Consent For Operation
(CFO-Air, Water)**

Industry Colour
GE ARGE

Industry Scale: SMALL

Karnataka State Pollution Control Board
Zonal Office : Bangalore-2
Urban Eco Park, 3rd Floor, 100 Feet Road, 3rd Phase, Peenya
Industrial Area, Bangalore-560035
Tele : 080-2677111

(This document contains 8 pages including annexure & excluding additional conditions)

SCHEDULE

TERMS AND CONDITIONS

A. TREATMENT AND DISPOSAL OF EFFLUENTS UNDER THE WATER ACT.

- 1. The discharge from the premises of the occupier shall pass through the terminal manhole/manholes where from the Board shall be free to collect samples in accordance with the provisions of the Act/Rules made there under.
- 2(a). The sewage/domestic effluent shall be treated in septic tank and with soak pit. No overflow from the soak pit is allowed. The septic tank and soak pit shall be as per IS 2470 Part-I & Part-II.
- 2(b). The treated sewage effluent discharged shall conform to the standards specified in Annexure-I.
- 3(a). The trade effluent generated in the industry shall be treated in the ETP and treated effluent shall conform to the standards stipulated by the Board in Annexure-I.
- 3(b). The trade effluent shall be handed over to CETP and maintain logbook of effluent generated & sent every day.
- 4. The occupier shall install flow measuring/recording devices to record the discharge quantity and maintain the record.
- 5. The occupier shall not change or alter either the quality or the quantity or the place of discharge or temperature or the point of discharge without the previous consent/permission of the Board.
- 6. The Occupier shall not allow the discharge from the other premises to mix with the discharge from his premises. Storm water shall not be allowed to mix with the effluents on the upstream of the terminal manhole where the flow measuring devices are installed.

B. EMISSIONS:

- 1. The discharge of emissions from the premises of the applicant shall pass through the air pollution control equipment and discharged through stacks/chimneys mentioned in Annexure-II where from the Board shall be free to collect the samples at any time in accordance with the provisions of the Act and Rules made there under.
- 2. The occupier shall provide port holes for sampling of emission, access platforms for carrying out stack sampling, electrical points and all other necessity arrangements including ladder as indicated in Annexure-III.
- 3. The Occupier shall upgrade/modify/replace the control equipment with prior permission of the Board.

MONITORING & REPORTING:

- 1. The occupier shall get the samples of effluents & emissions collected and get them analyzed once a month/indicated in Annexure for the parameters.

**Consent For Operation
(CFO-Air,Water)**

Industry Category: **CLAY**

Industry Scale: **SMALL**

Karnataka State Pollution Control Board
Zonal Office - Bangalore (North)
Urban Eco Park, 3rd Phase, Peenya
Industrial Area, Bangalore-560092
Tele: 080-2817871

This document contains 8 pages including annexure & excluding additional conditions)

Annexure-II

Case No.	Chimney attached to	KVA Rating/Capacity	Minimum chimney height to be provided above ground level (In Mtr)	Constituents to be controlled in the emission	Tolerance limits mg/NM3	Air pollution Control equipment to be installed, in addition to chimney height as per col.(4)	Date on which air pollution control equipments shall be provided to achieve the stipulated tolerance limits and chimney heights conforming to stipulated heights.
	Any Other	Hot mix plant (Tar Plant)	6	PM (mg/NM3), SO2 (PPM), NOx (PPM)	150,0,0	DUS, SCR	
	D.G. Sets	120KVA	9	PM (mg/NM3), SO2 (PPM), NOx (PPM)	0,0,0	IAEC	

- Note: DUS: Dust Collector
- IAEC: Acoustic Enclosures

- The Noise levels within the premises shall not exceed 75 dB (A) leq during day time and 70 dB(A) leq during night time respectively.
 - The DG set shall be provided with acoustic measures as per SI.No.94 in Schedule-I of Environment (Protection) Rules.
- There shall be no smell or odour nuisance from the industry.

01/11/2011

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Consent For Operation
(Under Air Water)

Karnataka State Pollution Control Board
Zonal Office : Bangalore North,
Urban Eeq Park, 3rd Floor, 100 Feet Road, 3rd Phase, Peenya
Industrial Area, Bangalore-560038
Tele : 080-28378716

Industry Name: [Redacted]

Industry Scale: SMAII

This document contains 8 pages including annexure & excluding additional conditions

D. SOLID WASTE (OTHER THAN HAZARDOUS WASTE) DISPOSAL:

1. The Occupier shall segregate solid waste from Hazardous Waste, Municipal Solid Waste and store it properly till treatment/disposal without causing pollution to the surrounding Environment.
2. The solid waste generated shall be handled & disposed by scientific method without causing eye sore to the general public and to the surrounding environment.

E. NOISE POLLUTION CONTROL:

The industry shall ensure that the ambient noise levels within its premises shall not exceed the limits i.e 75 dB(A) Leq during day time and 70 dB(A) Leq during night time as specified in the Environment (Protection) Rules.

F. GENERAL CONDITIONS:

The Board reserves the right to review, impose additional conditions, revoke, change or alter terms and conditions of this consent.

The Occupier shall forthwith keep the Board informed of any accidental discharge of emissions/effluents into the atmosphere in excess of the standards laid down by the Board. The applicant shall also take corrective measures to mitigate the impact.

The premises shall have power supply sufficient to operate all Pollution control equipments.

The premises shall always be kept clean. The effluent holding area, inspection chambers, outlets, etc. should be made easily approachable.

The Board shall display the consent granted in a prominent place for perusal of the inspecting officers.

The applicant, his legal representatives or assigns shall have no claims what so ever to the consent after expiry of the validity of consent.

The applicant shall make an application for consent at least 45 days before expiry of this consent.

The applicant shall maintain register recording the ambient air quality and stack monitoring. The register shall be made available for inspection by the Board Officers at all time.

The applicant shall take measures to remove colour and unpleasant odour as far as practicable.

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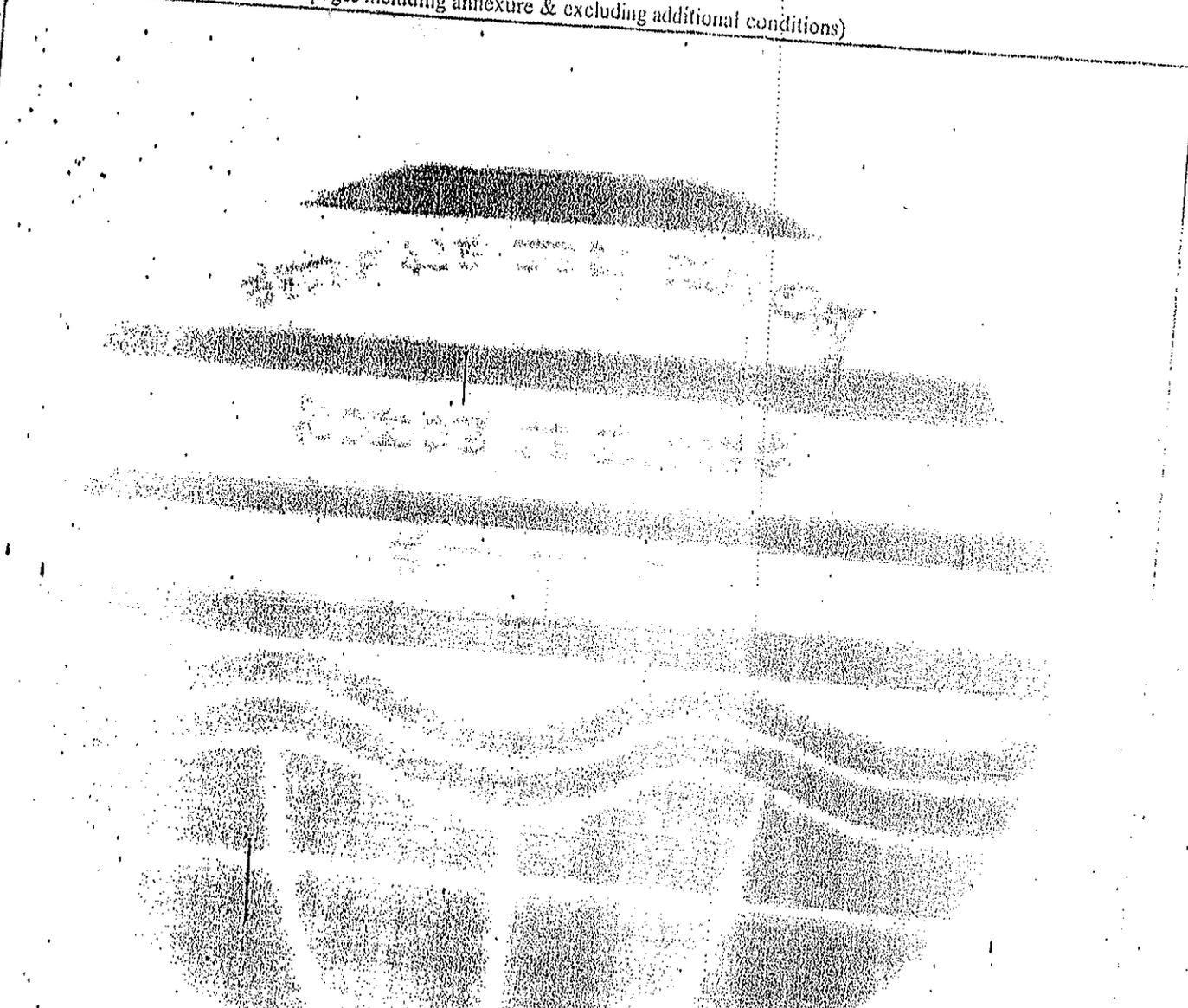
Consent For Operation
(CFO-Air,Water)

Karnataka State Pollution Control Board
Zonal Office - Bangalore North
100 Feet Road, 3rd Phase, Peenya
Industrial Area, Bangalore-560058
Tele : 080-28378716

Industry Colour:
ORANGE

Industry Scale: SMALL

(This document contains .8 pages including annexure & excluding additional conditions)



Signature valid
Digitally signed by
Date: 2020.08.03 16:24:08
+05'30

www.kspcb.org

Page 1

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Consent For Operation
(CFO-Air, Water)

Karnataka State Pollution Control Board
Zonal Office : Bangalore North,
Urban Eco Park, 3rd Floor, 100 Feet Road, 3rd Phase, Peenya
Industrial Area, Bangalore-560058
Tele : 080-28378716.

Industry Name: SMAI

Number of pages including annexure & excluding additional conditions

LOCATION OF SAMPLING PORTHOLES, THE PLATFORMS, THE ELECTRICAL OUTLET.

Location of Portholes and approach platform:

Portholes shall be provided for all chimneys, stacks and other sources of emission. These shall serve as the sampling points. The sampling point should be located at a distance equal to at least eight times the stack or duct diameter downstream and two diameters upstream of source of low disturbance such as a Bend, Expansion, Construction Valve, Fitting or Visible Flame for rectangular stacks, the equivalent diameter can be calculated from the following equation:

$$\text{Equivalent Diameter} = \frac{2 (\text{Length} \times \text{Width})}{(\text{Length} + \text{Width})}$$

The diameter of the sampling port should not be less than 3". Arrangements should be made so that the portholes are closed firmly during the period when it is not used for sampling.

An easily accessible platform to accommodate 3 to 4 persons to conveniently monitor the stack emission from the portholes shall be provided. Arrangements for an Electric Outlet Point off 230 V 15 Amps shall be provided and 3 Pin Point shall be provided at the Porthole location.

For and on behalf of the
Karnataka State Pollution Control
Board

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TYPED COPY ANNEXURE

A 2

Combined Consent Order No.AW-317413

PCBID:85975

Date:03/03/2020

Combined consent for discharge of effluents under the Water (Prevention and Control of Pollution) Act, 1974 and emission under Air (Prevention and Control of Pollution) Act, 1981.

- Ref: 1. Application filed by the industry/organization on 02/03/2020.
2. Inspection of the industry/organization/by RO, on 29/02/2020.

Consent is hereby granted under section 25(4) of the Water (prevention & Control of Pollution) Act, 1974 (herein referred to as the Water Act) & Section 21 of Air (Prevention & Control of Pollution) Act, 1981, (here in referred to as the Air Act) and the rules and Orders made there under and subject to the terms and conditions as detailed in the schedule Annexed to this order.

The Occupier is authorised to operate/carryout industry/ activity & to make discharge of the effluents & emissions confirming to the stipulated standards from the premises mentioned below:

Location:

Name of the Industry: SMH Enterprises

Address : Sy. No.22/4, No.2B.

Hanumanthegowdanapalya

Industrial Area : Not in I.A., Gundenahalli

Taluk : Nelamangala, District: Bangalore Rural

Discharge of effluents under the Water Act:

SL. NO.	WATER CODE	WC (KLI)	WWG (KLD)	REMARK

1.	DOMESTIC PURPOSE	0.350	0.280	THE SEWAGE IS LET IN TO SEPTIC TANK FOLLOWED BY SOAK PIT.
2.	OTHERS	0.100	0.000	FOR SCRUBBER

Discharge of Air emissions under the Air Act from the following Stacks etc.

SL. NO.	DESCRIPTION OF CHIMNEY/OUTLET	LIMITS SPECIFIED	REFER SCHEDULE
THE DETAILS OF SOURCES, CONTROL EQUIPMENTS AND ITS SPECIFICATION, TYPE OF FUEL, RATE OF EMISSIONS, CONSTITUTIONS TO BE CONTROLLED IN EMISSIONS ETC., ARE DETAILED IN ANNEXURE-I.			

The consent for operation is granted considering the following activities/Products:

SL. NO.	PRODUCT NAME	APPLIED QTY / MONTH	UNIT
1.	HOT MIX (ASPHALT)	6000.0000	M.T.

This consent is valid for the period from 03-03-2020 to 30-09-2029.

To,

SMH Enterprises

Sy. No.22/4, No.2B,
Hanumanthegowda Palya,
Kalalugatta Post,
Gundenahalli Vi

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NOTE:

The following Conditions Nil mentioned above are not applicable:

Additional Conditions:

Conditions A(1), 2(b), 3(a) & (b) are not applicable

COPY TO:

1. The Regional Officer, Nelamangala, for information
2. Master Register. and necessary action
3. Case file.

<i>CONSENT FEE PAID</i>	<i>RS.65000</i>
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SCHEDULE

TERMS AND CONDITIONS

A. TREATMENT AND DISPOSAL OF EFFLUENTS UNDER THE WATER ACT.

1. The discharge from the premises of the occupier shall pass through the terminal manhole/manholes where from the Board shall be free to collect samples in accordance with the provisions of the Act/Rules made there under.

2(a). The sewage/domestic effluent shall be treated in septic tank and with soak pit. No overflow from the soak pit is

allowed. The septic tank and soak pit shall be as per IS 2470 Part-I & Part-II.

2(b) The treated sewage effluent discharged shall conform to the standards specified in Annexure-I.

3 (a) The trade effluent shall be handed over to CETP and maintain logbook of effluent generated & sent every day.

4. The occupier shall install flow measuring/recording devices to record the discharge quantity and maintain the record.

5. The occupier shall not change or alter either the quality or the quantity or the place of discharge or temperature or the point of discharge without the previous consent/permission of the Board.

6. The occupier shall not allow the discharge from the other premises to mix with the discharge from his premises, storm water shall not be allowed to mix with the effluents on the upstream of the terminal manhole where the flow measuring devices are installed.

B. EMISSIONS:

1. The discharge of emissions from the premises of the applicant shall pass through the air pollution control equipment and discharged through 'stacks/chimneys mentioned in **ANNEXURE-II** where from the Board shall be free to collect the samples at any time in accordance with the provisions of the Act and Rules made there under.

2. The occupier shall provide port holes for sampling the emission, access platforms for carrying out stack sampling, electrical points and all other necessary arrangements including ladder as indicated in Annexure-II.
3. The Occupier shall upgrade/modify/replace the control equipment with prior permission of the Board.

C. MONITORING & REPORTING:-

1. The occupier shall get the samples of effluent & emissions collected and get them analyzed once a month/indicated in Annexure for the parameters.

D. SOLID WASTER (OTHER THAN HAZARDOUS WASTE) DISPOSAL:

1. The occupier shall segregate solid waste from Hazardous Waste, Municipal Solid Waste and store it properly till treatment/disposal without causing pollution to the surrounding Environment.
2. The solid waste generated shall be handled & disposed by scientific method without causing eye sore to the general public and to the surrounding environment.

E. NOISE POLLUTION CONTROL:

1. The Industry shall ensure that the ambient noise levels within its premises shall not exceed the limits i.e., 75 dB(A) Leq during day time and 70dB(A) Leq during night time as specified in the Environment (Protection) Rules.

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F. GENERAL CONDITIONS:-

1. The Board reserves the right to review, impose, additional conditions, revoke, change or alter terms and conditions of this consent.
2. The Occupier shall forthwith keep the Board informed of any accident discharge of emissions/effluents into the atmosphere in excess of the standards laid down by the Board. The applicant shall also take corrective steps to mitigate the impact.
3. The Occupier shall provide alternative power supply sufficient to operate all Pollution control equipments.
4. The entire premises shall always be kept clean. The effluent holding area, inspection chambers, outlets flow measuring points should made easily approachable.
5. The Occupier shall display the consent granted in a prominent place for perusal of the inspecting officers of the Board.
6. The Occupier his heirs, legal representatives or assigns shall have no claims what so ever to the continuation or renewal of this consent after expiry of the validity of consent.
7. The Occupier shall make an application for consent at least 45 days before expiry of this consent.
8. The Occupier shall maintain register recording the ambient air quality and stack monitoring. The Register shall be open for inspection by the Board Officers at all time.

Note: All efforts should be made to remove colour and unpleasant odour as far as practicable.

ANNEXURE-II

NO	CHIMNEY ATTACHED TO	KVA RATING/CAPACITY	MINIMUM CHIMNEY HEIGHT TO BE PROVIDED ABOVE GROUND LEVEL (IN MTR)	CONSTITUENTS TO BE CONTROLLED IN THE EMISSION	TOLERANCE LIMIT MG/NM ³	AIR POLLUTION CONTROL EQUIPMENT TO BE INSTALLED IN ADDITION TO CHIMNEY HEIGHT AS PER COL.(4)	DATE ON WHICH AIR POLLUTION CONTROL EQUIPMENTS SHALL BE PROVIDED TO ACHIEVE THE STIPULATED TOLERANCE LIMITS AND CHIMNEY HEIGHTS CONFORMING TO STIPULATED HEIGHTS.
1	ANY OTHER	HOT MIX PLANT (TAR PLANT)	6	PM (MG/NM ³), SO ₂ (PPM), NOX (PPM)	150,0,0	DUS, SCR	----
2	D.G. SETS	120KVA	9	PM (MG/NM ³), SO ₂ (PPM), NOX (PPM)	0,0,0	AEC	----

Note:

DUS SC: Dust Collector

R

AEC: Accoustic Enclosures

Note

1. The Noise levels within the premises shall not exceed 75 dB (A) Leq during day time and 70 dB(A) Leq during night time respectively.
2. The DG set shall be provided with acoustiv measures as per Sl. No.94 in schedule-I of Environment (Protection) Rules.

There shall be no smell or odour nuisance from the industry

LOCATION OF SMAPLING PORTTHOLES, THE PLATFORMS, THE ELECTRICAL OUTLET:

1. Location of Portholes and approach Platform:

Portholes shall be provided for all Chimneys, stacks and other sources of emission. These shall serve as

The sampling points. The sampling point should be located at a distance equal to atleast eight times the stack or duct diameters downstream and two diameters upstream from source of law disturbance such as

a Bend, Expansion, Construction Valve, Fitting or Visible Flame for rectangular stacks, the equivalent diameter can be calculated from the following equation.

$$\text{Equivalent Diameter} = \frac{2 (\text{Length} \times \text{Width})}{(\text{Length} + \text{Width})}$$

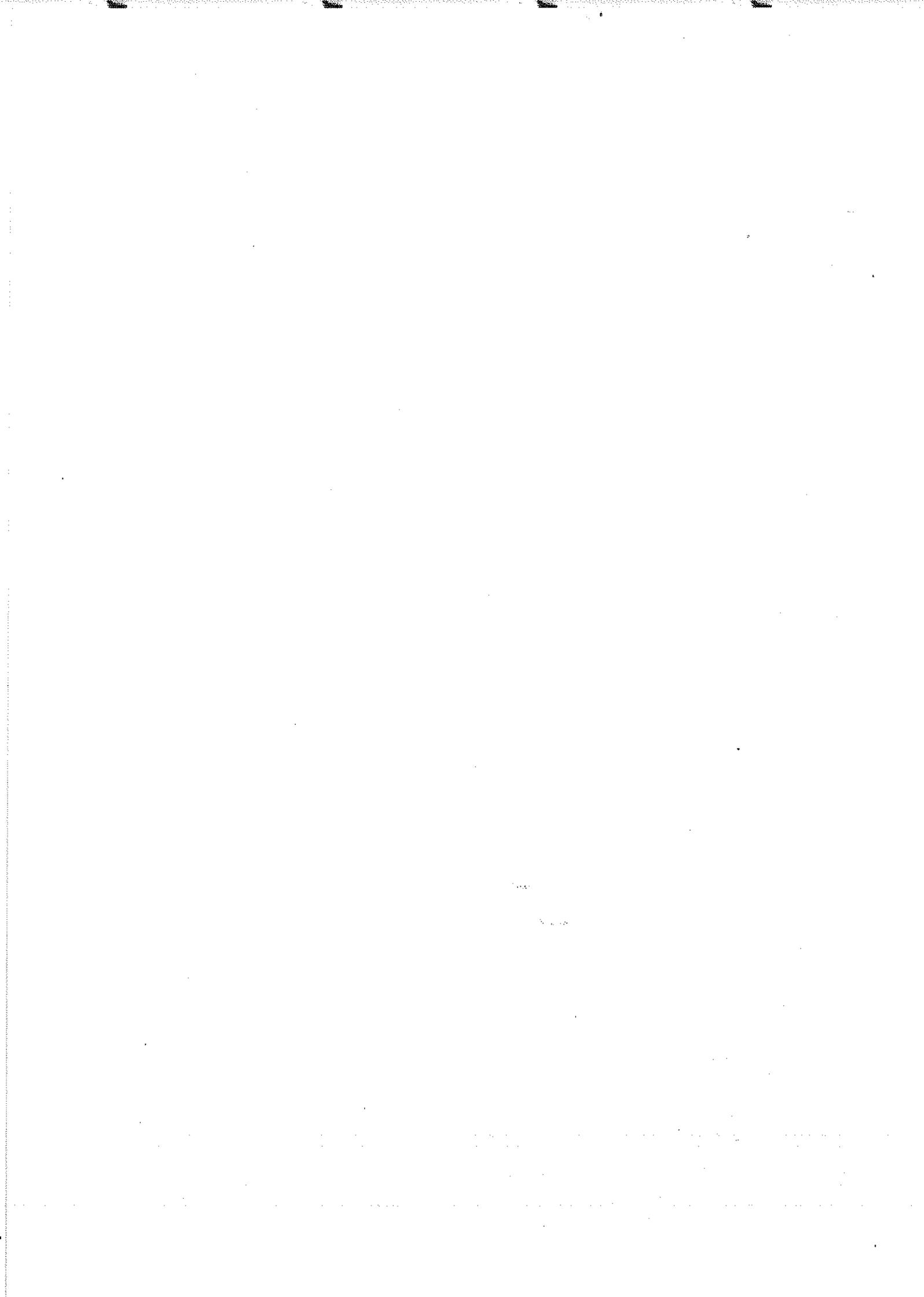
2. The diameter of the sampling port should not be less than 3". Arrangements should be made so that the porthole is closed firmly during the period when it is not used for sampling.
3. An easily accessible platform to accommodate 3 to 4 persons to conveniently monitor the stack emission from the portholes shall be provided. Arrangements for an Electric Outlet point off 230 V 15 A with suitable switch

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control and 3 Pin Point shall be provided at the Porthole location.

Sd/-

For and on behalf of the
Karnataka State Pollution Control
Board



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ANNEXURE H

REPORT OF THE JOINT COMMITTEE IN THE MATTER OF O.A No 258 OF 2020 (SZ) SUBMITTED BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI, AS PER ORDERS DATED 16.12.2020.

1.0 PREAMBLE

In the Original Application No. 258 of 2020 (SZ), filed by Sri Kirankumara Vs State of Karnataka & Ors, the Hon'ble National Green Tribunal (NGT), Chennai issued Orders on 16.12.2020 with the following directions:

9. *In order to ascertain the genuineness of the allegations and also violations alleged, we feel it appropriate to appoint a Joint Committee comprising (1) Deputy Commissioner, Bangalore Rural District/ District Collector, Bangalore Rural district whoever, may be the administrative head of the District or a Senior Officer not below the rank of Sub Divisional Magistrate or Assistant Collector deputed by the District Collector/ Deputy Commissioner, Bangalore Rural and (2) a Senior Officer from Karnataka State Pollution Control Board (KSPCB) as directed by the Chairman to inspect the area in question and submit a actual as well as action taken report, if there is any violation found.*

10. *The committee is directed to ascertain as to whether the 5th respondent is having all necessary permissions and clearance required for the purpose of establishment of the unit and whether they are complying with the conditions of permissions or clearances if any granted and whether the pollution control norms which they are expected to maintain are in order and if there is any violation, what is the nature of action taken by the regulating authority including imposition of environmental compensation as directed by this Tribunal in several cases of this nature and also to ascertain as to whether the unit is established in any of the prohibited zone under the TGR Notification, 2003.*


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Regional Officer-Nelamangala

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11. The Karnataka State Pollution Control Board (KSPCB) will be the nodal agency for co-ordination and also for providing necessary logistics for this purpose.

Pursuant to the directions of the Hon'ble NGT, the Karnataka State Pollution Control Board constituted Joint committee consisting of following officers (Annexure-1);

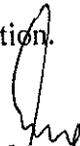
Sl. No	Name & Designation	Designated in the committee
1	The Deputy Commissioner/ District Collector, Bengaluru Rural District, Karnataka	Chairman
2	The Zonal Senior Environmental Officer, Karnataka State Pollution Control Board, Bangalore North	Member
3	The Environmental Officer, Regional Officer- Nelamangala Karnataka State Pollution Control Board, Nelamangala Tq- Bangalore	Convener

2.0. TERMS OF REFERENCE FOR THE JOINT COMMITTEE:

The Committee shall inspect and ascertain as to whether the occupier of the Hot Mix Plant has got all the necessary permissions and clearances required for the purpose for the establishment of the unit and whether they are complying with the conditions of permissions or clearances if any, granted and whether the pollution control norms are in order and if there is any violation, nature of the action taken by the Regulating Authority including imposition of environmental compensation as directed in several cases by the Tribunal and to ascertain whether the unit is established in any of the prohibited zone under the TGR Notification, 2003.

3.0 INSPECTION BY THE JOINT COMMITTEE

The Joint Committee inspected the hot mix plant on 06.02.2020. The complainant was contacted over mobile phone which was furnished in the OA and there was reply that "wrong number". The owner of hot mix plant was also informed to be present during inspection.


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The following committee members were present;

Sl. No.	Name and designation	Designated in the committee
1	Sri P.N Ravindra, IAS, Deputy Commissioner, Bangalore Rural District	Chairman
2	Sri.Siddaramaiah C, Senior Environmental Officer, Karnataka State Pollution Control Board, Zonal Office- Bangalore North	Member
3	Sri. Bhim Singh Gowgi, Regional Officer, KSPCB, Nelamangala	Convener

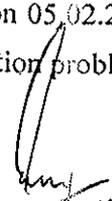
Other Officers present during inspection are:

Sl. No.	Name and designation	Department
1	Sri. R. Bhaskar, Assistant Environmental Officer,	RO, KSPCB, Nelamangala
2	Sri Manjunath K Tahsildar, Nelamangala	Revenue Dept
3	Sri. Mahesh Revenue Inspector, Thyamagondlu, Dept	Revenue

Owner of the hot mix plant Sri. Arun Kumar was also present. Complaint Sri Kirankumara was absent.

4.0 ABOUT THE HOT MIX PLANT

1. Sri K Arunkumar had established hot mix plant in the name M/s Arya Hot mix plant (SMH Enterprises) at Sy No. 22/4 of Gundenahalli Village, Thyamagondlu Hobli, Nelamangala Tq, Bangalore Rural dist, without obtaining consent to Establish/ Operate by the Karnataka State Pollution Control Board (KSPCB).
2. The residents of Gundenahalli village, Thyamagondlu Hobli, Nelamangala Taluq had filed complaint before Karnataka State Pollution Control Board, Regional Office-Nelamangala on 05.02.2019 against illegal operation of hot mix plant and dust and air pollution problem to the public (Annexure-2)


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3. On receipt of the complaint, the plant was inspected by the Environmental Officer of Regional Office, Nelamangala on 13-02-2019, and the detailed inspection report was forwarded to head office with recommendations to issue closure order as the plant was established without valid consent of the Board and also causing air and sound pollution in the surrounding area (Annexure-3).
4. Further, Mrs. Puttalakshamma and Mrs. Bhagya, residents of Gundenahalli village had filed one more complaint against the same plant with regard to illegal operation of the Hot Mix Plant (Annexure-4). The plant was inspected by the Environmental Officer of Regional Office, Nelamangala on 17-02-2020 and issued notice on 17.02.2020 based on the observations (Annexure-5). The plant owner submitted the compliances to Regional Office, Nelamangala on 24-02-2020 (Annexure-6).
5. The Environmental Officer of the Regional Office, Nelamangala had inspected unit on 29-02-2020 to verify the compliances made and it was observed that plant had complied with the notice issued by the Regional Office, Nelamangala dated 17-02-2020.
6. The plant owner submitted Form – XIII and Form-I applications through xgn software seeking consent under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 for the operation of hot mix plant at Sy. No. 22/4 of Gundenahalli Village, Nelamanagala Taluk, Bengaluru Rural District with hard copy of the applications to Regional Office, Nelamangala on 02-03-2020 (Annexure-7).
7. On verification of the record submitted along with application by the applicant, the Deputy Commissioner, Bengaluru Rural District had converted the land for industrial purpose (brick manufacturing) at Sy. No. 22/4, Gundenahalli Village, Nelamangala Taluk for an area of 35gunta vide order dtd 07-08-2019 (Annexure-8).
8. Since the KSPCB is not insisting land conversion for establishment of industries (Annexure-9), the application was forwarded to Senior Environmental Officer, Bengaluru North on 03-03-2020 (Annexure-10) with recommendations to issue consent under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 as all the Sy. Nos. of Gundenahalli village falls under Zone-I (Sl. No. 266) as per TGRCA notification dated 18-11-2003, where in all industries are allowed to be established except stone quarries and stone crushers. (Annexure-11)

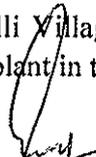

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9. As per the recommendations of the Regional Office, Nelamangala, Senior Environmental Officer, Bengaluru North has issued consent under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 for the period upto 30-09-2029 for operation of the Hot Mix Plant (Annexure-12).

5.0 OBSERVATIONS MADE BY THE COMMITTEE AT THE TIME OF INSPECTION ON 06.02.2020;

1. The hot mix plant was not in operation and it was informed that, the plant operates intermittently as and when they get the order of road works. Cement brick manufacturing activity was observed on the eastern side at sy no. 22/4(Location map enclosed as Annexure-13).
2. They had provided scrubber to hot mix plant as air pollution control measure and provided zinc sheet barricade towards south and western side of the plant, masonry compound towards east. Mango plantations of the owner exist on northern side.
3. Karnataka State Pollution Control Board had monitored the ambient air quality near the plant using mobile monitoring vehicle for 24hrs on 05-01-2021 to 06-01-2021 and parameters are meeting the standards stipulated. Copy of the report is enclosed as (Annexure-14).
4. The hot mix plant was established in the Sy. No. 22/4 of Gundenahalli Village, Nelamangala Taluk, Bengaluru Rural District, but, not in the Sy.No. 136 as mentioned in the OA. The location of the plant in the present case is 1.35km form Kumadhathi River. As per the TGR notification, 2003, the said location falls under Zone-IV, where, only green category industry is allowed. As per the Board reclassification of the industry dated 15-06-2016, hot mix plant falls under Orange category and the said activity is not permitted in zone-IV (Annexure-15).
5. There were few residences built at an approximate distance 45m from the plant.
6. The land has been converted for industrial purpose (brick manufacturing unit) at Sy. No. 22/4, Gundenahalli Village, Nelamangala Taluk, but, land owner has established the hot mix plant in the converted land illegally.


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6.0. DECISION OF THE COMMITTEE:

1. As informed by the Regional Officer, KSPCB, all the survey numbers of Gundenahalli village falls under Zone-1 of TGRCA Notification, where all types of industries are allowed to be established except stone quarries and stone crushers. Actually the village Gundenahalli printed at Sy No. 266 under TGRCA Notification comes under Sompura Hobli, where as the Gundenahalli at present case comes under Thyamagondlu Hobli. In the said notification, the villages have not been printed Hobli wise. On verification of the notification, it was observed that the name of Gundenahalli at present case has been wrongly printed as Guddenahalli (Narasapura) under serial No. 265 of TGRCA Notification, and hence it has led to confusion while deciding the zones. As per the notification, part of village comes under zone-III and part of village comes under zone-IV. In zone-III, only agriculture activity are allowed and in zone-IV only green category industries are allowed to be established. Hence, the committee decided to withdraw the consent issued by KSPCB by following procedure since the activities comes under orange category which is not permitted in zone-IV, including levying Environmental compensation as below;
2. The Environmental Compensation has been calculated by using following formula:

$$EC = PI \times N \times R \times S \times LF$$

EC = Environmental compensation (in Rs)

PI = Pollution Index of industrial sector

N = Number of days of violation took place

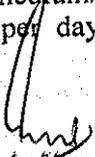
R = A factor in Rupees for Environmental compensation

S = Factor for scale of operation

LF = Location factor

Note:

- a. PI Shall be calculated, based on the prescribed scoring methodology given in CPCB document, wherever the PI score is not available. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the environmental compensation for Red, Orange and Green categories of industries respectively.
- b. R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the environmental compensation in cases of violation.
- c. S could be based on small/medium/large industry categorisation or volume of effluent discharge per day / fuel consumed per day with


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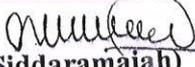
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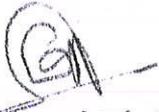
- variable weightage shall be 0.5 for micro or SSI units, 1.0 for medium and 1.5 for large units.
- d. LF could be 1.5 for the units located in critically polluted areas/ecologically sensitive areas/ proximity to large habitations. The scope if LF will be examined further for listing ecologically sensitive areas and proximity to large habitations.
 - e. N = 385 days (from the date of first inspection to the date of issue of consent)

Hence, the EC = 50 x 385 x Rs. 250 x 0.5 x 1.5 = Rs. 36,09,375/-

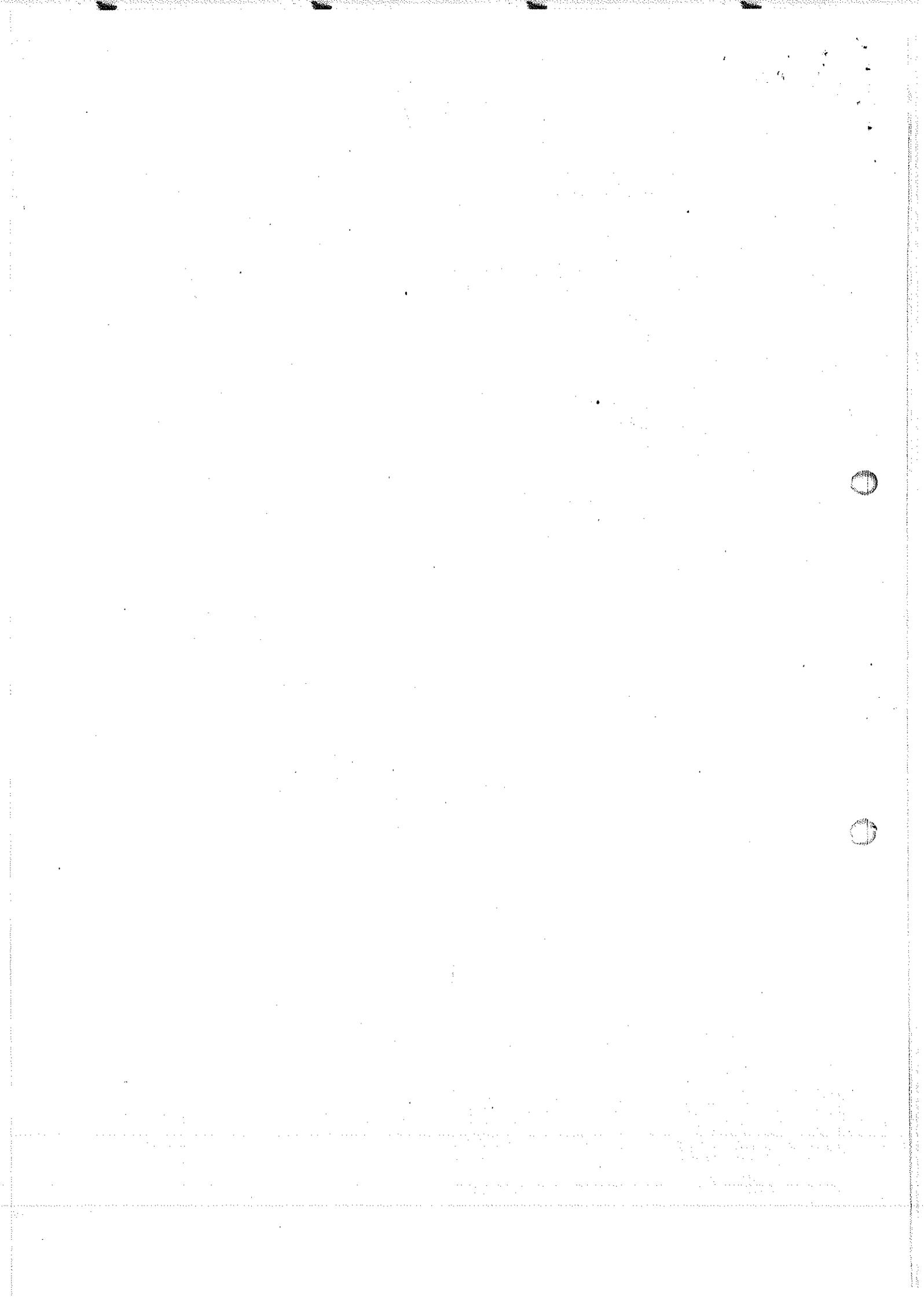
It was decided to send the above proposal of environmental compensation to the Member Secretary, Karnataka State Pollution Control Board for issue of EC demand notice.

3. Land conversion has been issued for the purpose of brick manufacturing. Since the owner of land has mis used the land for which it was converted, the committee decided to withdraw the land conversion order issued vide dtd 07.08.2019.


(C. Siddaramaiah)
Senior Environmental Officer
KSPCB, Bangalore North


(Sri P.N. Ravindra, IAS)
Deputy Commissioner
Bangalore Rural dist


Public Information Officer
And Environmental Officer
Karnataka State Pollution Control Board
Regional Officer-Nelamangala



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ANNEXURE

J

TYPED COPY OF AIR TESTING LABORATORYANALYSIS REPORT:

Date: 08/01/2021

NAME OF THE INDUSTRY/LOCATION	ARYA HOT MIX PLANT (SMH ENTERPRISES), SY. NO. 22/4, HANUMANTHEGOWDANAPALYA, GUNDENAHALLI VILLAGE, NELAMANGALA TALUK, BENGALURU RURAL DISTRICT		
SAMPLE COLLECTED BY	R. O. NELAMANGALA		
DATE OF COLLECTION	06/01/2021		
DATE OF RECEIPT	07/01/2021		
SAMPLE NO. AND PARTICULARS OF THE SAMPLES	A-637	CHIMNEY ATTACHED TO THE HOT MIX PLANT (TAR PLANT)	
THIMBLE NUMBERS		G- 12	

SL. NO.	PARAMETER ANALYZED	UNIT	STANDARD	REASULTS	TEST METHOD
				A-637	
				G-12	
1	PARTICULATE MATTER	3 MG/NM	150	37	IS:11255 (PART-I)-1985 (REAFFIRMED 2019)

INFERENCE	CONFORMS TO THE STANDARD PRESCRIBED
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Analyzed by: Sd/-

Section Head
Deputy Scientific Officer
AIR TESTING LABORATORY



ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಗಳು

ವಿಷಯ: ತಿಪ್ಪಗೊಂಡನಹಳ್ಳಿ ಜಲಾಶಯ ಮತ್ತು ಜಲಾನಯನ ಪ್ರದೇಶದ ಅರ್ಕಾವತಿ ಮತ್ತು ಕುಮದ್ವತಿ ನದಿಗಳ ಜಲಾನಯನ ಪ್ರದೇಶದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬಫರ್ ಜೋನ್ ನಿಗದಿಪಡಿಸುವ ಬಗ್ಗೆ.

- ಓದಲಾಗಿದೆ: 1. ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಎಫ್‌ಇಇ 215 ಇಎನ್‌ವಿ 2000, ದಿನಾಂಕ: 18.11.2003.
2. ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಅಪಜೀ 01 ಇಎನ್‌ಜಿ 2011, ದಿನಾಂಕ: 24.07.2014.

** ** *

ಪ್ರಸ್ತಾವನೆ:

ಮೇಲೆ ಓದಲಾದ ಕ್ರಮ ಸಂಖ್ಯೆ(1)ರಲ್ಲಿನ ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ದಿನಾಂಕ: 18.11.2003ರಲ್ಲಿ ಅರಣ್ಯ ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ ಇಲಾಖೆಯ ಪರಿಸರ (ನಿಯಂತ್ರಣ) ಕಾಯ್ದೆ 1986ರ ಕಲಂ 5 ರಡಿಯಲ್ಲಿ ಅರ್ಕಾವತಿ ಮತ್ತು ಕುಮದ್ವತಿ ನದಿಗಳನ್ನು ರಕ್ಷಿಸಿ, ತಿಪ್ಪಗೊಂಡನಹಳ್ಳಿ ಜಲಾಶಯದ ಒಳಹರಿವು ಹೆಚ್ಚಿಸುವ ದೃಷ್ಟಿಯಿಂದ ತಿಪ್ಪಗೊಂಡನಹಳ್ಳಿ ಜಲಾನಯನ ಪ್ರದೇಶವನ್ನು ಈ ಕೆಳಕಂಡಂತೆ ನಾಲ್ಕು ವಲಯಗಳನ್ನಾಗಿ ವಿಂಗಡಿಸಿ, ಪ್ರತಿ ವಲಯದಲ್ಲಿ ಯಾವ ಯಾವ ಚಟುವಟಿಕೆಗಳನ್ನು ಅನುಮತಿಸಬಹುದು ಮತ್ತು ಯಾವ ಚಟುವಟಿಕೆಗಳನ್ನು ನಿಷೇಧಿಸಲಾಗಿದೆ ಎಂಬ ಷರತ್ತುಗಳನ್ನು ವಿಧಿಸಲಾಗಿರುತ್ತದೆ.

Zone	Area Covered	Nature of restricted/regulated activities
(1)	(2)	(3)
Zone-1	Entire Tippagondanahalli Reservoir (TGR) catchment area specified in Annexure to this Notification.	a) Regulation and checking over exploitation of ground water. b) No fresh leases or licence for mining, quarrying and stone crushers shall be granted. c) No person shall dispose solid as well as liquid waste in this area without scientific Processing. d) To ensure adoption of rain water harvesting systems in all the new and existing buildings, within six months from the date of issue of this order. e) To promote organic farming including bio-fertilizers and bio-pesticide.
Zone -2	Area covered within 2 kms from the Tippagondana halli Reservoir (TGR) boundary	No person shall carry on activities other than Agricultural or Agriculture related activities without prior permission

ಇದರ ಮೇಲೆ ಸಹಿ ಮತ್ತು ಮುದ್ರೆ ಇರಿಸುವುದು
ಅಧಿಕಾರವಹಾರ
ಅಧಿಕಾರವಹಾರ

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Zone-3	Area covered within 1 km distance from the river banks of Arkavathy (only upto Hesarghatta tank from TGR) and Kumudvathi	No person shall carry on activities other than Agriculture or Agriculture related activities without prior permission
Zone-4	Area covered within 1 km to 2 Km distance from the river banks of Arkavathy (only upto Hesaraghatta Tank from TGR) and Kumudvathi (Excluding the areas falling within zone 2)	<p>a) Permit only those industrial activities which are listed as Green category, by the Karnataka State Pollution Control Board with mandatory adoption of rainwater harvesting systems and waste water treatment facilities. The other regulatory/civic agencies to issue permit only after Consent form Establishment (CFE) is obtained from the KSPCB.</p> <p>b) Permit new buildings with only ground and first floor with mandatory adoption of rainwater harvesting systems.</p>

ಮೇಲೆ ಓದಲಾದ ಕ್ರಮ ಸಂಖ್ಯೆ: (2)ರ ಆದೇಶದಲ್ಲಿ ದಿನಾಂಕ: 18-11-2003ರ ಅಧಿಸೂಚನೆಯನ್ನು ಹಿಂಪಡೆದು, ಈ ವಿಷಯದ ಕುರಿತು ಹೊಸದಾಗಿ ಅಧಿಸೂಚನೆ ಹೊರಡಿಸುವವರೆಗೂ ತಿಪ್ಪಗೊಂಡನಹಳ್ಳಿ ಜಲಾನಯನ ಪ್ರದೇಶದಲ್ಲಿ ಯಾವುದೇ ಹೊಸ ಅನಧಿಕೃತ ಕಟ್ಟಡಗಳು ಹಾಗೂ ಕೃಷಿಯೇತರ ಚಟುವಟಿಕೆಗಳಿಗೆ ಮಂಜೂರಾತಿ ನೀಡಬಾರದೆಂದು ಆದೇಶಿಸಲಾಗಿರುತ್ತದೆ.

ಸದರಿ ಆದೇಶಕ್ಕೆ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ:38218/2013ರಲ್ಲಿ ದಿನಾಂಕ: 28-07-2014ರಂದು ತಡೆಯಾಜ್ಞೆ ನೀಡಿರುತ್ತದೆ. ದಿನಾಂಕ: 12-08-2014ರಂದು ಮಾನ್ಯ ಕಾನೂನು ಸಚಿವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ನಡೆದ ಸಭೆಯಲ್ಲಿ ಈ ಬಗ್ಗೆ ಪುನರ್ ಪರಿಶೀಲಿಸಲು ಹಾಗೂ ಪ್ರಸ್ತುತ ಪರಿಸ್ಥಿತಿಯ ಬಗ್ಗೆ ಸಮಗ್ರ ಅಧ್ಯಯನ ಕೈಗೊಳ್ಳಲು ಎಂಪ್ರಿ (EMPRI)ಸಂಸ್ಥೆಗೆ ವಹಿಸಲು ತೀರ್ಮಾನಿಸಲಾಗಿರುತ್ತದೆ. ಅದರಂತೆ ಎಂಪ್ರಿ ಸಂಸ್ಥೆಯು ತಿಪ್ಪಗೊಂಡನಹಳ್ಳಿ ಜಲಾನಯನ ಪ್ರದೇಶದ ಅಧ್ಯಯನ ಕೈಗೊಂಡು ದಿನಾಂಕ: 05-09-2015ರಂದು ಅಂತಿಮ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತದೆ.

ಸದರಿ ವಿಷಯದ ಕುರಿತು ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಹಲವಾರು ರಿಟ್ ಅರ್ಜಿಗಳು ಸಲ್ಲಿಕೆಯಾಗಿದ್ದು, ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಪ್ರಶ್ನಿತ ಅಧಿಸೂಚನೆಯನ್ನು ಮುಂದುವರಿಸುವ ಬಗ್ಗೆ ಅಥವಾ ತಿಪ್ಪಗೊಂಡನಹಳ್ಳಿ ಜಲಾನಯನ ಜಲಾನಯನ ಪ್ರದೇಶದ ಸಂರಕ್ಷಣೆಗಾಗಿ ಇನ್ನಿತರ ಯಾವುದೇ ಅಧಿಸೂಚನೆಯನ್ನು ಹೊರಡಿಸುವ ಬಗ್ಗೆ ಸರ್ಕಾರದ ನಿಲುವನ್ನು ತಿಳಿಸುವಂತೆ ಕೋರಿರುತ್ತದೆ.

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ಕುಡಿಯುವ ನೀರಿನ ಜಲಾಶಯ ಮತ್ತು ಅದಕ್ಕೆ ನೀರೊದಗಿಸುವ ನದಿ ಮೂಲಗಳ ಸಂರಕ್ಷಣೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿರ್ದಿಷ್ಟವಾಗಿ ಒದಗಿಸಬೇಕಾದ ಬಫರ್ ಜೋನ್ ಬಗ್ಗೆ ಯಾವುದೇ ನಿಖರ ವೈಜ್ಞಾನಿಕ ಮಾರ್ಗಸೂಚಿಗಳು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಅಲ್ಲದೇ ದೇಶದ ಪ್ರಮುಖ ನದಿಯಾದ ಗಂಗಾ ನದಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ 100ಮೀ ಬಫರ್ ಅನ್ನು ನಿಗದಿಪಡಿಸಲಾಗಿದ್ದು, ಇತರ ಯಾವುದೇ ರಾಜ್ಯಗಳ ನದಿ ಪಾತ್ರಗಳಲ್ಲಿಯೂ ಸಹ ಈ ರೀತಿ ನಿರ್ಬಂಧ ವಿಧಿಸಿರುವುದು ಕಂಡು ಬಂದಿರುವುದಿಲ್ಲ.

ರಾಷ್ಟ್ರೀಯ ಹಸಿರು ನ್ಯಾಯಮಂಡಳಿಯು ದಿನಾಂಕ 04-05-2016ರಂದು ನೀಡಿರುವ ಆದೇಶದಲ್ಲಿ ಬೆಂಗಳೂರು ನಗರಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಬಫರ್ ಜೋನ್ ಅನ್ನು ಈ ಕೆಳಕಂಡಂತೆ ನಿಗದಿಪಡಿಸಲು ಆದೇಶಿಸಿತ್ತು.

- (i) In the case of Lakes, 75m from the periphery of water body to be maintained as green belt and buffer zone for all existing water bodies i.e., lakes/wetlands.
- (ii) 50m from the edge of the primary Rajkulewas.
- (iii) 35m from the edges in the case of secondary Rajkulewas.
- (iv) 25m from the edges in the case of tertiary Rajkulewas.

ಮಾನ್ಯ ರಾಷ್ಟ್ರೀಯ ಹಸಿರು ನ್ಯಾಯಮಂಡಳಿಯ ದಿನಾಂಕ:04-05-2016ರ ಆದೇಶವನ್ನು ಪ್ರಶ್ನಿಸಿ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಮೇಲ್ಮನವಿ ಸಲ್ಲಿಸಲಾಗಿದ್ದು, ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ದಿನಾಂಕ:05.03.2019ರಂದು ನೀಡಿರುವ ತೀರ್ಪಿನಲ್ಲಿ ರಾಷ್ಟ್ರೀಯ ಹಸಿರು ನ್ಯಾಯಮಂಡಳಿಯ ದಿನಾಂಕ:04-05-2016ರ ಆದೇಶವನ್ನು ರದ್ದುಪಡಿಸಿರುತ್ತದೆ.

ಅರ್ಕಾವತಿ ಮತ್ತು ಕುಮುದ್ವತಿ ಕಾಲುವೆ ಪಾತ್ರದ ಗ್ರಾಮಗಳು (ವಲಯ-3) ರಲ್ಲಿನ 126 ಗ್ರಾಮಗಳ ಜನರಿಗೆ ದಿನಾಂಕ:18-11-2003ರ ಅಧಿಸೂಚನೆಯಿಂದಾಗಿರುವ ತೊಂದರೆಗಳ ಕುರಿತಂತೆ ಅಂದಿನ ಮಾನ್ಯ ಕಾನೂನು, ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಸಣ್ಣ ನೀರಾವರಿ ಸಚಿವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ದಿನಾಂಕ:21-11-2017 ರಂದು ನಡೆದ ಸಭೆಯಲ್ಲಿ ಈ ಕೆಳಕಂಡಂತೆ ಬಫರ್ ಜೋನ್ ನಿಗದಿಪಡಿಸುವ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳುವಂತೆ ಸೂಚಿಸಲಾಗಿರುತ್ತದೆ.

4	Bangalore Metropolitan Development Authority -Bangalore Metropolitan Revised Structure Plan-2031	<p>I. 30 m. from the edge of primary natural drainage channel.</p> <p>II. 15 m. from the edge of secondary natural drainage channel.</p> <p>III. 10 m. from the edge of tertiary natural drainage channel.</p>
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ನಿರ್ದೇಶಕರು
 ನಗರ ಮತ್ತು ಸುತ್ತಮುತ್ತಲಿನ ಯೋಜನಾ
 ಅಧಿಕಾರಿಗಳು
 10/11/2019

ಈ ಬಗ್ಗೆ ಹಲವಾರು ಹಂತಗಳಲ್ಲಿ, ಸಭೆಗಳನ್ನು ಏರ್ಪಡಿಸಿ ಚರ್ಚಿಸಲಾಗಿ, ಅರಣ್ಯ ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ ಇಲಾಖೆಯ ದಿನಾಂಕ: 18.11.2003ರ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ತಿಪ್ಪಗೊಂಡನಹಳ್ಳಿ ಜಲಾಶಯ ಮತ್ತು ಅದರ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ 04 ಜೋನ್‌ಗಳನ್ನು ನಿಗದಿಪಡಿಸಿದ್ದು, ಅರ್ಕಾವತಿ ಮತ್ತು ಕುಮುದ್ವತಿ ನದಿಗಳ ಅಕ್ಕಪಕ್ಕದಲ್ಲಿ 02 ಕಿ.ಮೀ.ನಷ್ಟು ಅಂತರದವರೆಗೆ ಅಭಿವೃದ್ಧಿಗಳಿಗೆ ನಿರ್ಬಂಧ ವಿಧಿಸಲಾಗಿರುವುದರಿಂದ, ಸದರಿ ಪ್ರದೇಶದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಅಭಿವೃದ್ಧಿಗಳು ಕುಂಠಿತವಾಗಿದ್ದು, ರಾಜ್ಯದ ಯಾವುದೇ ನದಿಗಳ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಸಹ ಇಷ್ಟು ಅಂತರದವರೆಗೆ ಬಫರ್ ಜೋನ್ ಅನ್ನು ನಿಗದಿಪಡಿಸಿರುವುದಿಲ್ಲದಿರುವುದನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದೆ.

ತಿಪ್ಪಗೊಂಡನಹಳ್ಳಿ ಜಲಾನಯನ ಪ್ರದೇಶದ ಸಂರಕ್ಷಣೆಗಾಗಿ ದಿನಾಂಕ:18.11.2003ರ ಅಧಿಸೂಚನೆಯನ್ನು ಮುಂದುವರಿಸುವ ಬಗ್ಗೆ ಅಥವಾ ಪರ್ಯಾಯ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳುವ ಬಗ್ಗೆ ಸರ್ಕಾರದ ನಿಲುವನ್ನು ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯಕ್ಕೆ ತಿಳಿಸುವ ಸಂಬಂಧ ವಿಷಯವನ್ನು ಅರಣ್ಯ ಜೀವಿ ಪರಿಸ್ಥಿತಿ ಮತ್ತು ಪರಿಸರ ಇಲಾಖೆಯು ಸಚಿವ ಸಂಪುಟದ ಮುಂದೆ ತಂದಿದ್ದು, ದಿನಾಂಕ:28.06.2019ರಂದು ನಡೆದ ಸಚಿವ ಸಂಪುಟದ ಸಭೆಯಲ್ಲಿ ಈ ಕೆಳಕಂಡಂತೆ ತೀರ್ಮಾನ ತೆಗೆದುಕೊಳ್ಳಲಾಗಿರುತ್ತದೆ.

“ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ಸಿವಿಲ್ ಅಪೀಲ್ ಸಂಖ್ಯೆ: 5016/2016ರಲ್ಲಿ ದಿನಾಂಕ: 05.03.2019ರಂದು ನೀಡಿದ ತೀರ್ಪನ್ನು ಹಾಗೂ ದಿನಾಂಕ: 21.11.2017ರಂದು ಅಂದಿನ ಮಾನ್ಯ ಕಾನೂನು, ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಸಣ್ಣ ನೀರಾವರಿ ಸಚಿವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ನಡೆದ ಸಭೆಯಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ತೀರ್ಮಾನವನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು ತಿಪ್ಪಗೊಂಡನಹಳ್ಳಿ ಜಲಾಶಯ ಹಾಗೂ ಅದರ ಜಲಾನಯನ ಪ್ರದೇಶದಲ್ಲಿನ ಅರ್ಕಾವತಿ ಮತ್ತು ಕುಮುದ್ವತಿ ನದಿಗಳ ಅಕ್ಕಪಕ್ಕದಲ್ಲಿ ಬಫರ್ ಜೋನ್‌ನ್ನು ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆಯು ಸೂಕ್ತವಾಗಿ ನಿಗದಿಪಡಿಸಲು ಸಚಿವ ಸಂಪುಟವು ನಿರ್ಣಯಿಸಿತು”

ಸಚಿವ ಸಂಪುಟದ ತೀರ್ಮಾನದ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ತಿಪ್ಪಗೊಂಡನಹಳ್ಳಿ ಜಲಾಶಯ ಹಾಗೂ ಅದರ ಜಲಾನಯನ ಪ್ರದೇಶದಲ್ಲಿನ ಅರ್ಕಾವತಿ ಮತ್ತು ಕುಮುದ್ವತಿ ನದಿಗಳ ಅಕ್ಕಪಕ್ಕದಲ್ಲಿ ಸೂಕ್ತ ಬಫರ್ ಜೋನ್ ಅನ್ನು ನಿಗದಿಪಡಿಸುವ ಸಂಬಂಧ ಸೂಕ್ತ ನಿರ್ಣಯ ಕೈಗೊಳ್ಳಲು ದಿನಾಂಕ:06.07.2019 ಮತ್ತು 18.07.2019 ರಂದು ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ, ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ ರವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ವಿವಿಧ ಇಲಾಖೆಗಳೊಂದಿಗೆ ಚರ್ಚಿಸಲಾಗಿದೆ.

ಮಾನ್ಯ ಉಪ ಮುಖ್ಯಮಂತ್ರಿಯವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ದಿನಾಂಕ: 20.07.2019ರಂದು ನಡೆದ ಸಭೆಯಲ್ಲಿ 1) ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ ಇಲಾಖೆಯು ಹೊರಡಿಸಿರುವ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಅಪಜೀ 215 ಇಎನ್‌ವಿ 2000, ದಿನಾಂಕ: 18.11.2003ರಲ್ಲಿ Zone-1 & Zone-2 ವ್ಯಾಪ್ತಿಯ ಪ್ರದೇಶ ಮತ್ತು ನಿರ್ಬಂಧಿತ ಚಟುವಟಿಕೆಗಳನ್ನು ಯಥಾಸ್ಥಿತಿ ಮುಂದುವರಿಸಲು. 2) Zone-3 ವಲಯದ ವ್ಯಾಪ್ತಿಯ ಪ್ರದೇಶವನ್ನು ಅರ್ಕಾವತಿ ಮತ್ತು ಕುಮುದ್ವತಿ ನದಿಗಳ ತೀರದ ಅಂಚಿನಿಂದ 1.00ಕಿ.ಮೀ. ಅಂತರಕ್ಕೆ ಬದಲಾಗಿ 500 ಮೀಟರ್‌ಗಳಿಗೆ ಮಿತಿಗೊಳಿಸಲು ಹಾಗೂ ದಿನಾಂಕ: 18.11.2003ರ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ನಮೂದಿಸಿರುವ ನಿಷಂಕ್ರಿತ ಚಟುವಟಿಕೆಗಳನ್ನು ಯಥಾಸ್ಥಿತಿಯಲ್ಲಿ ಮುಂದುವರಿಸಲು ತೀರ್ಮಾನಿಸಲಾಗಿರುತ್ತದೆ.

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ಅಲ್ಲದೇ, Zone-4 ವಲಯದ ವ್ಯಾಪ್ತಿಯ ಪ್ರದೇಶವನ್ನು 1 ರಿಂದ 2 ಕಿ.ಮೀ. ಬದಲು 500ಮೀಟರ್‌ನಿಂದ 1 ಕಿ.ಮೀ.ಗೆ ಮಿತಿಗೊಳಿಸಿ ದಿನಾಂಕ:18.11.2003ರ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ನಮೂದಿಸಿರುವ ಹಲವು ನಿರ್ಬಂಧಿತ ಚಟುವಟಿಕೆಗಳನ್ನು ಮುಂದುವರೆಸಿ, ಹಲವು ನಿರ್ಬಂಧಗಳೊಂದಿಗೆ ಶೈಕ್ಷಣಿಕ ಮತ್ತು ವೈದ್ಯಕೀಯ ಸಂಸ್ಥೆಗಳು, ಆಸ್ಪತ್ರೆಗಳು, ಸರ್ಕಾರಿ ಹಾಸ್ಟೆಲ್‌ಗಳು ಮತ್ತು ವಸತಿ ಕಟ್ಟಡಗಳಿಗೆ ಅನುಮತಿಸುವುದನ್ನು ಅಳವಡಿಸಿಕೊಳ್ಳಲು ಹಾಗೂ ಈ ಪ್ರದೇಶಗಳಲ್ಲಿನ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬಫರ್ ಜೋನ್ ಅನ್ನು ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪ್ರದೇಶದ ಪರಿಷ್ಕೃತ ರಚನಾ ನಕ್ಷೆ-2031ರಲ್ಲಿ ನಿಗದಿಪಡಿಸಿರುವಂತೆ, ತಿಪ್ಪಗೊಂಡನಹಳ್ಳಿ ಜಲಾನಯನ ಪ್ರದೇಶದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ ಹಾಗೂ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ ವ್ಯಾಪ್ತಿಯಲ್ಲಿನ ಎಲ್ಲಾ ನಗರ ಯೋಜನಾ ಪ್ರಾಧಿಕಾರಗಳು ಅವರವರ ವಲಯ ನಿಯಮಾವಳಿಗಳಲ್ಲಿ ಖಡ್ಡಾಯವಾಗಿ ಅಳವಡಿಸಿಕೊಳ್ಳಲು ತೀರ್ಮಾನಿಸಲಾಗಿರುತ್ತದೆ.

- Water bodies / Lakes – a buffer of 30.0 mtr from the edge of the Lake.
- Primary natural drainage channel (valleys)- a buffer of 30.0mtr from the edge of primary natural drainage channel.
- Secondary natural drainage channel(valleys) - a buffer of 15.0mtr from the edge of the secondary drainage channel.
- Tertiary natural drainage channel (valleys) - a buffer of 10.00mtr from the edge of the tertiary natural drainage channel.

ಈ ಬಫರ್ ಜೋನ್‌ಗಳನ್ನು non-urbanisable Zone ಗಳಾಗಿ ನಿರ್ವಹಿಸುವುದು.

ಮೇಲ್ಕಂಡ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿ, ತಿಪ್ಪಗೊಂಡನಹಳ್ಳಿ ಜಲಾನಯನ ಮತ್ತು ಜಲಾನಯನ ಪ್ರದೇಶದ ಸಂರಕ್ಷಣೆಯನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು ಎಂಪ್ರಿ(EMPRI) ಸಂಸ್ಥೆಯು ಸಲ್ಲಿಸಿರುವ ವರದಿಯಲ್ಲಿನ ಹಲವು ಶಿಫಾರಸ್ಸುಗಳನ್ನು ಪರಿಗಣಿಸಿ, ಸದರಿ ಪ್ರದೇಶದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಹಲವು ನಿರ್ಬಂಧಗಳನ್ನು ವಿಧಿಸಿ ಹಾಗೂ ಸದರಿ ಪ್ರದೇಶದ ಅಭಿವೃದ್ಧಿಯನ್ನು ಸಹಾ ಗಮನದಲ್ಲಿರಿಸಿಕೊಂಡು, ಸರ್ಕಾರವು ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶಿಸಿದೆ.

ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ನಅಇ 11 ಬಿಎಂಆರ್ 2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20.07.2019

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಹಾಗೂ ಸಚಿವ ಸಂಪುಟವು ದಿನಾಂಕ: 28.06.2019ರಂದು ನಡೆದ ಸಭೆಯಲ್ಲಿ ಕೈಗೊಂಡ ನಿರ್ಣಯದ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ತಿಪ್ಪಗೊಂಡನಹಳ್ಳಿ ಜಲಾನಯನ ಮತ್ತು ಜಲಾನಯನ ಪ್ರದೇಶದ ಅರ್ಕಾವತಿ ಮತ್ತು ಕುಮುದ್ವತಿ ನದಿಗಳ ಜಲಾನಯನ ಪ್ರದೇಶದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬಫರ್ ಜೋನ್ ಅನ್ನು ಈ ಕೆಳಕಂಡಂತೆ ನಿಗದಿಪಡಿಸಿ, ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ ಹಾಗೂ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ ವ್ಯಾಪ್ತಿಯಲ್ಲಿನ ಎಲ್ಲಾ ನಗರ ಯೋಜನಾ ಪ್ರಾಧಿಕಾರಗಳಿಗೆ ಅವರವರ ವಲಯ ನಿಯಮಾವಳಿಗಳಲ್ಲಿ ಖಡ್ಡಾಯವಾಗಿ ಅಳವಡಿಸಿಕೊಳ್ಳಲು ಆದೇಶಿಸಲಾಗಿದೆ:

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ಶಿವರಾಜ್
ನಗರ ಮತ್ತು ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಯೋಜನಾ
ಅಧಿಕಾರಿ
ನಗರ ಮತ್ತು ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ

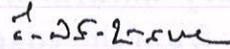
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- Water bodies / Lakes – a buffer of 30.0 mtr from the edge of the Lake.
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ಈ ಬಫರ್ ಜೋನ್‌ಗಳನ್ನು non-urbanisable Zone ಗಳಾಗಿ ನಿರ್ವಹಿಸುವುದು.

ಅಲ್ಲದೇ, ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಅಪಜೀ 215 ಇಎನ್‌ವಿ 2003, ದಿನಾಂಕ: 18.11.2003ರಲ್ಲಿ ನಿಗದಿಪಡಿಸಿರುವ Zone-1, 2, 3 & 4 ರ ವಲಯಗಳಿಗೆ ಬಫರ್ ಜೋನ್ ಅನ್ನು ಹಾಗೂ ನಿರ್ಬಂಧಿತ ಚಟುವಟಿಕೆಗಳನ್ನು ಅನುಬಂಧ-1 ರಲ್ಲಿರುವಂತೆ ವಲಯ ನಿಯಮಾವಳಿಗಳಲ್ಲಿ ಖಡಾಯವಾಗಿ ಅಳವಡಿಸಿಕೊಳ್ಳುವಂತೆ ಆದೇಶಿಸಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,


(ಕೆ.ಎಸ್.ಜಗದೀಶರೇಡ್ಡಿ)

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ,

ಇವರಿಗೆ:

- 1) ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ, ಅರಣ್ಯ, ಜೀವಿಪರಿಸ್ಥಿತಿ ಮತ್ತು ಪರಿಸರ ಇಲಾಖೆ.
- 2) ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ (ಪರಿಸರ), ಅರಣ್ಯ, ಜೀವಿಪರಿಸ್ಥಿತಿ ಮತ್ತು ಪರಿಸರ ಇಲಾಖೆ.
- 3) ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ, ಸಣ್ಣ ನೀರಾವರಿ ಇಲಾಖೆ, ವಿಕಾಸ ಸೌಧ.
- 4) ಮಹಾನಗರ ಆಯುಕ್ತರು, ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು.
- 5) ಆಯುಕ್ತರು, ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ, ಬೆಂಗಳೂರು.
- 6) ಅಧ್ಯಕ್ಷರು, ಬೆಂಗಳೂರು ನೀರು ಸರಬರಾಜು ಮತ್ತು ಒಳಚರಂಡಿ ಮಂಡಳಿ, ಬೆಂಗಳೂರು.
- 7) ಆಯುಕ್ತರು, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು.
- 8) ನಿರ್ದೇಶಕರು, ನಗರ ಯೋಜನಾ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.
- 9) ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿ, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ, ಬೆಂಗಳೂರು.
- 10) ಸಂಬಂಧಪಟ್ಟ ನಗರ ಯೋಜನಾ ಪ್ರಾಧಿಕಾರಗಳ ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳು (ಬಿ.ಎಂ.ಆರ್.ಡಿ.ಎ. ಮುಖಾಂತರ).
- 11) ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ (ಸಚಿವ ಸಂಪುಟ), ವಿಧಾನ ಸೌಧ (ಪ್ರಕರಣ ಸಂಖ್ಯೆ : 3:389/2019, ದಿನಾಂಕ: 28.06.2019).
- 12) ಮಾನ್ಯ ಉಪ ಮುಖ್ಯಮಂತ್ರಿಯವರ ಕಾರ್ಯದರ್ಶಿ, ವಿಧಾನ ಸೌಧ, ಬೆಂಗಳೂರು.
- 13) ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಯವರ ಆಪ್ತ ಕಾರ್ಯದರ್ಶಿ, ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ.
- 14) ಶಾಖಾ ರಕ್ಷಾ ಕಡತ/ಹೆಚ್ಚುವರಿ ಪ್ರತಿ.

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Annexure-1

Zone (1)	Area Covered (2)	Nature of restricted/regulated activities (3)
Zone-1	Entire Tippagondanahalli Reservoir (TGR) catchment area specified in Annexure-2.	<ul style="list-style-type: none"> a) Regulation and checking over exploitation of ground water. b) No fresh leases or license for mining, quarrying and stone crushers shall be granted. c) No person shall dispose solid as well as liquid waste in this area without scientific Processing. d) To ensure adoption of rain water harvesting systems in all the new and existing buildings, within six months from the date of issue of this order. e) To promote organic farming including bio-fertilizers and bio-pesticide.
Zone-2	Area covered within 2 kms from the Tippagondana halli Reservoir (TGR) boundary	No person shall carry on activities other than Agricultural or Agriculture related activities without prior permission
Zone-3	Area covered within 500 mtr distance from the river banks of Arkavathy (only upto Hesarghatta tank from TGR) and Kumudvathi	No person shall carry on activities other than Agriculture or Agriculture related activities without prior permission
Zone-4	Area covered within 500 mtr to 01 Km distance from the river banks of Arkavathy (only upto Hesarghatta. Tank from TGR) and Kumudvathi (Excluding the areas falling within zone 2)	<ul style="list-style-type: none"> a) Permit only those industrial activities which are listed as Green category, by the Karnataka State Pollution Control Board with mandatory adoption of rainwater harvesting systems and waste water treatment facilities. The other regulatory/civic agencies to issue permit only after Consent form Establishment (CFE) is obtained from the KSPCB. b) Permit new residential buildings with mandatory adoption of Zero discharge sewage facilities and rainwater harvesting systems and reuse of this water for other than drinking purpose. c) Permit Educational and Medical Institutions, Hospitals and Govt. Hostels with mandatory adoption of Zero discharge sewage facilities and rainwater harvesting systems and reuse of this water for other than drinking purpose.

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Annexure-1

Zone	Area covered	Nature of restricted/regulated activities
Zone-1	The Timpangnangah Reservoir (TGR) catchment area specified in Annexure-2	<p>(a) Installation and checking over operation of ground water</p> <p>(b) No deep basins or license for mining quarrying and stone crushing shall be granted</p> <p>(c) No person shall dispose solid as well as liquid waste in this area without scientific forecasting</p> <p>(d) The future adoption of rain water harvesting systems in all the new and existing buildings within six months from the date of issue of this order. Existing buildings including houses, colleges and the factories</p>
Zone-2	Area covered within 2 km from the Timpangnangah Reservoir (TGR) boundary	No person shall carry on activities other than Agriculture or Agriculture related activities without prior permission
Zone-3	Area covered within 500 m distance from the river banks of Aravathy (only upto Hesaripada) and Kumudiyathi	No person shall carry on activities other than Agriculture or Agriculture related activities without prior permission
Zone-4	Area covered within 500 m from the distance from the river banks of Aravathy (only upto Hesaripada) and Kumudiyathi (excluding the area falling within zone 1)	<p>(a) No person shall carry on activities other than Agriculture or Agriculture related activities without prior permission</p> <p>(b) The future adoption of rain water harvesting systems in all the new and existing buildings within six months from the date of issue of this order. Existing buildings including houses, colleges and the factories</p>
Zone-5	Area covered within 500 m from the distance from the river banks of Aravathy (only upto Hesaripada) and Kumudiyathi (excluding the area falling within zone 1)	<p>(a) No person shall carry on activities other than Agriculture or Agriculture related activities without prior permission</p> <p>(b) The future adoption of rain water harvesting systems in all the new and existing buildings within six months from the date of issue of this order. Existing buildings including houses, colleges and the factories</p>

This order is issued for other than drinking purpose

Chief Executive Officer

Water Resources Department

Government of Karnataka

Bangalore

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ANNEXURE-2

THE TIPPAGONDANAHALLI RESERVOIR CATCHMENTS LOCATION AND EXTENT:

The Tippagondanahalli Reservoir is situated about 34 Km. West of Bangalore City and is drained by the river Arkavati and the river Kumudvati. The catchment of the reservoir extends up to Dabaspet towards North-West of Bangalore City on the Bangalore-Tumkur National Highway (NH-4) and up to Nandi hills, about 60 Km north of Bangalore City. The Tippagondanahalli Reservoir catchment covers an area of 1453 sq.km. and is covered in the Survey of India toposheet No.57/G/3, G/4, G/7, G/8, G/11, G/12, H/5 and H/9. The area lies between $12^{\circ} 56'$ and $13^{\circ} 23' 15''$ North Latitudes and $77^{\circ} 30''$ and $77^{\circ} 41' 15''$ East Longitudes. The catchment occupies an area of 461.80 sq.km. (31.78% of the total catchment) of Doddaballapur Taluk; 396.91 sq.km. (27.32% of the catchment) of Nelamangala Taluk; 355.41 sq.km. (24.46% of the catchment) of Bangalore North; 132.32 sq.km. (9.11% of the catchment) of Magadi Taluk; 58.35 sq.km. (4.00% of the catchment) of Devanahalli Taluk; 40.26 sq.km. (2.77% of the catchment) of Bangalore South and 8.00 sq.km. (0.55% of the catchment) of Chikballapur Taluk.

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Official Website of
High Court of Karnataka

[Home \(Index.php\)](#)

[Case Status by \(case_status.php\)](#)

[Case Number](#)

Query on Case Number

Select Bench*

Bengaluru Bench

Select Case Type*

WP - Writ Petition

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38218

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2013

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Get Details

Case Details:

PENDING

Case Number: WP 38218/2013
(KAHC010054562013)

Classification: BDA

Date of Filing: 26/08/2013

Filing: 10:22:34

Petitioner: SRI T RAJKUMAR

Pet. Advocate: GANAPATH HEGDE

Respondent: BANGALORE DEVELOPMENT AUTHORITY

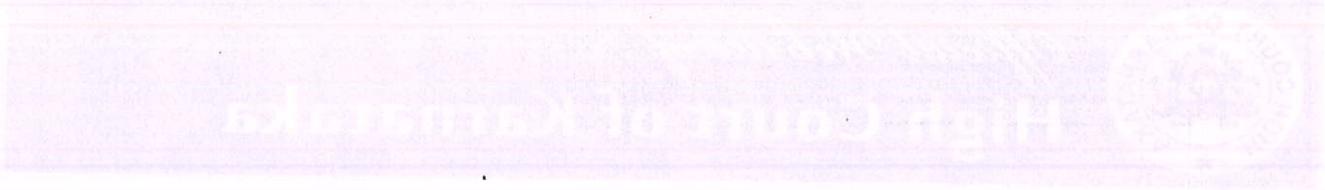
Resp. Advocate: SACHIN B S FOR R1

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Home (Index.php) Case Status by (case_status.php) Case Number

Query on Case Number

Select Bench

Bangalore Bench

Select Case Type

W.P. With Petition

Enter Case Number

2013

Enter Case Year

2013

Capitals

123907

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Case Details:

PENDING

Case Number	2013-123907	Classification	BDA	Date of Filing	28/08/2013 10:22:34
Respondent	BANGALORE DEVT GEMNT AUTHORITY	Resp. Advocate	SACHIN B S FOR RI	Petitioner	SRI T RALKUMAR
		Advocate			
		Advocate	GANAPATHI HEDE		

Judge Name	Case No/Year	Date of Order
ARAVIND KUMAR AND PRADEEP SINGH YERUR	WP 38218/2013	06/01/2021 ORDER

Daily Order

1. In all these writ petitions, the issue relates to maintaining buffer zone around Thippagondanahalli reservoir built at the confluence of Arkavathy and Kumudwathi rivers, which is the source of drinking water to the city of Bengaluru and its surrounding areas since 1930.

2. The Government of Karnataka, on 18.11.2003 issued a notification sub-dividing the conservation zone into four parts in order to safeguard the zone by putting certain embargo in utilizing these conservation zone areas. The same was challenged before this Court and a Division Bench has affirmed the validity of the said notification. It is thereafter, the authorities have taken steps to issue notices to individuals calling upon them to remove the structures, which are contrary to the notification dated 18.11.2003. In some of the writ petitions now pending before this Court, said notices are under challenge. However, during the pendency of these writ petitions, the Government of Karnataka issued another notification dated 24.07.2014 withdrawing earlier notification dated 18.11.2003. This has been challenged and it is stayed by this Court on 28.11.2014. At the request of the Government Advocate, the matter has been adjourned from time to time and thereafter, by an order dated 19.01.2016, this Court had observed as under:-

“Thippagondanahalli Reservoir is a source of water for the people in the State of Karnataka. Instead of maintaining the reservoir, people have encroached upon its catchment area and illegally made constructions.

The government rose from its slumber and made an aerial survey of the area. The area was divided into four zones and certain activities were prohibited by a notification issued in the year 2003.

It is a matter of regret that the said notification was not seriously pursued. Admittedly, there has been a violation.

Ultimately, for reasons known to the authorities, the notification of the year 2003 was withdrawn by issuing another notification on July 24, 2014. Hence, the present litigation has been launched.

This Court appointed the Environmental Management and Policy Research Institute (EMPRI) to submit a comprehensive assessment of Thippagondanahalli reservoir catchment area and its preservation zone.

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10/10/2013

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10/10/2013

In all cases with petition, the issue relates to maintaining
water level in the reservoir built at the
confluence of Aizawl and Kamahatli rivers which is the
source of drinking water to the city of Bongaigaon and the
surrounding area since 1970.

2. The Government of Karnataka on 18.12.2009 issued a
notification and divided the conservation zone into four parts in
order to safeguard the zone by putting certain embargo in
order to protect these conservation zone areas. The same was
challenged before this Court and a Division Bench has allowed
the validity of the said notification. It is thereafter the
authorities have taken steps to issue notices to individuals
calling upon them to remove the structures which are contrary
to the notification dated 28.11.2009. In some of the writ petitions
now pending before this Court, said notices are under challenge.
However, during the pendency of them with petitioners, the
Government of Karnataka issued another notification dated
28.11.2009 whereby earlier notification dated 28.11.2009
has been challenged and it is stated by this Court in
its report. At the request of the Government Advocate, the
matter has been adjourned from time to time and thereafter, by
an order dated 01.02.2010, this Court had observed as under:-

Thirupudamottai Reservoir is a source of water for the
people in the State of Karnataka. Instead of maintaining the
reservoir, people have encroached upon its catchment area and
illegally made constructions.

The Government, even from its chamber and under an order
of the court, has not been able to take any steps
to remove the structures which are contrary to the
notification issued in 2009.

It is a matter of regret that the said notification was not seriously
enforced. Accordingly, there has been a violation.

Obviously, the reasons known to the authorities, the notification
of the year 2009 was withdrawn by issuing another notification
on July 24, 2011. Hence, the present litigation has been
launched.

The Court directed the Government to constitute a committee
Policy Research Institute (ICRI) to submit a comprehensive
report on the conservation zone and the catchment area and
the notification zone.

A detailed report, in three volumes, has been submitted and the same is on record.

Now, it is for the government to consider the said report and take appropriate steps to preserve the Thippagondahanalli reservoir catchment area and its preservation zone.

Already, the notification of 2014 is stayed. The government must come forward and submit before this Court as to whether they still insist to maintain the notification of 2014 or intend to follow the notification of 2003 or any other notification for maintenance of the Thippagondahanalli reservoir catchment area and its preservation zone.

Mr. R. Devdas, learned Principal Government Advocate appearing for the State, submits on instructions that, there were several meetings and a report has been prepared. The said report is placed before the Hon'ble Chief Minister for consideration. Mr. R. Devdas prays for some time to inform this Court as to what steps the government wants to take.

Post these matters after three weeks, when Mr. R. Devdas, learned Principal Government Advocate, is requested to obtain instructions and inform us as to whether the government still insists to maintain the notification of 2014 or not, and as to what steps the government wants to pursue for maintenance of the Thippagondahanalli reservoir catchment area and its preservation zone."

3. Pursuant to the orders passed by this Court and also order dated 19.01.2016, Environmental Management and Policy Research Institute (EMPRI), has submitted a comprehensive assessment report on Thippagondahanalli reservoir and catchment area and preservation zone, and same was taken note of by order dated 03.12.2018.

4. By notification dated 20.07.2013, the earlier notification dated 18.11.2003 has been modified. In this background, the following order came to be passed on 19.08.2019:-

"Our attention is invited to the notification/order dated 20th July 2019 issued by the State Government which modifies the earlier order dated 18th November 2003. Before we go into the question whether the order dated 20th July 2019 is prospective

A detailed report in three volumes has been submitted and the same is on record.

Now it is for the government to consider the said report and take appropriate steps to preserve the Thippagondanahalli reservoir catchment area and its preservation zone.

Also, the notification of 20.07.2013, the government must come forward and inform before the Court as to whether they will insist to maintain the notification of 20.07.2013 or intend to follow the notification of 20.07.2013 or any other notification for maintenance of the Thippagondanahalli reservoir catchment area and its preservation zone.

The State Government Advocate appeared for the State and he has submitted that there were several meetings and a report has been prepared. The said report is placed before the Hon'ble Chief Minister for consideration. Mr. B. Devdas prays for some time to inform this Court as to what will be the Government's stand in law.

For these matters after three weeks when Mr. B. Devdas learned that the Government Advocate is requested to obtain instructions and inform us as to whether the government will insist to maintain the notification of 20.07.2013 or as to what steps the government wants to pursue for maintenance of the Thippagondanahalli reservoir catchment area and its preservation zone.

3. Pursuant to the orders passed by the Court and also order dated 10.07.2013, Environmental Management and Policy Research Institute (EMPR), has submitted a comprehensive statement report on Thippagondanahalli reservoir and catchment area and preservation zone, and same was taken note of by the Court on 03.08.2013.

4. By notification dated 20.07.2013, the earlier notification dated 18.11.2003 has been modified. In this background, the following order came to be passed on 10.08.2013:-

When questions were raised in the notification dated 18.11.2003, the July 2013 order issued by the State Government which modifies the earlier order dated 18.11.2003, before we go into the question whether the order dated 10.08.2013 is preservative

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Judge **Case** **Date of**
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or retrospective, we direct the State Government to carry out a survey after notice to the petitioners with a view to ascertain whether any of the structures which are subject matter of this group of petitions are affected by the order dated 20th July 2019. Survey shall be carried out in all the cases and reports shall be placed before the Court.”

5. The above direction has since been complied and a memo is filed today by the learned Government Advocate stating thereunder that, a survey has been conducted as ordered on 19.08.2019. The translated copy of the Government Order dated 20.07.2019 is also filed and the said memo is placed on record. The parties are at liberty to respond to the same within two weeks from today.

6. Re-list on 20.01.2021.

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In response to direct the State Government to carry out a survey after notice to the petitioners with a view to ascertain whether any of the structures which are subject matter of this group of petitions are affected by the order dated 20th July 2002. Survey shall be carried out in all the cases and reports shall be placed before the Court.

The above direction has since been complied and a memo is filed today by the learned Government Advocate stating thereunder that a survey has been conducted as ordered on 20th July 2002. The regulated copy of the Government Order dated 20th July 2002 is also filed and the said memo is placed on record. The parties are at liberty to respond to the same within ten weeks from today.

A Bench order is made.