

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL BENCH  
SOUTHERN ZONE, CHENNAI**

**Execution Application No.10 of 2023 (SZ)  
IN  
Original Application No.222 of 2014 (PB)**

IN THE MATTER OF:-

**The Forward Foundation and Ors.**

... **Applicant(s)**

**Vs.**

1. **State of Karnataka**
2. **Ministry of Environment and Forests Regional Office (SZ)**
3. **State Level Environment Impact Assessment Authority**
4. **Karnataka State Pollution Control Board**
5. **Bangalore Water Supply and Sewerage Board**
6. **Lake Development Authority**
7. **Karnataka Industrial Areas Development Board**
8. **Bangalore Development Authority**
9. **Mantri Techzone Private Limited**
10. **Core Mind Software and Services Private Limited**

... **Respondent(s)**

**VOLUME - 2**

<b>SL. NO.</b>	<b>PARTICULARS</b>	<b>PAGE NO.</b>
2.	<b><u>Annexure-R/1</u></b> (Contd.) True Copy of Compliance Affidavits filed by the Respondent No.9 on 23.02.2018, 19.03.2018 and 21.05.2018 before this Hon'ble	191 - 377



	Tribunal in Original Application No.222/2014, including all the Annexures/Documents	
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Date: 3<sup>rd</sup> March 2024  
Place: Chennai

**CHANDRAMOULI PRABHAKAR**

**M/s. PC Law Chambers**

C-2 (2<sup>nd</sup> Floor), Vasanth Apartments, 75/40,  
CP Ramaswamy Road, Alwarpet, Chennai 600-018

Ph: 99404 69099

Email: [chandramouli@pclawchambers.com](mailto:chandramouli@pclawchambers.com)

**For Pages 001 – 190, please see Volume – 1**

**For Pages 191 – 377, please see Volume – 2**

**For Pages 378 - 418, please see Volume – 3**

<p>11. Both the Respondents shall submit an appropriate plan in view of the conditions imposed in this judgment and the amended Environment Clearance that would be issued.</p>	<p>Second General Condition No.7</p>	<p><b>COMPLIED.</b> Submitted for issue of Amended Environmental Clearance. EC withdrawn by order dated 23.02.2017 by SEIAA-KARNATAKA</p>	<p>Letter dated 15.02.2017 -to SEIAA for grant of modified EC.</p>
<p>63.94 acres, though Environmental Clearance has been granted for 292636.03 sq. meters which is equivalent to 72.22 acres. For this reason alone, Environmental Clearance cannot be given effect to. While issuing the amended Environmental Clearance, SEIAA Karnataka shall take into consideration all these aspects and if necessary would require Respondent No.9 to submit fresh layout plan and the entire project may be revised in accordance with law.</p>			



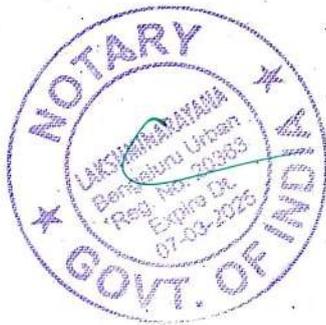
112/55/636

New Delhi  
Dated: 19-03-2018

12. The amount of environmental compensation will be deposited prior to issuance of amended Environmental Clearance	Second General Condition No.8	Interim Order of Stay of deposit dated 12.05.2016 made in C A 5016 of 2016 by the Hon'ble Supreme Court.	
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Advocate for Respondent No.9

HS 637



44-638

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH, NEW DELHI

Original Application No.222 of 2014

IN THE MATTER OF:-

The Forward Foundation Ors., .....Original Applicants

-VERSUS-

The State of Karnataka &Ors., .....Respondents

A F F I D A V I T

I, Girish Gupta H.S, S/o. Sri. Satyanarayan Gupta Aged about 51 years, office at Mantri House, No.41, Vittal Mallya Road, Bangalore 560 001, Karnataka State, do hereby solemnly affirm and declare as follows:-

1. That I am the authorized representative of the Applicant- Mantri Techzone Pvt., Ltd, I know the facts and circumstances of the case on the basis of the records in the office of the Applicant and therefore, I am competent and duly authorized to swear and affirm to the contents of this affidavit.
2. That the accompanying Statement of Compliance contains the statement drawn by my Advocate under my instructions. I have read and understood the contents of the above said and I say that the same are true and correct to my knowledge and belief and I believe the same to be true.
3. That the Annexure enclosed with the Statement of Compliance are true copies of their respective originals.

*(Signature)*

DEPONENT

VERIFICATION:-I, Girish Gupta H.S, the deponent, do hereby verify that the contents of Para-1 to Para-3 of above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from. Solemnly affirmed on this 16<sup>th</sup> Day of March, 2018 at Bengaluru City.

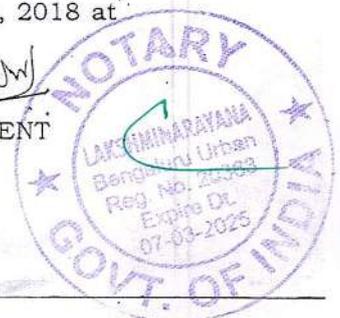
SWORN TO BEFORE ME

*(Signature)*  
DEPONENT



P. ANURADHA, M.A., M.L., M.Phil.  
ADVOCATE & NOTARY PUBLIC  
# 702, 'Akshaya Lakshmi Nilaya'  
5th Block (Mall Polya), Bommasankari 6th Stage  
Kannari Hobli, Vidyanagata Post, Bangalore-560 088

16/3/18



ANNEXURE B/1

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ITEM NO.12

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5016/2016

MANTRI TECHNOZE PVT. LTD.

Appellant(s)

VERSUS

FORWARD FOUNDATION & ORS.

Respondent(s)

WITH

C.A. D 16939/2016.

(With appln.(s) for permission to file appeal and Office Report)

Date : 12/05/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s)

Mr. R. Venkataramani, Sr. Adv.  
Mr. Dushyant Dave, Sr. Adv.  
Mr. Shekhar Devasa, Adv.  
Mr. Manish Tiwari, Adv.  
Mr. Yashraj Singh Bundela, Adv.  
Ms. Neelam Singh, Adv.  
Mr. S. Mahesh, Adv.  
Mr. K.V. Bhuvanendra, Adv.  
Mr. Anup Kumar, Adv.

Mr. K.K. Venugopal, Sr. Adv.  
Mr. S.Kiran Shetty, Sr. Adv.  
Mr. Rohit Bhat, Adv.  
Mr. Kush Chaturvedi, Adv.

For Respondent(s)

Mr. H.N. Salve, Sr. Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Rishabh Parikh, Adv.  
Mr. E.C.Agrawala, Adv.

Validly recognised  
R.No.14 & 15  
Dated 12/05/2016  
11:09 AM  
Resubmitted  
AD No.16939  
2016)

Mr. H.N. Salve, Sr. Adv.  
Mr. Praveen Sehrawat, Adv.  
Mr. Saransh Jain, Adv.

(R.No.1,2 & 3  
In CA No.5016

Mr. Arvind Datar, Sr. Adv.  
Mr. E.C. Agrawala, Adv.



in 2016) Mr. Mahesh Agarwal, Adv.  
Mr. Rishabh Parikh, Adv.

(R.No.12 & 13) Mr. Arvind Datar, Sr.Adv.  
IN CA No.5016 Mr. Praveen Sehrawat, Adv.  
In 2016) Mr. Saransh Jain, Adv.  
Mr. O.P. Bhadani, Adv.

Ms. Anita Shenoy, Adv.

Mr. Devashish Bharuka, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Civil Appeal No.5016 of 2016

Issue notice.

Mr.Rishabh Parikh, learned counsel accepts notice on behalf of respondent No.1 to 3, 12 and 13.

Ms. Anita Shenoy, learned counsel accepts notice on behalf of respondent No.4 and 6 to 11. She shall take instructions for filing counter affidavit on behalf of the said respondents. Since some of the said respondents may choose to engage a counsel of their own choice we direct simultaneous issue of notice for service upon the said respondents dasti.

Issue of notice to the remaining respondents is dispensed with for the present.

Counter affidavit be filed within four weeks. Rejoinder affidavit, if any, within two weeks thereafter.

Mr. R. Venkataramani, learned senior counsel for the petitioner company submits that although the company had been permitted to resume its construction activities in terms of the order passed by the Tribunal it has not chosen to do so. He further states that the extent of 3 acres and 10 guntas of land referred to in the impugned order passed by the Tribunal is not



actually in the occupation of the petitioner company and that the petitioner company has no objection to the possession of the said 3 acres and 10 guntas of land being taken over by the competent authority. He has also no objection to the removal of any building standing, on the said extent of land. In that view therefore we permit the competent authority to take over the possession of the extent of 3 acres and 10 guntas of land referred to in the order passed by the Tribunal and allegedly in possession of the petitioner company. We also permit the competent authority to remove/demolish any construction put up on the said extent of land. Keeping in view the fact that if the petitioner company has not resumed its construction activity so far, we direct that it shall maintain status quo on the spot.

Operation of the impugned order in so far as it directs award of a monetary compensation of Rs.117.35 crores shall however remain stayed until further orders.

List for further orders on 12.07.2016.

Civil Appeal D.No.16939/2016

The appeal is dismissed as withdrawn with the liberty prayed for in terms of the signed order.

(Ashok Raj Singh)  
Court Master

(Veena Kherra)  
Court Master

.. (Signed Order is placed in the file)



IN THE SUPREME COURT OF INDIA,  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL D.NO.16939/2016

CONFEDERATION OF REAL ESTATE  
DEVELOPERS' ASSOCIATION OF  
INDIA-KARNATAKA AND ORS.

...APPELLANTS

VERSUS

THE FORWARD FOUNDATION AND ORS.

...RESPONDENTS

O R D E R

Mr. K.K. Venugopal, learned senior counsel seeks leave to withdraw this appeal reserving liberty for the individual members affected by the impugned orders to file individual cases.

The appeal is accordingly dismissed as withdrawn with the liberty prayed for.

.....CJI.  
(T.S.THAKUR)

.....J.  
(R. BANUMATHI)

NEW DELHI,  
MAY 12, 2016.

*[Signature]*  
|| True copy ||



ITEM NO.11

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

I.A.No. 3/2016 in Civil Appeal No(s). 5016/2016

MANTRI TECHZONE PVT. LTD.

Appellant(s)

VERSUS

FORWARD FOUNDATION &amp; ORS.

Respondent(s)

(for further direction and office report)

Date : 11/11/2016 This application was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Appellant(s)

Mr. Gopal Subramaniam, Sr.Adv.  
Mr. R. Venkataramani, Sr.Adv.  
Mr. Shekhar G. Devasa, Adv.  
Mr. K.V. Bhuvendra, Adv.  
Mr. Manish Tiwari, Adv.for  
M/s. Devasa & Co.

For Respondent(s)

Mr. S.K. Kulkarni, Adv.  
Mr. M. Gireesh Kumar, Adv.  
Mr. Ankur S. Kulkarni, Adv.  
  
Mr. Anup Jain, Adv.  
  
Mr. Devashish Bharuka, Adv.  
  
Dr. A.M. Singhvi, Sr.Adv.  
Mr. Mahesh Aggarwal, Adv.  
Mr. Rishabh Parikh, Adv.  
Mr. E. C. Agrawala, Adv.  
  
Mr. Shyam Divan, Sr.Adv.  
Mr. Saransh Jain, Adv.  
Mr. Pravaeen Sehrawat, Adv.  
Mr. Naresh Kumar, Adv.  
Mr. O. P. Bhadani, Adv.  
  
Ms. Kiran Suri, Sr.Adv.  
Mr. S.J. Amith, Adv.



Dr. (Mrs. Vipin Gupta, Adv ,

UPON hearing the counsel the Court made the following  
O R D E R

I.A.NO.3/2016 is disposed of in terms of the signed  
order.

The recovery of the compensation awarded by the Tribunal  
shall, however, remain stayed.

(USHA BHARDWAJ)  
AR-CUM-PS

(TAPAN KUMAR CHAKRABORTY)  
COURT MASTER

Signed order is placed on the file.



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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
I.A.NO.3 OF 2016 IN  
CIVIL APPEAL NO.5016 OF 2016

MANTRI TECHZONE PVT. LTD.

Appellant(s)

VERSUS

FORWARD FOUNDATION & ORS.

Respondent(s)

O R D E R

We had while issuing notice to the respondents directed the competent authority to take over possession an extent of 3 acres 10 guntas of land referred to in the impugned order passed by the Tribunal. We had also directed the competent authority to remove/demolish any construction put up on the said extent of land. We had further directed that since the appellant company had not resumed its construction activity the parties shall maintain status quo on the spot. The operation of the impugned order insofar as it directed award of a monetary compensation of Rs.117.35 crores was however stayed until further orders.

Mr. Gopal Subramaniam learned senior counsel appearing for the appellant company submits on instructions, that the company ~~has~~ without prejudice to its contention in this appeal decided to comply with the direction issued by the Tribunal other than those regarding payment of compensation. He submits that the Tribunal

Signature valid  
Digitally signed by  
Mantri Techzone Pvt. Ltd.  
Date: 2025.07.03 12:42:11  
Reason: I am the author



had directed the company to obtain a fresh environmental clearance certificate and to maintain the 75 meter distances as buffer zone and to remove the debris from the construction site. He submits that the company is willing to comply with all the terms and conditions imposed by the environmental clearance granted on 17.2.2012. He draws our attention to an affidavit filed in I.A.No.3 to the above effect. He submits that this Court could modify order dated 12.5.2016 and permit the petitioner company to resume construction activities on the basis of the undertaking so furnished.

Dr. Singhvi learned senior counsel appearing for respondent No.1 submits that although the appellant company offers to comply with the conditions stipulated by the Tribunal before this Court but the submission made by the learned counsel does not match the documents filed on record. He urged that this Court could leave the matter to the Tribunal to examine whether the conditions stipulated by it in its order are satisfied/complied with in which event the company can be permitted to resume constructions if the Tribunal records such a finding.

We find merit in the submission of Dr. Singhvi. We do not consider it appropriate for us to go into the question whether the company has or has not complied with the conditions stipulated by the Tribunal. In our opinion, the question whether there is sufficient compliance with the directions or not can be left to be



examined with the Tribunal. It is for the Tribunal to also look into and verify the relevant facts by appointing a local commissioner if considered necessary. All that we need say is that if the petitioner company wishes to resume the construction and the condition on which such resumption has been permitted in terms of its previous orders are satisfied by the company, our order dated 12.5.2016 directing the parties to maintain status-quo shall not be treated as an impediment for such resumption.

With these observations, I.A.NO.3/2016 is disposed of.

The recovery of the compensation awarded by the Tribunal shall, however, remain stayed.

.....CJI  
(T.S. THAKUR)

.....J.  
(SHIVA KIRTI SINGH)

New Delhi,  
November 11, 2016

*[Handwritten Signature]*  
||True Copy||



ANNEXURE-A] 3

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## State Level Environment Impact Assessment Authority-Karnataka

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

Proceedings of the 130<sup>th</sup> SEIAA Meeting held on 23<sup>rd</sup> February 2017  
at Room No. 709, M.S Building, Bangalore.

Members present:-

- |                      |   |                         |
|----------------------|---|-------------------------|
| 1. Dr. H.S. Ramesh   | - | Chairman, SEIAA         |
| 2. Dr. H.R. Rajmohan | - | Member, SEIAA           |
| 3. Sri. Ramachandra  | - | Member Secretary, SEIAA |

The Chairman welcomed the members and initiated the discussion. The subjects discussed and the decisions made under each of the agenda point are as follows:

- 130.1 Confirmation of the proceedings of 129<sup>th</sup> SEIAA Meeting held on 15<sup>th</sup> February 2017.

Proceedings of 129<sup>th</sup> SEIAA Meeting held on 15<sup>th</sup> February 2017 was read and as there were no comments the same was accepted.

- 130.2 Action Taken report on the proceedings of 129<sup>th</sup> SEIAA Meeting held on 15<sup>th</sup> February 2017.

The Authority noted that the action is being taken on the proceedings of 129<sup>th</sup> SEIAA Meeting held on 15<sup>th</sup> February 2017.

- 130.3 Review of Action taken on the orders of the Hon'ble NGT in OA No. 222 of 2014

The Authority noted that the Hon'ble NGT in OA No. 222 of 2014 have issued certain directions to the Authority on 4<sup>th</sup> May 2016. The directions issued and the compliance on the said directions, are as follows:

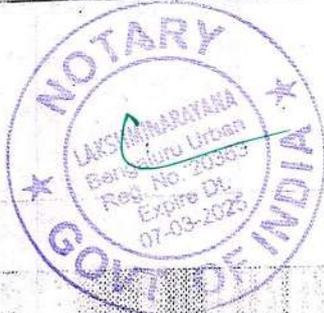
Sl. No.	Direction	Compliance
1.	We direct SEIAA, Karnataka to issue amended order granting Environmental Clearance within four weeks from today incorporating all the conditions stated in this judgement and such other conditions as it may deem appropriate in light of this judgment and. Inspection Note of the Expert Members. The Project Proponents	Letter dated 10.05.2016 addressed to the Respondent No. 9, M/s Mantri Techzone Pvt. Ltd. (formerly called Manipal ETA P Ltd.) Mantri House, No. 41, Vittal. Mallya Road, Bangalore 560001 and Respondent No. 10, M/s Coremind Software and Services Private Limited #3, 4 <sup>th</sup>



Room No. 706, 7th Floor, 4th Gate, M.S. Building, Bangalore - 560 001 Phone : 080-22032497 Fax: 080-22254377  
Website : <http://seiaa.kar.nic.in> <http://seiaa.karnataka.gov.in> <http://environmentclearance.nic.in>  
e-mail: [msseiaakarnataka@gmail.com](mailto:msseiaakarnataka@gmail.com)

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<p>would be permitted to commence activity only after issuance of amended Environmental Clearance order.</p>	<p>Floor, Salarpuria Windsor, Ulsoor Road, Bangalore 560042 seeking information on compliance of the specific directions issued and relevant information / documents including revised conceptual plan and fresh layout plan in accordance with the orders of the Hon'ble NGT.</p>
<p>2. SEIAA Karnataka and MoEF shall ensure regular supervision and monitoring of the project and during the construction and even upon completion to ensure that activity is carried out strictly in accordance with the conditions of the order granting Environmental Clearance, this Judgment, Notification of 2006 and other laws in force.</p>	<p>The Hon'ble Supreme Court vide order dated 12.05.2016 have directed to maintain status quo on the spot in Civil Appeal No. 5016 of 2016 and order dated 8.8.2016 in Civil Appeal No. Diary No(s). 17976/2016 linked to Civil Appeal No. 5016 of 2016.</p>
<p>3. The distances in respect of buffer zone specified in this judgment shall be made applicable to all the projects and all the Authorities concerned are directed to incorporate such conditions in the projects to whom Environmental Clearance and other permissions are now granted not only around Belandur Lake, Rajkulewas, Agara Lake, but also all other Lakes/ wetlands in the city of Bengaluru.</p>	<p>The SEIAA, Karnataka is ensuring compliance to this direction of Hon'ble NGT, while issuing Environmental Clearance for the projects/ activities considered under EIA Notification, 2006.</p>
<p>4. There is a serious discrepancy even in regard to the measurement of land as far as Respondent no. 9 is concerned. Admittedly the Respondent has been allotted and is in possession of land admeasuring 63.94 acres, though Environmental Clearance has been granted for 2,92,636.03 Sq. Meters which is equivalent to 72.22 acres. For this reason alone, Environmental Clearance cannot be given effect to. While issuing the amended Environmental Clearance, SEIAA Karnataka shall take into consideration all these aspects and, if necessary, would require Respondent</p>	<p>Respondent no. 9 was requested vide letter dated 10.05.2016 to furnish fresh layout plan incorporating all the specific conditions/directions and other information required to enable the Authority to issue amended Environmental Clearance. The Respondent No.9 did not submit the information sought and the fresh layout plan quoting the reason that the Hon'ble Supreme Court have ordered status quo. However, the Respondent No. 10</p>



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130<sup>th</sup> SEIAA Meeting ProceedingsDated 23<sup>rd</sup> February 2017

no. 9 to submit a fresh layout plan and the entire project may be revised in accordance with law.	while replying to the Authority letter dated 10.5.2016 have expressed inability to furnish the information sought and have requested to keep the Environmental Clearance bearing No. SEIAA 37 CON 2012 dated 30 <sup>th</sup> September 2013 in abeyance.  The Authority was therefore unable to issue amended Environmental Clearance.
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The Authority further noted that a reminder was sent to the Respondent No. 9, M/s Mantri Techzone Pvt. Ltd. vide letter dated 23.01.2017 requesting them to furnish the information sought vide letter dated 10.05.2016, on or before 10<sup>th</sup> February 2017.

The Respondent No. 9, M/s Mantri Techzone Pvt. Ltd. while replying to the above said letter vide letter dated 3.02.2017 have informed that they are not likely to proceed with the construction at their site for the time being and have requested to defer taking any action with respect to the EC issued till the disposal of Civil Appeal No. 5016 of 2016 by the Hon'ble Supreme Court.

The Authority during the meeting held on 15<sup>th</sup> February 2017 had perused the reply submitted by Respondent No. 9, M/s Mantri Techzone Pvt. Ltd and Respondent No.10, M/s Core Mind Software and Services Private Limited.

The Authority while inviting reference to the orders of the Hon'ble NGT under General Condition No.6 observed that, all the aspects in the said order need to be taken into consideration and the Respondent No. 9 required to submit a fresh layout plan revising the entire project in accordance with law. The Authority observed that this was essential requirement for issue of amended Environmental Clearance. The Authority noted that amended Environmental Clearance could not be issued in accordance with the directions of the Hon'ble National Green Tribunal for the reason that the Respondent No. 9 and 10 did not submit the required information and fresh layout plan as requested.

The Authority after discussion and after taking note of the above development had decided to call upon Respondent No. 9, M/s Mantri Techzone Pvt. Ltd and Respondent No.10, M/s Core Mind Software and Services Private Limited to provide an opportunity of being heard before the Authority on 23.02.2017 with all relevant information along with the information / documents sought vide the Authority letter dated 10.05.2016 to enable the Authority to issue amended Environmental Clearance incorporating the conditions / directions of the Hon'ble NGT. The Authority also had



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130<sup>th</sup> SEIAA Meeting ProceedingsDated 23<sup>rd</sup> February 2017

decided to inform that failing to appear before the Authority and non submission of the required information, the Authority will be constrained to revoke the Environmental Clearance granted for the project.

Accordingly, intimation has been sent vide letter dated 15.02.2017 to the Respondent No. 9, M/s Mantri Techzone Pvt. Ltd. and Respondent No.10, M/s Core Mind Software and Services Private Limited to furnish the information sought and to appear before the Authority to show cause why the Environmental Clearance granted should not be revoked for non-submission of the information sought.

Representatives of both Respondent No. 9, M/s Mantri Techzone Pvt. Ltd. and Respondent No.10, M/s Core Mind Software and Services Private Limited appeared before the Authority and submitted the information. Details of submissions made in brief and decision of the Authority in each of the above case is as follows:

- 1) Construction of mixed use development with residential, retail, hotel, office, SEZ & Non-SEZ at various Sy. No. of Agara Village and Jakkasandra Village, Begur Hobli, Bangalore South Taluk, Bangalore by M/s Mantri Techzone Private Limited (formerly called Manipal ETA P Ltd.) Mantri House, No. 41, Vittal Mallya Road, Bangalore 560001. (SEIAA 30 CON 2011)

The Authority perused the letter received on 21.02.2017 submitted by the proponent along with details regarding modification of the project including the revised layout plan.

Smt. Sowmya Somaprakash, Shri V. Damothiran and Shri Jagadish M. representing M/s Mantri Techzone Private Limited appeared before the Authority today and furnished following details:

- (1) The project proposal has been revised confining to total area of 63.94 Acres instead of 72.22 Acres for which E.C. has been issued by this Authority subject to the result of the appeal before the Hon'ble Supreme Court.
- (2) A buffer of 75m from the periphery of the lake and 50m from the edge of the Rajakaluve has been provided.
- (3) There are no secondary or tertiary Rajakaluve in the project site.
- (4) The 3 Acres 10 Guntas land in Sy. No. 43 is not included in the plan and is not encroached / reclaimed by them. Letter has been submitted to KIADB and other authorities to take possession of the said land. A copy of the letter addressed to KIADB on 1<sup>st</sup> August 2016 is submitted to the Authority.
- (5) A hydrological study has already been commissioned and the report will be submitted to the Authority.



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Dated 23rd February 2017

- (6) Provision for storm water drains along with a buffer of 15m is made in the revised layout plan as per the orders of Hon'ble Green Tribunal and subject to change if any ordered in the Appeal before the Hon'ble Supreme Court.
- (7) The hillock like structure is located outside the project site. All suitable action will be taken to allow surface run-off to Rajakaluve. Garland drain will be provided to contain the excavated soil erosion due to run-off.
- (8) An estimate of excavated earth and utilization is provided instead of submitting a proper muck disposal plan in accordance with the orders of the NGT.
- (9) There is no kharab land at all within the project site delivered to them by KIADB. Area that is already occupied by building footing cannot be changed.
- (10) With regard to the greenbelt it is stated that an area of 1,14,393.9 Sqm which amounts to 47% of the site area is provided. However, the details of greenbelt that is to be maintained as per the orders of the Hon'ble NGT on the area to be maintained as buffer zone adjacent to the lake, Rajakaluve and storm water drain over and above the greenbelt area that have been approved as part of E.C. is not provided.
- (11) Even though provision for exclusive service road is provided in the revised drawing submitted, it is cut-off by a private property. Continuity needs to be provided in the project site itself.
- (12) The penalty of Rs. 117.35 Crores imposed vide order dated 4.5.2016 in O.A. No. 222 of 2016 has been stayed by the Hon'ble Supreme Court vide order dated 12.5.2016 and 11.11.2016 in Civil Appeal No. 5016 of 2016.
- (13) As per the revised layout plan submitted, it is proposed to construct 12 buildings comprising of 3 Basement, Ground and 12 Upper Floors and all the buildings are proposed to be used for commercial purposes (IT/ITEs), whereas the earlier proposal which have been issued with Environmental Clearance for mixed use development comprising of residential, retail, hotel, office with a total built up area of 13,50,454.98 Sqm in various building blocks with 2 to 3 basements and upper floors varying from 12 to 15 upper floors.
- (14) Presently construction of building for residential block 2, 5 and 7 have been undertaken and stopped. The building 5 under construction is modified from that of the building approved while issuing Environmental Clearance.

Based on the submissions made by the proponent and reply submitted, the Authority observed as follows:

- (a) By way of preparing revised layout plan the project is completely revamped from the point of view of usage, building configuration and number of buildings



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130<sup>th</sup> SEIAA Meeting ProceedingsDated 23<sup>rd</sup> February 2017

which resulted in change in the environmental footprint from that of the project issued with Environmental Clearance vide letter No. SEIAA 30 CON 2011 dated 17<sup>th</sup> February 2012.

- (b) The proponent has submitted that 3 Acres 10 Guntas land in Sy. No. 43 is not included in the plan and is not encroached / reclaimed by them. This is in contradiction with the orders of the Hon'ble NGT. However, the proponent have submitted revised layout plan now, deleting the portions of the land which Hon'ble Tribunal have referred to.
- (c) Details of dredging operations required to restore the original capacity of the water spread area and or wetland is not provided.
- (d) Hydrological study has been commissioned by project proponent, the report is yet to be received, However, storm water drains are provided in the plan even without referring to the hydrological study based on the village map. This cannot be accepted as there are lot of changes in the terrain of the land, including dumps of excavated earth.
- (e) Garland drains are not provided around the existing dump for safe disposal of run-off to the Rajakaluve/lake, as directed by the Hon'ble NGT.
- (f) The Kharab land of 1 Acre 2 Guntas identified by the Revenue Department has not been demarcated and maintained separately as greenbelt as per the directions of the Hon'ble NGT.
- (g) Greenbelt area maintained as per the Environmental Clearance and greenbelt developed in the buffer zone of lake/Rajakaluve/storm water drain/kharab land are not indicated separately.
- (h) Details of parking provided over and above indicated in the Environmental Clearance is not provided. The service road is interrupted by a private property.

In view of the above observations the Authority opined that as the project proponent, i.e., M/s Mantri Techzone have submitted the project proposal which is envisaged is entirely different from the project for which Environmental Clearance has been granted and no specific details with regard to ensuring compliance to the orders of the Hon'ble NGT is forthcoming. Hence, amended Environmental Clearance cannot be granted without a fresh appraisal to ensure environmental sustainability. Further, the project proponent has not complied the orders of the Hon'ble National Green Tribunal and the observations made in the inspection note of the Expert Members of the Hon'ble Tribunal. Hence, the Authority decided to revoke the Environmental Clearance already granted vide letter No. SEIAA 30 CON 2011 dated 17<sup>th</sup> February 2012.



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Further, the Authority also decided to get the spot mahazar conducted to confirm whether there is any violation/deviation of the conditions of the Environmental Clearance issued vide letter dated 17<sup>th</sup> February 2012 including the building configuration and footprint of the blocks which have been constructed so far and to initiate credible action following the procedure of law, if prima facie violation is established. The Authority have authorized the Member Secretary of the Authority to get the mahazar done immediately and to take legal course as per law. The Authority also observed that revoking the Environmental Clearance granted will not absolve the project proponent from paying for environmental damages if any caused due to such violations.

- 2) Construction of "Sattva Domain", Office Building (software technology park) at various Sy.Nos. of Agara village, Begur Hobli, Bengaluru South Tauk, Bengaluru District project at by M/s. Coremind Software & Services Pvt. Ltd., #3, 4<sup>th</sup> Floor, Salaripuria Windsor, Ulsoor Road, Bengaluru- 560042. (SEIAA 37 CON 2012)

The Authority noted the following information with regard to the project in question:

- i) The proponent vide letter dated 23.05.2016 submitted that a Civil Appeal have been filed before the Hon'ble Supreme Court in this regard and therefore the Environmental Clearance granted vide letter No. SEIAA 37 CON 2012 dated 30<sup>th</sup> September 2013 may be kept in abeyance pending disposal of the said Civil Appeal. However, no details for issue of amended Environmental Clearance are furnished.
- ii) The proponent was therefore called upon to appear before the Authority with all the required information and to show cause why the Environmental Clearance granted should not be revoked for non-receipt of the required information to issue the amended Environmental Clearance.
- iii) Shri P.K. Mishra appeared before the Authority and submitted that they are in the process of preparing revised plan in compliance with the orders of the Hon'ble NGT. He has made a request vide letter dated 22.02.2017 for issue of amended Environmental Clearance as per the directions of the Hon'ble National Green Tribunal as they will be abide by the conditions / directions of the Hon'ble NGT.

The Authority noted that even though the proponent have agreed to abide by the conditions of the Hon'ble NGT and have requested for amended Environmental Clearance, his request cannot be considered for the following reasons:

- (1) As the revised layout plan incorporating the conditions/directions of the Hon'ble NGT is not yet prepared and a comparison of the project for which Environmental Clearance has been granted and the one which will be proposed after modification in terms of environmental footage is not available, the sustainability of the project which is proposed to be after incorporating the conditions are not known.



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130<sup>th</sup> SEIAA Meeting ProceedingsDated 23<sup>rd</sup> February 2017

- (2) Even though the Hon'ble NGT have noted that the proponent have undertaken excavation and deposition of huge earth, the proponent have not provided a comprehensive plan.
- (3) The proponent have not indicated impact of maintaining buffer in accordance with the orders of the Hon'ble NGT on the conceptual plan that has been considered and approved while according Environmental Clearance.
- (4) The proponent during the discussion agreed that the project profile which has been given with Environmental Clearance will be revamped while preparing the revised plan after incorporating the directions/conditions of the Hon'ble NGT.

The Authority after discussion, opined that in view of the above observations it would not be possible for the Authority to issue amended Environmental Clearance in the absence of revised plan and without assessing the impact of the proposed plan with respect to environmental sustainability including ensuring compliance to the orders of the Hon'ble National Green Tribunal and the inspection note of the Expert Members of the Hon'ble Tribunal. Hence, the Authority decided to revoke the Environmental Clearance issued vide letter No. SEIAA 37 CON 2012 dated 30<sup>th</sup> September 2013.

Further, the Authority also decided to get the spot mahazar conducted to confirm whether there is any violation/deviation of the conditions of the Environmental Clearance issued vide letter dated 30<sup>th</sup> September 2013 including the building configuration and footprint of the blocks and to initiate credible action following the procedure of law, if the prima facie violation is established. The Authority have authorized the Member Secretary of the Authority to get the mahazar done immediately and to take legal course as per law. The Authority also observed that revoking the Environmental Clearance granted will not absolve the project proponent from paying for environmental damages if any caused due to such violations.

Meeting concluded with thanks to the Chair.

Sd/-  
(Dr. H. S. RAMESH)  
Chairman,  
SEIAA, Karnataka

Sd/-  
(Dr. H. R. RAJMOHAN)  
Member,  
SEIAA, Karnataka.

Sd/-  
(RAMACHANDRA)  
Member Secretary,  
SEIAA, Karnataka.

"Copy"

*[Signature]*  
(RAMACHANDRA) 23/2/17  
Member Secretary.

*[Signature]*  
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ANNEXURE-H/4 656

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, AT NEW DELHI

ORIGINAL APPLICATION NO. 222 OF 2014  
(Civil Appeal No.5016/2016 & 10992/2016)

IN THE MATTER OF:

Forward Foundation & Ors. ... APPLICANTS

versus

State of Karnataka & Others ... RESPONDENTS

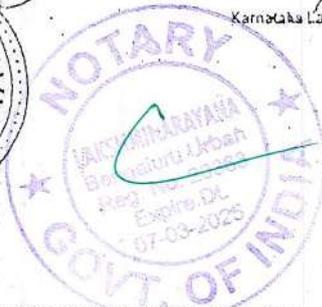
AFFIDAVIT

Filed on behalf of Respondent/KLCDA in compliance with the directions issued by this Hon'ble Tribunal vide Order dated 04.05.2016 & 26.05.2017

I, Smt Seema Garg, Daughter of Shrr Saligram Garg, aged about 51 years, No.49, 2nd Floor, Parisara Bhavan, Church Street, Bangalore 560 001 do hereby solemnly affirm and state on oath as follows:-

1. I am the Chief Executive Officer of the Karnataka Lake Conservation and Development Authority and I am fully conversant with the facts of the case, hence I am competent and authorized to file this affidavit.
2. The Government of Karnataka has enacted 'The Karnataka Lake Conservation and Development Authority Act, 2014' (Karnataka Act No.10 of 2015), which has come into effect from 5-3-2016. The Karnataka Lake Conservation and Development Authority ('the Authority' for short) created under the Act has been functional since November 2016. The Authority, even at present, is understaffed and without an adequate budget allocation.
3. This Authority is entrusted with the responsibility of protection, conservation and rejuvenation of water bodies like tanks, lakes, wetlands and their catchment areas, inlets and outlets for ensuring

  
Chief Executive Officer  
Karnataka Lake Conservation & Development Authority  
Bangalore



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long term sustenance of such water bodies, and or other matters connected there with or incidental thereto. This Respondent - Authority has to exercise regulatory control over all the lakes within its jurisdiction including prevention and removal of encroachment of lake. Even though the jurisdiction of the Authority extends to all the lakes in Karnataka State that are located within all Municipal Corporations in the State as well as areas over which Bangalore Development Authority has jurisdiction, presently, the Authority is entrusted with custody of only four lakes, viz., (1) Agara Lake, (2) Hebbal Lake, (3) Nagawara Lake and (4) Vengalahnakere Lake. The other lakes in Bangalore are with custody of either the Bangalore Development Authority (BDA), Bruhat Bangalore Mahanagara Palike (BBMP) or the Karnataka Forest Department.

4. This Hon'ble Tribunal passed orders in OA.No.222 of 2016 on 4-5-2016, interalia directing that:

*"5. Both the Respondent Nos.9 & 10 shall ensure that debris or any construction material that has been dumped into the Rajakaluves, or their Banks and on the buffer zone of wetlands should be removed within four weeks from today. In the event they fail to do so, the same shall be removed by the Lake Development Authority along with the State Administration and recover charges thereof from the said respondents."*

5. In obedience to the aforesaid directions, this Respondent Authority initiated necessary action and took steps against respondent Nos.9 & 10 and wrote to the said two companies to comply with the directions. In the meanwhile, the Authority also called upon other Authorities, in whose custody lakes have been entrusted, to adhere

*[Signature]*  
 Chief Executive Officer  
 Karnataka Lake Conservation & Development Authority  
 Bangalore



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to the aforesaid directions and implement the same, with regard to such other lakes in Bangalore.

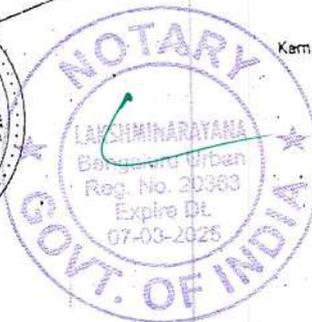
6. Initially, Respondents 9 & 10 disputed their liability to comply with the aforementioned directions, due to which, this Authority was constrained to conduct survey of the encroached area, determine the volume of debris dumped thereon and calculate the cost of removing and transporting the debris and also took up the task of identifying a location suitable for dumping the removed debris. This Authority had identified an abandoned quarry where the debris could be dumped and sought permission of the Deputy Commissioner, Bengaluru Urban District to permit this Authority to use the abandoned quarry to dump the debris.

7. While the approval was awaited, this Hon'ble Tribunal passed another order on 26-5-2017 as under:-

*"We have heard the Learned counsel appearing for the parties. Nobody is on behalf of State of Karnataka. We direct that all the respondents and stakeholders shall file Status Report in regard to compliance of the directions contained in our Judgment dated 04th May, 2016.*

*Further, the Lake Authority as well as all other respondents of Government of Karnataka will place on record as to how many offending structures which fall within the buffer zone as defined in the Judgment. Let the needful be done within three weeks from today, without default."*

8. In obedience to the aforesaid directions of this Hon'ble Tribunal, this Respondent - Authority directed Project Proponent M/s. Mantri Techzone Private Limited to take immediate necessary action for



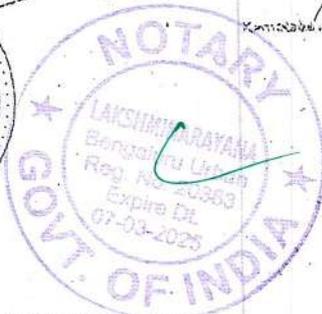
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Kamplak Lake Conservation & Development Authority  
Bangalore

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removal of debris and other wastes on or before the 30<sup>th</sup> June 2017 without fail and to furnish a report to this Respondent - Authority supported with documentary proof and evidence so as to enable filing an Affidavit of compliance before this Hon'ble Tribunal. A copy of the letter dated 30-5-2017 is produced herewith and marked as ANNEXURE -R1.

9. The Project Proponent M/s. Mantri Techzone, Private Limited while acknowledging the letter dated 30-5-2017 issued by this Respondent - Authority reported that removal of debris and excavated soil in the land measuring 3A-10G situated in Survey No.43, Agara village in the Bellandur tank is in progress and in view of several spells of rain the progress of removal of debris had slowed down, thereby causing a delay in completing the removing of excavated soil. Hence, they requested to provide extension of time till 10-7-2017 to complete the work and submit the compliance report. A copy of the letter addressed to this Respondent - Authority by the Project Proponent M/s. Mantri Techzone Private Limited, dated 1-7-2017, together with photographs taken at the site is produced herewith and marked as ANNEXURE -R2.

10. It is submitted that in obedience to the directions issued by this Hon'ble Tribunal on 4-5-2016 and 26-5-2017, the Project Proponent has submitted a report on removal of excavated soil, informing that removal of excavated soil and debris has since been completed. A copy of the report dated 10-7-2017, together with photographs taken at the site as sent to this Respondent - Authority by the Project Proponent - M/s. Mantri Techzone Private Limited are produced herewith and marked as ANNEXURE -R3.



*[Signature]*  
Chief Executive Officer  
Karnataka, The Conservation & Development Authority  
Bangalore

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11. It is submitted that upon the receipt of the final report by the Project Proponent intimating that the entire muck has been removed from the site, the Assistant Executive Engineer of this Respondent - Authority visited the site. In his Inspection Report, the Assistant Executive Engineer has reported that the Project Proponent M/s. Mantri Techzone Private Limited has removed debris, C&D wastes and soil until 12-7-2017 and the total quantity of muck removed so far is to an extent of 62497.5 cu.mts. Copies of photographs taken at the site are produced herewith and marked as ANNEXURE -R4.

12. This Hon'ble Tribunal, in its Order dated 4-5-2016, had also issued the following Specific Conditions/Directions to Respondent 9:

*"In addition to the above directions which should be equally part of EC condition in respect of respondents Nos. 9 & 10, following specific conditions shall apply to respondent no. 9:*

*i. Reclaimed area of the lake to the extent of 3 acres 10 guntas in survey no. 43 should be restored to its original condition at the cost of project proponent. The possession of this area should be restored by Respondent No. 9 to the concerned Authorities immediately. In addition, a buffer zone of 75 m should be provided between the lake and the project area and this should be maintained as green area.*

13. This Hon'ble Tribunal, by the same Order, redefined the buffer zones to be maintained in respect of lakes and primary, secondary and tertiary Rajakaluves and also issued General Directions, which reads:

*"This buffer/green zone would be treated as a no construction zone for all intent and purposes. This is*



*[Signature]*  
Chief Executive Officer  
Karnataka Lake Conservation & Development Authority  
Bangalore



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absolutely essential for the purpose of sustainable development, particularly keeping in mind the ecology and environment of the area in question.

All the offending constructions raised by Respondents 9 and 10 of any kind including boundary walls shall be demolished which falls within such areas. Wherever necessary dredging operations are required, the same shall be carried out to restore the original capacity of the water spread area and/or wetlands. Not only the existing construction would be removed but also none of these respondents - Project Proponents would be permitted to raise any construction in this zone.

All authorities, particularly, Lake Development Authority shall carry out this operation in respect of all the water bodies/lakes of Bangalore."

14. This Respondent - Authority called upon various authorities, viz., BWSSB, KSPCB, BDA, BBMP, Deputy Commissioner, Bengaluru Urban District, requesting them to inform to this Authority about the steps taken by them in compliance with the aforesaid directions and directed them to strictly follow the prescribed buffer zones. A copy of the letter of this Authority dated 2-6-2016 is produced herewith and marked as ANNEXURE - R5.
15. The issue relating to the encroachment of lands adjoining lakes in and around Bangalore City came up for discussion in the Karnataka Legislative Assembly and the Speaker of the Karnataka Legislative Assembly has constituted a Legislative Committee to inquire into the issue. The Legislative Committee has held regular meetings with various agencies of the Government and has also conducted field visits. This Committee, which was already functional, when this



Executive Officer  
Karnataka Lake Conservation & Development Authority  
Bangalore

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Hon'ble Tribunal issued directions on 4-5-2016, took note of the directions, and sought information from all the concerned agencies of the Government, vide its Letter dated 22-7-2016. A copy of the Letter dated 22-7-2016 is produced herewith and marked as ANNEXURE - R6. The letter solicits complete information from all concerned agencies regarding permissions given by the BDA, BBMP, Environment Department and other Departments, in the buffer-zone of tanks till then and directed withdrawal of such permissions and stoppage of issuance of fresh permissions. This Authority has also sought opinion of the Secretary (Ecology & Environment) with respect to earmarking of Green/Buffer Zone in the Revised Master Plan for Bengaluru, 2031. A copy of the letter of this Authority 5-11-2016 is produced herewith and marked as ANNEXURE - R7. The Legislative Committee has not yet furnished its Report.

16. As submitted earlier, this Respondent - Authority is the custodian of four lakes, viz., Agara, Nagawara, Vengalhanakere and Hebbal lakes located in the BBMP limits. There are about 210 lakes which are under the custody of various Authorities of Government. The Government has nominated Departments/Authorities to be the Custodian of the lakes. In pursuance to the specific/ general directions issued by this Hon'ble Tribunal on 4-5-2016, regarding buffer zone, information has been obtained with regard to buildings and structures, both existing and under construction, in the buffer zone of four lakes. A statement indicating the details of buildings and offending structures which fall within the buffer zone of four lakes in the custody of this Respondent - Authority is produced herewith and marked as ANNEXURE -R8.

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 Chief Executive Officer  
 Karnataka Lake Conservation & Development Authority  
 Bangalore

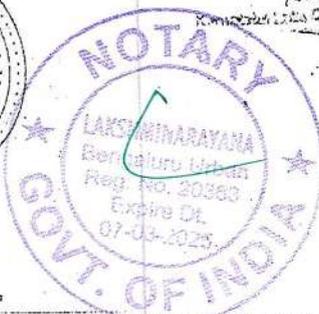


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17. As may be seen from the statement, furnished above, the constructions/buildings within the redefined buffer zone are independent houses and not projects involving multi-storied constructions, requiring environmental clearance. Many of these constructions have come up several years before the directions were issued by this Hon'ble Tribunal. At this stage, this Authority is unable to provide the correct information about the offending structures in the buffer zone of the other lakes and Rajakalives, in view of the fact that, this Authority neither has the necessary man power to conduct the surveys/measurements nor it is in possession of budgetary allocation to undertake the expenses of getting the survey done through third party agencies.

18. The directions of this Hon'ble Tribunal and compliance by this Authority, if produced hereunder in tabulated form for ready reference:

Direction Issued (Verbatim)	Compliance
1. All the offending constructions raised by Respondents No.9 and 10 of any kind including boundary wall shall be demolished which falls within such areas. Wherever necessary, dredging operations are required, the same should be carried out to restore the original capacity of the water spread area and/or wetlands. Not only the existing construction would be removed but also non of these	Boundary wall and muck has been removed by the Project Proponent.  However, as regards action for removal of other structures falling within the buffer zone, the Authorities empowered to sanction building plans viz., BBMP/BDA are required to provide the information and to take appropriate action.  The KLCDA has already requested all the departments/ Authorities to comply with the



*[Signature]*  
Chief Executive Officer  
Karnataka Lakes Conservation & Development Authority  
Bangalore

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<p>Respondents - Project Proponent would be permitted to raise any construction in this zone.</p> <p>All authorities particularly Lake Development Authority shall carry out this operation in respect of all the water bodies/lakes of Bengaluru.</p>	<p>said directions of the Hon'ble NGT.</p>
<p>2. The capacity of the existing STPs to treat sewage is 729 MLD, whereas another 500 MLD sewage is proposed to be treated in 10 upcoming STPs. In this context, all the STPs operating in the area whether Government or privately owned, should meet the revised standards notified by CPCB/MoEF.</p>	<p>The concerned Authorities have already been requested to take necessary action in this regard.</p>
<p>3. Bangalore city receives treated potable water of 1360 MLD from river Cauvery whereas the requirement is for another 750 MLD and the entire area falls in critical zone in terms of ground water exploitation. Information reveals that only one million litre per month of STP treated water is used by builders for construction purpose. For this reason, the BWSSB issue partial NOC to various residential and commercial projects in respect of supply of potable water. In this context, following</p>	<p>The concerned Authorities have already been requested to take necessary action in this regard.</p> <p>The proposals regarding grant of EC are not referred to the KLCDA. The SEIAA is the statutory Authority considering such proposals.</p>



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 Chief Executive Officer  
 Karnataka Lake Conservation & Development Authority  
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<p>directions need to be issued.</p> <p>(i) All the time of grant of EC, the water requirement for the construction phase and operation phase should be considered separately. Due consideration should also be given for identification of source of supply of water and this should be a pre-requisite for grant of EC.</p> <p>(ii) All the project proponents should necessarily use only treated sewage water for construction purpose and this should be reflected in EC as a condition for construction phase.</p> <p>(iii) Wherever the quality of treated sewage water does not conform to the quality needed for construction, necessary upgradation in STP should be undertaken immediately.</p>	<p>A copy of the NGT Orders dated 04.05.2016 has been forwarded by the KLCDA to the all the Governmental Authorities/ Deputy Commissioners of Districts (limited to KLCDA's jurisdiction) to strictly comply with the General and Specific directions issued by Hon'ble NGT - vide KLCDA's letter dated 02/04.06.2016.</p> <p>The proposals regarding grant of EC are not referred to the KLCDA. The SEIAA is the statutory Authority considering such proposals.</p>
<p><b>Specific Conditions/ Directions for Respondent 9:</b> In addition to the above directions which should be equally part of EC condition in respect of respondents nos. 9 &amp; 10, following specific conditions shall apply to respondent no. 9:</p> <p>i. Reclaimed area of the lake to the extent of 3 acres 10 guntas in survey no. 43 should be</p>	<p>The Project Proponent has submitted that the extent of 3</p>



*[Signature]*  
 Chief Executive Officer  
 Karnataka Lake Conservation & Development Authority  
 - Bangalore

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restored to its original condition at the cost of project proponent. The possession of this area should be restored by Respondent No. 9 to the concerned Authorities immediately. In addition, a buffer zone of 75 m should be provided between the lake and the project area and this should be maintained as green area.

acres 10 guntas of land in Survey No.43 does not belong to them and they have requested KLCDA to take possession of the same. Accordingly, the BDA was requested to take possession of the said land. The BDA has already taken possession of the land.

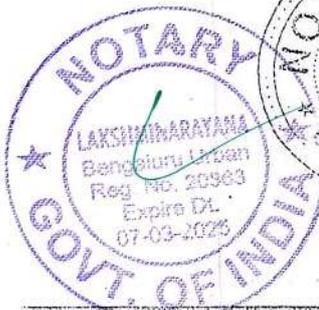
KLCDA has marked 75m buffer zone as per the NGT's directions and the Project Proponent has already been requested to maintain the same as per the NGT's order.

ii. In the remaining area, where primary Rajkalewa is abutting the project area, 50 m buffer zone on the side of the project area from the edge of the rajkalewa should be maintained as green belt.

BDA is the custodian of Bellandur lake. A copy of the NGT Order dated 04.05.2016 has already been sent to the BDA for taking necessary action and to comply with the Order.

iii. Several irrigation canals or tertiary rajkalewas taking off from the Agara tank were passing through the area of respondent no. 9, and serve the dual purpose of irrigating paddy fields and disposal of surface run off (storm water drains) during rainy season. However on account of the activities of the project, these drains have been totally obliterated. For the purpose of

BBMP, has already been requested to comply with the General and Specific directions of the Orders dated 04.05.2016 - vide - KLCDA's letter dated 23/24.05.2016. The Chief Engineer, Storm Water Drain (SWD), BBMP is being requested to look into these observations and initiate appropriate action expeditiously.



*[Signature]*  
Chief Executive Officer  
Bangalore Lake Conservation & Development Authority  
Bangalore

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proper disposal of storm runoff from the entire area falling between the Agara lake and the Bellandur Lake. respondent no. 9 must provide required number of storm water drains based on proper hydrological study. These storm drains should have a buffer zone of 15 m on either bank maintained as green belt.

iv. The cumulative quantity of earth excavated for the construction of project is around 4 lakhs cubic meters in the depth range of 0 to 9 meters. This has created huge hillock like structure obstructing the natural flow pattern of surface runoff from Agara Lake side to Bellandur Lake side or primary Rajkalewas. For this purpose, during construction phase garland drain should be constructed around the existing dumping site for safe disposal of runoff to the Rajkalewas. For the disposal of excavated material, a proper muck disposal plan duly approved by SIEAA shall be prepared. In any case the plan should ensure that no muck/sediment flows into Rajkalewas and/or Belandur

No comments in so far as KLCDA is concerned. However, BBMP (SWD) has already been served with a copy of the Order dated 04.05.2016. This observation pertains to SWD of the BBMP.



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Chief Executive Officer  
Karnataka Lake Conservation & Development Authority  
Bangalore

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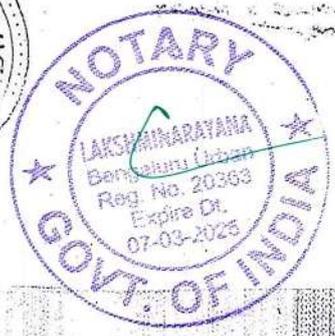
<p>lake.</p> <p>v. The Kharab land identified by Revenue Dept. admeasuring 1 acre 2 guntas should be demarcated and maintained separately as green belt.</p>	<p>The KLCDA has no comments to offer, as it falls under the jurisdiction of Revenue Department. Copies of NGT Orders dated 04.05.2016 has already been sent to the concerned Deputy Commissioners of the District with a request to comply with the aforesaid directions</p>
<p>vi. The entire green belt created under the directions of this Tribunal should not to be considered as part of green belt of the project as part of EC condition and will be over and above the green belt as indicated in the EC.</p>	<p>This direction does not directly pertain to KLCDA. The concerned Authorities viz., SEIAA has to consider this direction and take appropriate action.</p>
<p>vii. In view of the heavy traffic load in the adjoining Sarjapur road, a proper study on the basis of traffic density, foot falls expected, etc., a proper plan needs to be prepared and the concept of service road exclusively for the project needs to be worked out and additional parking space created within the project area and incorporated as a part of the overall project layout, within a period of 3 months.</p>	<p>KLCDA has no comments, since this direction is required to be examined and implemented by the BBMP (Traffic Engineering Cell/ Project/ Road Infrastructure).</p>
<p><u>General Directions:</u></p>	
<p>1. We direct SEIAA, Karnataka to issue amended</p>	<p>It is for the competent Authorities to take action as per</p>



*[Signature]*  
 Chief Executive Officer  
 Karnataka Lake Conservation & Development Authority  
 Bangalore

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<p>order granting Environmental Clearance within four weeks from today incorporating all the conditions stated in this judgement and such other conditions as it may deem appropriate in light of this judgment and Inspection Note of the Expert Members. The 10 Project Proponents would be permitted to commence activity only after issuance of amended Environmental Clearance order.</p>	<p>the directions.</p>
<p>2. SEIAA Karnataka and MoEF shall ensure regular supervision and monitoring of the project and during the construction and even upon completion to ensure that activity is carried out strictly in accordance with the conditions of the order granting Environmental Clearance, this Judgment, Notification of 2006 and other laws in force.</p>	<p>It is for the competent Authorities to take action as per the directions.</p>
<p>3. The distances in respect of buffer zone specified in this judgment shall be made applicable to all the projects and all the Authorities concerned are directed to incorporate such conditions in the projects to whom</p>	<p>All the concerned Authorities have already been requested to take necessary action to comply with the Order dated 04.05.2016 passed by the NGT.</p>



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Environmental Clearance and other permissions are now granted not only around Belandur Lake, Rajkulewas, Agara Lake, but also all other Lakes/ wetlands in the city of Bengaluru.

4. We hereby direct the State of Karnataka to submit a proposal to the MoEF for demarcating wetlands in terms of Wetland Rules 2010 as revised from time to time. Such proposal shall be submitted by the State within four weeks from today and the MoEF shall consider the same in accordance with law and grant its approval or otherwise within four weeks thereafter. After such approval is granted by MoEF, the State would issue notification notifying such areas immediately thereafter in accordance with Rules and law.

In obedience to the directions issued by the NGT regarding Notification of Wetlands, steps have been taken by the KLCDA to obtain information from all the concerned custodians of lakes in Karnataka (limited to the jurisdiction of KLCDA) and to consolidate information regarding wetlands and thereafter to make available the information for being sent to Government.

5. Both the Respondents Nos. 9 and 10 shall ensure that debris or any construction material that has been dumped into the Rajkulewas, or on their banks and on the buffer zone of wetlands should be removed within four weeks from today. In the event they

The Project Proponent has already cleared the muck dumped in the buffer zone. However, the KLCDA is directing the Respondent No.9 to completely adhere to clear the entire muck/ material including the one dumped in Rajkulewas and to submit compliance report.



Chief Executive Officer  
Karnataka Lake Conservation & Development Authority  
Bangalore

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fail to do so, the same shall be removed by the Lake Development Authority along with the State Administration and recover charges thereof from the said Respondents.

6. There is a serious discrepancy even in regard to the measurement of land as far as Respondent no. 9 is concerned. Admittedly the Respondent has been allotted and is in possession of land admeasuring 63.94 acres, though Environmental Clearance has been granted for 2,92,636.03 Sq. Meters which is equivalent to 72.22 acres. For this reason alone, Environmental Clearance cannot be given effect to. While issuing the amended Environmental Clearance, SEIAA Karnataka shall take into consideration all these aspects and, if necessary, would require Respondent no. 9 to submit a fresh layout plan and the entire project may be revised in accordance with law.

7. The amount of environmental compensation will be deposited prior to issuance of amended Environmental Clearance.

No comments.



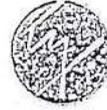
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Chief Executive Officer  
Karnataka State Conservation & Development Authority  
Bengaluru



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Bangalore  
06-07-2016

1. The Secretary  
Department of Revenue  
Government of Karnataka  
Vikasa Soudha  
Dr.Ambedkar Veedhi  
Bangalore.-560001
2. The Chief Operating Officer  
KIADB  
Khanija Bhavan,  
Race Course Road  
Bangalore - 560001



Dear Sirs,

Sub: Possession of the 03 Acres, 10 Guntas of Land in Sy. No.43, marked as lying adjacent to our project land at Agara;

- Ref: 1. Order dated 04.05.2016 of the Hon'ble National Green Tribunal, Principal Bench, New Delhi in QA.222/2016.  
2. Interim Order dated 12.05.2016 of the Hon'ble Supreme Court in Appeal Civil No.5016/2016;

In furtherance to the above Subject and as directed in the reference documents, copies of which are enclosed, we hereby submit that the Government of Karnataka may mark the boundaries and take possession of the lands in Sy. No.43 alleged to be in our possession, since it neither belongs to us nor have we been in possession thereof from the date of allotment of project lands by KIADB.

Kindly demarcate the aforesaid land and confirm that you have taken possession of the same, at the earliest.

The relevant portion of the Interim Order dated 12.05.2016 of the Hon'ble Supreme Court is extracted below for your immediate reference:

*".....3 acres and 10 guntas of land referred to in the impugned order passed by the Tribunal is not actually in the occupation of the petitioner company and that the petitioner company has no objection to the possession of the said 3 acres and 10 guntas of land being taken over by the competent authority. He has also no objection to*

1

(PCC/W)

Mantri Techzone Private Limited  
CIN : U45201KA2003PTCO33023

Mantri House, 41 Vittal Mallaya Road T +91 80 4130 0000 www.mantri.in  
Bangalore 560001 F +91 80 4132 5000



674

the removal of any building standing on the said extent of land. In that view therefore we permit the competent authority to take over the possession of the extent of 3 acres and 10 guntas of land referred to in the order passed by the Tribunal and allegedly in possession of the petitioner company. We also permit the competent authority to remove/demolish any construction put up on the said extent of land.....".

Please confirm the action taken in this regard. If any of the Officers need any assistance in this regard, please do let us know and we will do the needful to the best of our ability.

Thanking you  
Yours faithfully  
For Mantri Techzone Private Limited

Authorised Signatory / Director

Copy to:

Lake Development Authority  
MS Building, Bangalore - 560001

Encl:

1. Copy of the Order dated 04.05.2016 made in O A No.222/16 by the Hon'ble.NGT
2. Copy of the Order dated 12.07.16 made in Appeal Civil 5016 of 2016 by the Hon'ble Supreme Court.

1 True Copy 11



THIS COPY ATTESTED BY ME  
 LAKSHMINARAYANA  
 Advocate & Notary Public  
 GOVT OF INDIA  
 # 15, 1st Main, 2nd Cross  
 near Impact College, Anand Layout, K. Ganesha  
 Bangalore Urban, Karnataka - 560001

02/03/2024

230

SIGNATURE-1/6

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mantri

01-08-2016

To  
The Chief Executive Officer & Executive Member,  
Karnataka Industrial Areas Development Board  
4th Floor, Khanija Bhavan  
Race Course Road  
Bangalore - 560001



Dear Sir,

Sub: Bifurcation of the 03 Acres, and 10/20 Guntas of Land in Sy. No.43 of Jakkasandra Village.

Ref: i) The Interim Order dated 12.05.2016 of the Hon'ble Supreme Court in Civil Appeal No. 5016/2016.  
(ii) Survey Sketch submitted by KIADB before the High Powered Committee appointed by NGT, showing the land of 3 acre 10 Guntas in Sy. No.43 of Jakkasandra Village.  
(iii) Survey Sketch of Sy. No.43 as made available in the Bhoomi Website of Government of Karnataka showing the lands measuring 3 Acres 20 Guntas in the possession of KIADB.

Please see the attached documents regarding Ref. (i) to (iii) above (copies enclosed), in respect of Sy. No.43 of Jakkasandra Village, as demarcated by KIADB in the Survey Sketch (total station) submitted to the Committee appointed by NGT and the sketch published on the Website of the Revenue Department showing the said land in your possession.

As per the directions of the Hon'ble Supreme Court in its order dated 12.05.2016 the extent of 3 Acres and 10 Guntas of land in S. 43 is to be restored to the concerned authority. We are neither in possession of nor intend to encroach upon the said land in any manner whatsoever.

Please take necessary action in this regard and communicate to us on the action taken by you in this regard, including confirmation of possession being with you, as the matter needs to be updated to the Hon'ble Supreme Court.

Thanking you  
Yours faithfully  
For Mantri Techzone Private Limited

Girish Gupta H.S.  
Director  
Encl: a/a



3 True copy //

THIS COPY ATTESTED BY ME  
LAKSHMINARAYANA  
Advocate & Notary Public  
GOVT OF INDIA  
# 15, 1st Main, 2nd Cross  
near Impact College, Jnanco Layout, K. Jaganahalli  
Bangalore Urban, Karnataka - 560007

# 231

ANNEXURE-A/F



676

mantri

24-08-2016

The Chief Executive Officer and Executive Member  
Karnataka Industrial Areas Development Board  
4th Floor, Khanija Bhavan  
Race Course Road  
Bangalore - 560001



Dear Sir,

Sub: Bifurcation of the 03 Acres, and 10/20 Guntas of Land in Sy. No.43 of Agara Village.

- Ref: i) The Interim Order dated 12.05.2016 of the Hon'ble Supreme Court in Civil Appeal No. 5016/2016.  
ii) Copy of the Report submitted by KIADB before the High Powered Committee appointed by NGT, showing the land of 3 acre 10 Guntas in Sy. No.43 of Agara Village lying adjacent to our project land allotted to us along with sketch of the said portion.  
iii) Our previous letters dated 06.07.2016 and 01.08.2016 on the subject.

Please see the attached documents regarding Ref. (i) to (iii) above (copies enclosed), in respect of Sy. No.43 of Agara Village which includes the Survey Sketch of the land demarcated by KIADB which stand outside our boundary, which was submitted to the Committee appointed by NGT.

As per the directions of the Hon'ble Supreme Court in its order dated ~~12.05.2016~~ the extent of 3 Acres and 10 Guntas of land in S. 43 is to be restored to the concerned authority. We are neither in possession of nor intend to encroach upon the said land in any manner whatsoever. In this regard we had submitted our previous letters. It is regretted that so far no action has been taken to carry out the bifurcation and to report to the Hon'ble Supreme Court. We will have no option but to state this before the Hon'ble Supreme Court. Therefore, we once again request your immediate intervention in this matter and take necessary action in this regard, the delay on which is causing great hardship to us.

Please take necessary action in this regard and communicate to us on the action taken by you in

(Handwritten signature)



677

this regard before 30<sup>th</sup> of August 2016; failing which, we will be forced to intimate the same to the Hon'ble Supreme Court by producing the copies of the above letters.

Thanking you  
Yours faithfully  
For Mantri Techzone Private Limited



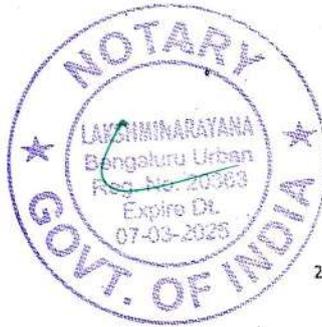
Girish Gupta H.S.  
Director

Copy to: CEO Lake Development Authority, Bengaluru., for necessary action.

Encl: a/a



||Toune [Signature]||



THIS IS ADV. ATTESTED BY ME  
LAKSHMINARAYANA  
Advocate & Notary Public  
GOVT OF INDIA  
# 15, 1st Main, 2nd Cross  
Near 100 Feet College, Anco Layout, K. digonahalli  
Bengaluru Urban, Karnataka - 560027  
02/03/24

233

ANNEXURE A/8

678

  
MANTRI

Date: 16-12-2016.

To,  
The Chief Executive Officer,  
Karnataka Lake Conservation and Development Authority,  
No.49, II Floor,  
Church Street,  
Bengaluru - 560001.

Sir,

Sub.: Possession / Custody of land measuring 3 Acre 10 Guntas in Sy. No.43 of Agara Village,  
Beguru Hobali, Bengaluru South Taluk.

Ref.:

1. KIADB letter No. Bengaluru/SLAO/2695/2016-17 dated 23-11-2016.
2. Order of the Hon'ble Supreme Court in Civil Appeal No.5016/2016.

We refer to the letter of KIADB dated 23-11-2016 received by us yesterday requesting you to take possession of land measuring 3 Acre 10 Guntas in Sy. No.43 of Agara village, Beguru Hobali, Bengaluru South Taluk.

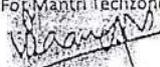
In this regard we would like to clarify that the said extent of 3 Acre 10 Guntas has not been encroached by us, neither have we dumped any mud in said land as mentioned in the aforesaid letter. There was debris dumped in the area since 2006-07 and we are not responsible for the same.

We confirm that we have no objection to the possession of the said land being taken by you and request you to do so at the earliest. We have also requested you to do the same vide our letter dated 24-03-2014, a copy of which is enclosed for your reference.

We would be glad to provide any assistance that may be required.

Thanking you,

Yours faithfully,  
For Mantri Techzone Pvt. Ltd.,

  
Authorized Signatory

Encl.: As above



679

Copy:

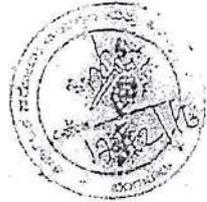
1. Hon'ble Deputy Commissioner, Bengaluru City District, K.G.Road, Bengaluru-560001 - for kind information.
2. Special Deputy Commissioner, KIADB, Bengaluru - For Information.
3. Special Land Acquisition Officer-2, KIADB, Bengaluru - For Information.
4. Sub Division Officers, Bengaluru South Taluk Sub Division, K.G.Road, Bengaluru - 560001 - For Information only.
5. The Tasildhar, Bengaluru South Taluk, K.G.Road, Bengaluru - 560001.
6. The Chief Engineer, Karnataka Lake Conservation and Development Authority, Bengaluru - 560001 - for needful action.

ಪಡವಿಲೇಖನದ ಕಛೇರಿ  
ಬೆಂಗಳೂರು ಜಿಲ್ಲಾ ಅಧಿಕಾರಿಗಳು  
17 DEC 2016

ಪ್ರತಿಪಾಲಕರು  
17 JAN 2016  
ಇವು ಸರ್ಕಾರದ ಅಧಿಕಾರಿಗಳಿಂದ  
ಬೆಂಗಳೂರು ಜಿಲ್ಲಾ ಅಧಿಕಾರಿಗಳಿಗೆ  
ಬೆಂಗಳೂರು ಜಿಲ್ಲಾ ಅಧಿಕಾರಿಗಳಿಗೆ

ಪಲ್ಲಕ್ಕಾಧಿಕಾರಿಗಳ ಕಛೇರಿ  
ಬೆಂಗಳೂರು  
17 DEC 2016  
DEPUTY COMMISSIONER OFFICE  
BANGALORE DIST. BANGALORE

17 DEC 2016



Three copy!!

THIS COPY ATTESTED BY ME  
LAKSHMINARAYANA  
Advocate & Notary Public  
GOVT OF INDIA  
# 15, 1st Main, 2nd Cross  
near Impact College, Amco Layout, K. digantha  
Bengaluru Urban, Karnataka - 560092

STANNEUR E-19



680

MANTRI

Date: 07-01-2017.

To,  
The Chief Executive Officer,  
Karnataka Lake Conservation and Development Authority,  
No.49, II Floor,  
Church Street,  
Bengaluru - 560001.

Sir,

Sub.: Possession / Custody of land measuring 3 Acre 10 Guntas in Sy. No.43 of Agara Village,  
Beguru Hobali, Bengaluru South Taluk.

ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
ವಿಶೇಷ ಅಧಿಷ್ಠಾನ

1. KIADB letter No. Bengaluru/SLAO/2696/2016-17 dated 23-11-2016.
2. Order of the Hon'ble Supreme Court in Civil Appeal No.5016/2016.

7 JAN 2017

Our letter dated 16-12-2017

We refer to the letter of KIADB dated 23-11-2016 requesting you to take possession of land measuring 3 Acre 10 Guntas in Sy. No.43 of Agara village, Beguru Hobali, Bengaluru South Taluk. Vide our letter dated 16-12-2016 we had clarified that the said extent of 3 Acre 10 Guntas has not been encroached by us, and neither have we dumped any mud in said land and that we have no objection to the possession of the said land being taken by you.

To our knowledge no action to take possession has been taken as yet and we once again request you to take possession at the earliest.

We would be glad to provide any assistance that may be required.

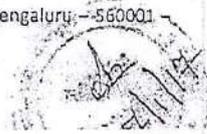
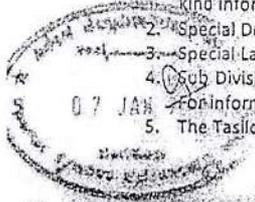
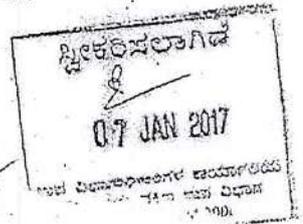
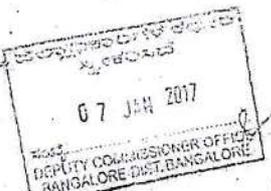
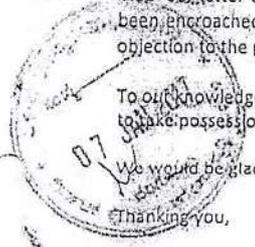
Thanking you,

Yours faithfully,  
For Mantri Techzone Pvt. Ltd.

Authorized Signatory

Copy:

1. Hon'ble Deputy Commissioner, Bengaluru City District, K.G.Road, Bengaluru-560001 - for kind information.
2. Special Deputy Commissioner, KIADB, Bengaluru - For information.
3. Special Land Acquisition Officer - 2, KIADB Bengaluru - For information.
4. Sub Division Officers, Bengaluru South Taluk Sub Division, K.G.Road, Bengaluru - 560001 - For information only.
5. The Tasildhar, Bengaluru South Taluk, K.G.Road, Bengaluru - 560001.



*True copy*

THIS COPY ATTESTED BY ME

LAKSHMINARAYANA  
Advocate & Notary Public  
GOVT OF INDIA

# 15, 1st Main, 2nd Cross  
near Impact College, Amco Layout, K. digana  
Bengaluru Urban, Karnataka - 560007

*02/03/24*

# 236

ANNEXURE-A/10



Date: 25-05-2017

The Chief Executive Officer  
The Karnataka Lake Conservation and Development Authority  
Parisara Bhavan, Second Floor  
49, Church Street  
Bengaluru - 560001.

Dear Sir,

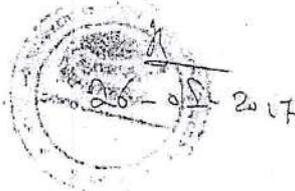
Sub: Removal of Debris and excavated soil in the land measuring 3 A-10 G of Sy. No. 43, Bellandur Tank, as per the Order of Hon'ble National Green Tribunal in O.A No.222/2014 dated 04-05-2016.

Ref: Your letter bearing KCDA/CR-25/NGT-Vol-II/2017-18/77, dated 02-05-2017.

We acknowledge the receipt of your above referred letter dated 02-05-2017 with regard to directions issued by the Hon'ble National Green Tribunal regarding dumping of debris and excavated soil in Sy. No.43. Your authorities have stated that we have dumped the debris and excavated soil in the encroached portion of Bellandur Tank which is adjacent to our property as per the Order of the Hon'ble National Green Tribunal, New Delhi and for removing the debris and excavated soil, the estimates that you forwarded to us a sum of Rs. 3,37,52,907/- (Rupees Three Crores Thirty Seven Lakhs Fifty Two Thousand Nine Hundred and Seven Only) and Rs. 4,48,92,246/- (Rupees Four Crores Forty Eight Lakhs Ninety Two Thousand Two Hundred and Forty Six Only) are abnormal considering the work involved. The highest quote that we have received for a similar work is around Rs. 75,00,000/- (Rupees Seventy Five Lakhs). Therefore we request you to oversee the evacuation work and our contractor will carry out the works at your supervision. You may please indicate the supervision charges if any payable to you in this regard.

Please provide us the technical details of the works to be carried out and also provide the co-ordinates of the supervising officers so that we can start the works immediately. It would be advisable to carry out these works before the Bellandur Tank is cleaned in order to avoid further complications.

(Ben)



Mantri Techzone Private Limited

Mantri House, 41 Vittal Malya Road T +91 80 430 0000 www.mantri.in



237

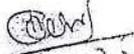
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We will excavate the debris and soil and transport it to a proper place.

Await for your response at the earliest.

Thanking you

Yours faithfully  
For Mantri Techzone Private Limited



Girish Gupta H.S.  
Director

|| True copy ||



TRUE COPY ATTESTED BY ME  
LAKSHMINARAYAN  
Advocate & Notary Public  
GOVT OF INDIA  
# 15, 1st Main, 2nd Cross  
near Impact College, Amco Layout, K. Gopal 2  
Bangalore Urban, Karnataka - 560027

ANNEXURE A/11

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682

MANTRI TECHZONE PVT LTD

Ref No: MTPL/DD/009/2017-18  
Date: 10.07.2017

To,

The Chief Executive Officer,  
Karnataka Lake Conservation and Development Authority,  
II Floor, Parisara Bhavan,  
#49, Church Street,  
Bengaluru - 560001,

Sir,

Sub: Directions issued by the Hon'ble National Green Tribunal in OA No.222/2014 vide order dated 04-05-2016 .

- Ref:
1. Your letter reference No. KLCDA/CR-25/NGT-Vol-II/2017-18/77 dated 02.05.2017.
  2. Our reply letter dated 25.05.2017
  3. Your letter reference No. KLCDA/CR-25/NGT-Vol-II/2017-18/205 dated 31.05.2017 received on 20/06/2017.
  4. Our reply letter dated 01.07.2017
  5. Your letter reference No. KLCDA/CR-25/NGT-Vol-II/2017-18 dated 03.07.2017 received on 03.07.2017

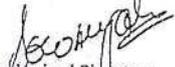
With regard to the letter referred at (5) above, (letter dated 03.07.2017) to submit report on removal of excavated soil, we hereby inform you that we have completed the removal of excavated soil and debris under the Supervision of your Officer Mr.Kiran Kumar - Forest Range Officer within the land available beyond the fence and pillars erected by BDA, demarcating Sy No.43,. Further we received a copy of your letter Ref No. KLCDA/CR-25/NGT-Vol-II/2017-18/450 dated 27.06.2017 on 06.07.2017 addressed to The Commissioner, Bengaluru Development Authority to clear the metal pillar and chain link fencing erected on the boundary of Bellandur lake. After clearance of the metal pillar by BDA, we will remove the excavated soil and debris therein.

In the meanwhile, we are checking the work done by our contractor on the removal of excavated soil.

Kindly acknowledge the receipt of letter and provide clearance to complete the works by directing the BDA to remove the obstructions / fencing and pillars, after which we shall complete the works and submit the Compliance Report as desired by you.

Yours faithfully,

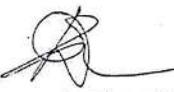
For Mantri Techzone Private Limited,

  
Authorized Signatory  
SOWMYA SGMAPRAKASH  
GM-Head Design DD1



#41, Mantri House, Vittal Mallya Road, Bangalore - 560001



  
|| True copy ||

THIS COPY ATTESTED BY ME  
 02/03/24  
LAKSHMINARAYANA  
Advocate & Notary Public  
GOVT OF INDIA  
# 15, 1st Main, 2nd Cross  
Near Mysuru College, Anand Layout, K. diganahalli  
Bengaluru Urban, Karnataka - 560031

# 239

STANBORDS AP/12

MANTRI TECHZONE PVT LTD

684

Ref No: MDPL/DD/97 -2016-17  
Date: 20<sup>th</sup> June 2016

To,

The Assistant Director (ADLR)  
Department of Survey Settlement and Land Records  
K.R. Circle, Kandaifa Bhavan, K.G. Road,  
Bangalore

Dear Sir,

Sub: Application seeking for details of 1acre 2 guntas of 'C' kharab land identified by the Revenue department in our proposed project in an extent of 63 acres 37.5 guntas. situated in various Nos. of Agara & Jakkasandra Villages, Begur Hobli, Bangalore South Taluk, Bangalore

Ref: Order dated 4th May 2016 passed by the National Green Tribunal, New Delhi in OA 222 of 2014.

We would like to bring to your kind notice that an extent of 63 acres 37.5 Guntas land in the aforesaid survey nos. were acquired and was allotted to us from the Karnataka Industrial Area Development Board (KIADB). KIADB has also executed a Lease cum Sale Agreement dated 30-06-2007 Bangalore South Taluk and also handed over possession of these lands to us vide Possession Certificate dated 19.07.2008. We have obtained several clearances from all the statutory authorities and have obtaining plan sanction from KIADB. And as per the sanction plan we were undertaking construction work at the site.

2. There is no kharab land shown in the allotment letter or in the Lease cum sale agreement in the above mentioned survey lands. Copy of the Allotment Letter and Lease cum Sale Agreement is enclosed for ready reference.
3. The order of the Hon'ble National Green Tribunal dated 4th May 2016 however records that an extent of 1 acres and 2 guntas is identified as "C" kharab land. You are requested to provide us with the details of the lands which are identified as "C" kharab by your authority before the NGT to enable us to comply with the NGT order.

Thanking You,

Yours sincerely,  
For MANTRI TECHZONE PVT. LTD.

Sowmya Somaprakash

Enclosure:

1. Allotment Letter
2. Lease cum Sale Agreement

Mantri House, #41, Vittal Mallya Road, Bangalore - 560001



True copy

240

DT: 04-04-2017



mantri

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Date: 11-04-2017

The Chief Executive Officer  
The Karnataka Lake Conservation and Development Authority  
Parisara Bhavan  
Second Floor  
49, Church Street  
Bengaluru - 560001.

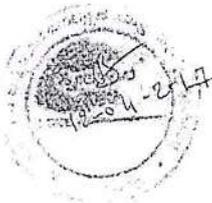
Dear Sir,

Sub: Compliance of the Order of Hon'ble National Green Tribunal in O A No.222/2014

- Ref:
1. Order of the Hon'ble Supreme Court in Civil Appeal No.5016/2016.
  2. Our letter to Department of Revenue dated 06-07-2016
  3. Our letter to KIADB dated 24-08-2016
  4. KIADB letter No. Bengaluru/SLAO/2696/2016-17 dated 23-11-2016.
  5. Our letter to KLCDA dated 16-12-2016
  6. Our letter to KLCDA dated 07-01-2017
  7. Your letter bearing KCDA/CR-25/NGT-Gen-4/2016-17/1159 dated 21.01.2017
  8. Various site visits by your officials including the one carried out today.

In pursuance to the Orders of the Hon'ble National Green Tribunal, New Delhi and the order of the Hon'ble Supreme Court dated 12.05.2016, we have been communicating to various authorities, marking copies to you to take possession of land measuring 3 acres 10 guntas in Survey no. 43 of Agara Village which is located adjacent to our project lands. You have also made several site visits to our project lands in this regard. We once again request you to take possession of the said lands after marking our boundary as per the sketch enclosed to Lease cum sale Agreement executed by KIADB, which is attached hereto. Please do let us know the date and time for a joint inspection and demarcation so that we can also be present for identification of boundaries.

We have no wherewithal to identify the correct boundaries of the Raja Kaluve that is lying adjacent to our property. Further, the other bund of the Raja Kaluve is abutting some third party's property and we have no access for the same. Any dredging operation or other activities is likely to disturb the bunds/boundaries of these Raja Kaluves, which will be in contravention of the Act.



(Signature)

1

Mantri Techzone Private Limited

Mantri House, 41 Vittal Mallya Road T +91 80 4130 0000 www.mantri.in  
Bangalore 560001 F +91 80 4132 5000



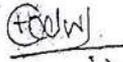
686

Therefore, we request you to kindly carry out all the cleaning works of the Raja Kaluve and /or their boundaries after obtaining necessary quotations for the same and sharing them with us. We are willing to bear the cost of cleaning our side of the Nallah/Raja Kaluve as directed by the Hon'ble NGT in its Order dated 04.05.2016.

Hope you will carry out necessary operations/activities forthwith and do the needful.

Please also note that the matter is before the Hon'ble Supreme Court and is likely to be listed in the coming weeks and a word of reply from you end would really help us to show progress before the Hon'ble Court.

Thanking you  
Yours faithfully  
For Mantri Techzone Private Limited



Girish Gupta H.S.

Encl: As Above



Mantri  
Techzone



MANTRI TECHZONE

687

## State Level Environment Impact Assessment Authority-Karnataka

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

No. SEIAA 30 CON 2011

Date: 15.02.2017

To,

M/s Mantri Techzone Private Limited  
(formerly called Manipal ETA P Ltd.)  
Mantri House, No. 41, Vittal Mallya Road,  
Bangalore 560001.

Sir,

**Sub:** Compliance on the orders of the Principal Bench of Hon'ble National Green Tribunal, New Delhi in Original Application No. 222 of 2014 dated May 4, 2016- reg.

- Ref:**
1. Environmental Clearance letter No. SEIAA 30 CON 2011 dated February 17, 2012.
  2. Order of the Hon'ble National Green Tribunal in Original Application No. 222 of 2014 dated May 4, 2016.
  3. Letter No. SEIAA 30 CON 2011 dated 10.05.2016.
  4. Your reply vide letter No.MTPL/DD/AGARA/056/2016-17 dated May 24, 2016.
  5. Order of the Hon'ble Supreme Court of India dated 11<sup>th</sup> November 2016 in Civil Appeal No. 5016 of 2016.
  6. Letter No. SEIAA 30 CON 2011 dated 23.01.2017.
  7. Your reply vide letter No.MTPL/DD/004/16-17 dated February 3, 2017

Whereas, Environmental Clearance has been granted vide letter No. SEIAA 30 CON 2011 dated February 17, 2012 of the State Level Environment Impact Assessment Authority (SEIAA), Karnataka to M/s Manipal ETA Infotech Ltd., No. 41, Vittal Mallya Road, Bangalore 560001 for construction of mixed use development with residential, retail, hotel, office spaces at various survey numbers of Agara and Jakkasandra village, Begur Hobli, Bangalore South Taluk.

Whereas, the Hon'ble Principal Bench of the National Green Tribunal, New Delhi has issued certain specific conditions/directions vide Judgement dated 4<sup>th</sup> May 2016 in the Original Application No. 222 of 2014 to you, i.e., M/s Mantri Techzone Private Limited (formerly called Manipal ETA P Ltd.) Mantri House, No. 41, Vittal Mallya Road, Bangalore 560001.

Whereas, the Hon'ble Tribunal has also directed the SEIAA, Karnataka to issue amended Environmental Clearance within four weeks from the date of Judgement incorporating all the conditions stated in the said judgement and such other conditions as the Authority may deem appropriate in light of the judgement and inspection note of the expert members.

..2

Room No. 706, 7th Floor, 4th Gate, M.S. Building, Bangalore - 560 001 Phone : 080-22032497 Fax: 080-22254377  
Website: <http://seiaa.kar.nic.in> <http://seiaa.karnataka.gov.in> <http://environmentclearance.nic.in>  
e-mail: [msseiaakarnataka@gmail.com](mailto:msseiaakarnataka@gmail.com)



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-2-

Whereas, you were requested vide the Authority letter of even number dated 10.05.2016 to comply the conditions / directions of the Hon'ble Tribunal and furnish the information to enable the Authority for issuing amended Environmental Clearance within the time stipulated by the Hon'ble Tribunal.

Whereas, vide your letter May 24, 2016 written in response to the letter dated 10.5.2016 of the Authority you have chosen not to furnish the information sought.

Whereas, you were once again requested vide letter of even number dated 23.01.2017 of the Authority to comply all the conditions/ directions of Hon'ble NGT except for those stayed by the Hon'ble Supreme Court and to submit reply/documents as sought vide the letter dated 10.05.2016 on or before February 10, 2017.

Whereas, you have once again shown reluctance vide your letter dated February 3, 2017 in furnishing the information sought by the Authority for ensuring compliance to the orders of the Hon'ble National Green Tribunal.

Whereas, the State Level Environment Impact Assessment Authority considered the issue during the meeting held on February 15, 2017 and observed that the directions of the Hon'ble National Green Tribunal dated May 4, 2016 with regard to issue of amended order granting Environmental Clearance cannot be issued without the information sought vide the Authority letter dated 10.05.2016 and revised fresh layout plan incorporating all the general and specific conditions/directions imposed by the Hon'ble NGT.

Whereas, the Authority have decided to provide you an opportunity of being heard to show cause why the Environmental Clearance granted should not be revoked as the amended order cannot be issued in view of the non-submission of the required information.

Wherefore, in view of the facts and circumstances in the foregone paras, you are called upon to appear before the State Level Environment Impact Assessment Authority, Karnataka on February 23, 2017 at 10.30 AM at Room No. 709, 7<sup>th</sup> Floor, 4<sup>th</sup> Gate, M.S. Building, Bangalore with all the relevant information along with the information/document sought vide the Authority letter dated 10.05.2016 to enable the Authority to issue amended Environmental Clearance incorporating the conditions / directions of the Hon'ble National Green Tribunal failing which the Authority will be constrained to revoke the Environmental Clearance granted vide the Authority letter No. SEIAA 30 CON 2011 dated February 17, 2012 for non-receipt of the required information to issue the amended Environmental Clearance.

Yours faithfully,

  
(RAMACHANDRA) 15/2/17  
Member Secretary,  
SEIAA, Karnataka.

  
"True copy"



पंजाब नेशनल बैंक (0040)  
Commercial Street, BANGALORE CANTT. - 560001

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RUPEES \*\* Five lakh only\*\*

प्रति मूल्य के बदले अदा करें FOR VALUE RECEIVED ₹ 5,00,000.00

QK 735049

ब्रांच कोड/ Branch Code No. 0267/2018

पंजाब नेशनल बैंक Punjab National Bank

ब्रांच कोड/ Branch Code No. D.No. 2446 - FINACLE - MCC BANGALORE FINACLE

(NOT OVER RS. 500000/-)

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AUTHORISED SIGNATORY WITH GBPA No.

36525  
AUTHORISED SIGNATORY WITH GBPA No.

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|| True copy ||





Ref No: MTPL/DD/017/2017-18  
Date: 16.03.2018

To,

The Member Secretary,  
Karnataka State Pollution Control Board  
Parisara Bhavan  
Church Street  
Bangalore 56001

Kind Attn: The Member Secretary

Dear Sir,

Sub: Order dated 14.03.2018 in OA 222/2018 pending before the Hon'ble National Green Tribunal, Principal Bench, New Delhi, directing us to deposit Rs.500,000-00 with KARNATAKA STATE POLLUTION CONTROL BOARD.

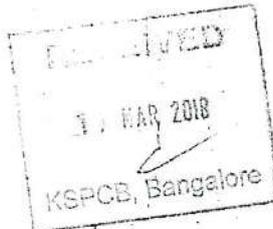
The Hon'ble Principal Bench of the NATIONAL GREEN TRIBUNAL at New Delhi, by an order dated 14.03.2018 made in O A 222/2014, (Forward Foundation Vs Mantri Techzone and others) was pleased to direct us to deposit a sum of Rs.500,000-00 (Rupees Five Lakhs only) towards costs. The Order Copy is not yet uploaded in the Website of NGT.

Enclosed please find a Demand Draft bearing No. 735049 for Rs. 5,00,000/- dated 16.03.2018 drawn on Punjab National Bank, Commercial Street Cantonment Branch, Bangalore towards the said sum of Rs.5,00,000-00. Kindly acknowledge receipt of the same and oblige. You may deal with the aforesaid sum as per the Orders of the Hon'ble National Green Tribunal as and when made available to you.

Thanking You,  
Yours sincerely,

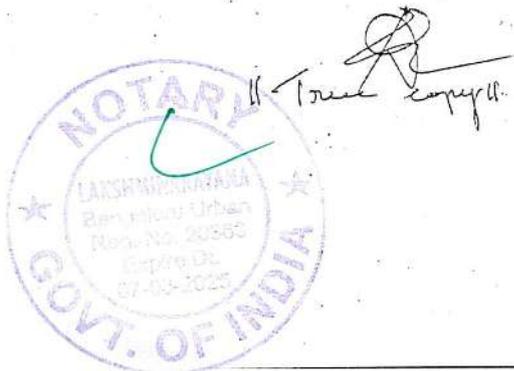
For MANTRI TECHZONE PVT LTD

*Somenya Somaprakash*  
Somenya Somaprakash  
GM - Head Design  
Encl: DD a/a



Mantri Techzone Private Limited  
CIN : U45201KA2003PTC033923

Mantri House, 41 Vitthal Mallya Road Bangalore 560001 T +91 80 4130 0000 www.mantri.in F +91 80 4132 5000



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COMPOSE

statement of compliance of Respondent No.9

Inbox (98)

Starred

Important

Sent Mail

Drafts (47)

Categories

Junk

Personal

Travel

Unwanted

More



Ram <ram.201181@gmail.com>

to ashok.devraj, mahaleoffice, Attin, office, rishabh

Dear all

O.A.No.222/2014

The Forward Foundation & Ors. Versus The State of Karnataka & Ors.

I on behalf of Respondent no. 9 - Mantri Techzone Pvt. Ltd. in the captioned matter

The Respondent no. 9 is filing a Statement of Compliance. The said documents is

Being Served to:

Mr. Ashok Devraj - [ashok.devraj@yahoo.com](mailto:ashok.devraj@yahoo.com) on behalf of the State of Karna BDA (Res No. 8)

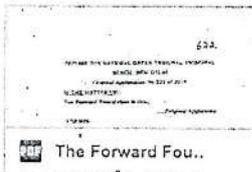
Mr. Rajesh Mahale - [mahaleoffice@gmail.com](mailto:mahaleoffice@gmail.com) on behalf of LDA/KLCDA (Re:

Mr. Attin Shankar Rastogi - [attin.rastogi@gmail.com](mailto:attin.rastogi@gmail.com) on behalf of the MoEF (I

Mr. Devashish Bharuka - [office@bharuka.com](mailto:office@bharuka.com) also at [law@bharuka.com](http://law@bharuka.com) on

Mr. Rishabh Parikh - [rishabh@aglaw.in](mailto:rishabh@aglaw.in) on behalf of Forward Foundation (OA

Warm regards,  
M/s. Devasa & Co.  
Shekhar G Devasa  
Advocate



Click here to Reply, Reply to all, or Forward



THIS COPY ATTESTED BY ME  
*Shekhar* 02/03/2024  
LAKSHMINARAYANA  
Advocate & Notary Public  
GOVT OF INDIA  
# 18, 1st Main, 2nd Cross  
near M. S. College, Amoo Layout, K. digonahalli  
Bangalore Urban, Karnataka - 560097

NDOH- 23/5/2018

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION No. 222 OF 2014

IN THE MATTER OF:

The Forward Foundation & others ...Applicants

AND

State of Karnataka & Others ... Respondents.

WITH

DETAILED STATEMENT OF COMPLIANCE FILED BY THE  
RESPONDENT No.9 WITH PRAYER FOR RESUMPTION OF  
CONSTRUCTION



[PAPER BOOK]

[FOR INDEX - KINDLY SEE INSIDE]

National Green Tribunal, New Delhi  
Sl. No. 3340/18  
Date: 21-5-18  
Sign. of Notary: A



ADVOCATE FOR RESPONDENT NO.9: M/S. DEVASA & CO.

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BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION No. 222 OF 2014

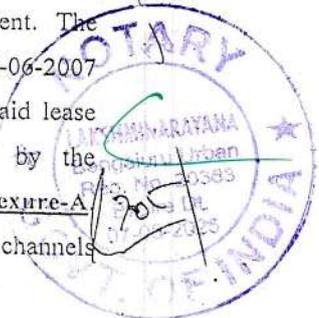
IN THE MATTER OF:

The Forward Foundation & others ... Applicants  
AND  
State of Karnataka & Others ... Respondents.

DETAILED STATEMENT OF COMPLIANCE FILED BY  
THE RESPONDENT No.9 WITH PRAYER FOR  
RESUMPTION OF CONSTRUCTION.

The Respondent No. 9, M/s. Mantri Techzone Pvt Ltd, humbly submits as follows;

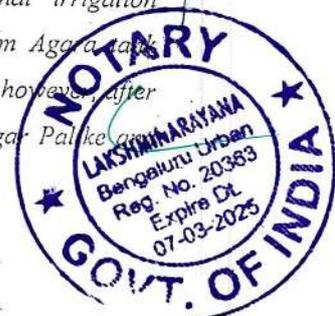
1. The proposal of this Respondent to establish an Information Technology Park, R & D Centre, in-built Residential Complex and other allied infrastructure facilities within single compound and was deliberated and approved by the Government of Karnataka in its 78<sup>th</sup> High Level Committee meeting held on 21-6-2000.
2. In pursuance of approval of the Project by the First Respondent, the 7<sup>th</sup> Respondent issued a Notification seeking to acquire the lands situated at Agara & Jakkasandra Villages. Subsequently the KIADB, the 7<sup>th</sup> Respondent, acquired the lands measuring 63 Acres 37.50 Guntas of land in Agara and Jakkasandra Villages and after payment of the full price of the lands, allotted and delivered possession of these lands to the 9<sup>th</sup> Respondent. The Respondent No. 7 executed a Lease Deed dated 30-06-2007 in favour of Respondent No. 9. A copy of the said lease deed along with sketch of the land, issued by the Respondent No. 7 is herewith produced as Annexure-A. There were no Raja Kaluves, Kaluves, irrigation channels



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or kharab lands when the land was handed over by KIADB to this respondent. The lease deed and sketch also do not show or mention existence of any irrigation canal/ Rajakaluves or kharab land within the entire land allotted to this respondent.

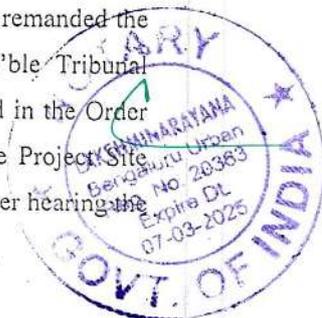
3. It is submitted that after commencement of the above proceedings, since the original applicants made certain allegations, this Hon'ble Tribunal was pleased to form the First Committee as per order dated 07-05-2015 with certain directions to inspect the project site and report. Pursuant to the same, the committee after visiting this Respondent's project site, submitted its report. A copy of the said report is herewith produced as Annexure-B. The Report of the Committee clearly demonstrates that this respondent commenced construction after obtaining all relevant approvals and that no contravention of the approvals was noticed.
4. It is submitted that thereafter this Hon'ble Tribunal directed the First Committee to carryout Second Inspection under the supervision of two of its Hon'ble Members who carried out a spot inspection of the project site along with the First Committee, submitted an Inspection Note to the Hon'ble Tribunal. A copy of the said inspection note dated 26-11-2015 is herewith produced as Annexure-C. In this report, the Hon'ble Committee stated as follows, "*the revenue records indicate that the major portion of the land allotted to Respondent No 9 was agricultural land (Paddy field). The cadastral map of 1956 indicates that irrigation canal/Raj Kalewas taking off from upstream Agara tank passed through the area of Respondent No 9, however, after inclusion of the area in Bangalore Mahanagar Palike*



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construction and the outlets from Agara tank for supplying tank water for irrigation purposes were blocked and no evidence is available about existence of irrigation canal/Raj Kalewas". This Respondent has not blocked any irrigation canal/Raj Kalewas.

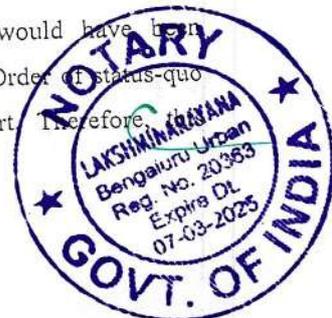
5. Thus, from the above documents, since the time when the Respondent No. 7 handed over the lands to this Respondent till the finding of the Hon'ble Committee consisting of judicial members of this Hon'ble Tribunal, it is clear that there were no irrigation canals existing within the project lands. It is also not identified by any government body till date despite several directions as practically kharab lands are completely extinguished and the irrigation nallahas have lost their nature long before the land was allocated to this respondent's project.
6. It is submitted that this Hon'ble Tribunal at the first instance, by order dated 07-05-2015 while imposing compensation of Rs. 117 crores was pleased to permit this Respondent to proceed with the construction. The Respondent Nos. 9 and 10 had challenged the order dated 07-05-2015 before the Hon'ble Supreme Court in Civil Appeal No. 4832/2015 & Civil Appeal No. 4829/2015. The Hon'ble Supreme Court by an order dated 20-05-2015 in Civil Appeal No. 4832/2015 & Civil Appeal No. 4829/2015, directed that this respondent to file an application for recall of the Order dated 07.05.2015 and Hon'ble Tribunal was directed to hear the matter afresh and thereby remanded the matter to this Hon'ble Tribunal. This Hon'ble Tribunal thereafter directed a Committee as constituted in the Order dated 07.05.2015 be appointed to inspect the Project Site (First Committee as mentioned earlier) and after hearing the



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parties, passed a final order dated 04-05-2016 imposing certain Specific Conditions on this Respondent and 10<sup>th</sup> Respondent and also issued certain General Conditions. This Respondent No.9 has filed an appeal before the Hon'ble Supreme Court in Civil Appeal No. 5016/2016. A copy of the operative portion of order dated 04-05-2016 passed by this Hon'ble Tribunal in O.A.No. 222/2014 is herewith produced at Annexure-D.

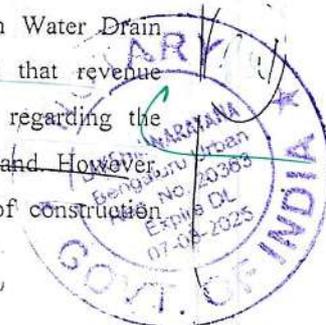
7. It is submitted that thereafter the Hon'ble Supreme Court by an order dated 12.05.2016, made in Civil Appeal No. 5016/2016, was pleased to grant an interim order directing stay of the monetary compensation/fine imposed under the Order dated 04.05.2016 passed by this Tribunal. However, in the same order, the Hon'ble Supreme Court also directed this Respondent No. 9 to maintain the status-quo with regard to construction in the project site. A copy of the said order dated 12.05.2016 is herewith produced as Annexure-E.
8. In the circumstances, this respondent could not have carried out any activity at the site except by non-compliance of order of status-quo passed by the Hon'ble Supreme Court. This Respondent has not taken up any construction activity in any nature whatsoever after the aforesaid Order dated 12.05.2016 passed by the Hon'ble Supreme Court in Civil Appeal No.5016 of 2016. The word "construction" includes all activity relating to construction including demolition. If this respondent had commenced any compliance activity by demolishing any portion of construction that falls within Tribunal prescribed buffer zones, it would have been construed as an activity in defiance of Order of status-quo passed by the Hon'ble Supreme Court. Therefore,



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Respondent has not taken up any construction activity either by demolition or by putting up further construction in the property since the date of the Order. In fact, the site was decommissioned, except posting of security guards. Subsequently, by an order dated 11.11.2016, the Hon'ble Supreme Court while disposing I.A.No. 3/2016 in Civil Appeal No.5016/2016 filed by this respondent, observed that if the Appellant, (this respondent) desired to commence construction; it should approach this Hon'ble Tribunal who will examine the nature and extent of compliance and permit such resumption. It also observed that in such case, the Order of Status-quo passed on 12.05.2016 would not come in the way of the Tribunal passing any order for resumption. A copy of the Application and affidavit dated 19.10.16 filed by this respondent before the Hon'ble Supreme Court is produced herewith as Annexure F. A copy of the Order dated 11.11.2016 made in Civil Appeal No.5016 of 2016 by the Hon'ble Supreme Court is produced as Annexure - F1.

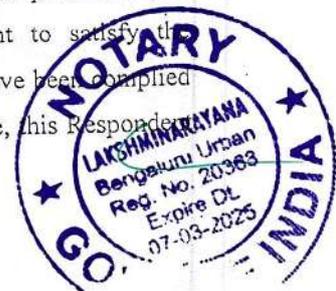
9. It is submitted that by order dated 08-09-2017 this Hon'ble Tribunal was pleased to direct the earlier appointed committee to inspect this respondent's project and report compliance. On 25-10-2017, the said Committee has submitted its report. Copy of the report is herewith produced as Annexure-G. In the said report, the committee has observed primary Raja Kaluve / tertiary rajakaluves abutting the property of the Respondent No. 9 is not marked by the BBMP/ Revenue Department/Strom Water Drain Department and further it is also noted that revenue department has not submitted any report regarding the demarcation of 1 acre 2 guntas of kharab land. However, the committee has stated that a portion of construction



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falling in buffer zone of 75 meters have not been removed and buffer zone of 75 meters of Agara Lake has not been marked and offending constructions have not been identified. In fact, the committee has requested to all the authorities to provide action plan report and except the Bengaluru Development Authority, none of the other authorities have filed any action plan report. Further the Bangalore Development Authority appears to have filed a report stating the following, "Pursuant to said order, the BDA is placing its compliance before the Hon'ble National Green Tribunal. The boundary wall which falls within lake has been demolished and the water spread area wetland area is restored. BDA has not issued any sanction plan after the order of the Hon'ble National Green tribunal dated 4-5-16 and encroachments in lake are have been cleared and fenced in the property of Bellanur lake"

10. It is submitted that by order dated 24-03-2017 this Hon'ble Tribunal had directed this Respondents to file a statement of compliance complying the directions given by the Hon'ble Tribunal vide order dated 04-05-2016. In compliance of the said direction, the Lake Development Authority by an affidavit dated 27.07.2017, was pleased to file a statement of compliance before the Hon'ble Tribunal. A copy of the said Statement of Compliance filed by the KLCDA is herewith produced as Annexure-H. In compliance of the aforesaid order, this Respondent has submitted the statement of compliance on 19-03-2018. Later by order dated 02-05-2018, this Hon'ble Tribunal permitted this Respondent to file a detailed statement to satisfy the Hon'ble Tribunal that all the directions have been complied with. Hence, in compliance with the same, this Respondent



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is filing this detailed statement. The compliance report dated 19-03-2018 is herewith produced at Annexure-I.

11. It is submitted that the Respondent No. 3, in the meanwhile, by an order dated 23-02-2017 bearing No. SEIAA 30 CON 2011 has withdrawn the Environment Clearance and directed this Respondent ~~not take up any~~ construction activities in the project site. A copy of the order dated 23-02-2017 bearing No SEIAA 30 CON 2011 issued by the Respondent No. 3 is produced at Annexure-J. The Respondent No.4, KSPCB has, by an order dated 08.03.2017, withdrawn the Consent for Establishment issued by it for the Project of this Respondent. A copy of the withdrawal of Consent for Establishment issued by Respondent No.4 is herewith produced as Annexure-K. This respondent submits that after the revocation of the Environmental Clearance and Consent for Establishment, this respondent could not have and has not taken up any activity whatsoever within the Project Land.
12. It is submitted that earlier to the passing of order dated 16.04.2014 by this Hon'ble Tribunal, this Respondent had put up certain constructions in the project site which are stand still after passing of the aforesaid interim order. This Respondent is producing schematic sketch denoting the Primary Nala, Land of 3 acres 10 guntas which is fenced and in the possession of BDA along with the sketch of buildings which fall within the 75 meter buffer zone of Bellandur Lake and compliance achieved by this Respondent and the proposed compliance in order to ensure maintenance of 75 meter buffer zone. A copy of the schematic sketch is herewith produced at Annexure-L.



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13. It is submitted that, the Annexure-L gives a clear picture of the project, structures and their stage of completion and other details. Towards the Southern portion of the said property, exists Sarjapur Road dividing this Respondent's property and a small portion of Agara Lake. At the entrance of the Southern side at Point A, a temporary office is constructed. Thereafter towards the Eastern portion of the said site at Point B, eight storied building with three basements was under construction and stopped after the interim order dated 16.04.2014 was passed by this Hon'ble Tribunal. Thereafter, towards the North-Eastern sided at point C, only the building plinth with two basements are completed and no further constructions taken up. At point - D, ~~he construction is up to plinth level with two basements~~ was carried out but stopped upon receipt of the aforesaid interim order. In the North East area is the land belonging to Indian Army abutting site boundary at Point C and D has been fenced. However, these constructions i.e., at points B, C and D, are beyond the buffer of any lake. From the point E to F, (coloured) lies 3 acres, 10 guntas of lake land which is now fenced and in the possession of BDA. After the said lands, this Respondent has set aside 30 meters of buffer zone as per the Zonal Regulations and thereafter at point-G, put up a raft casting for building which construction was stopped after the interim order dated 16.04.2014. In fact, all the constructions are beyond 30 meters of buffer zone as prescribed by the Zonal Regulations and in compliance with the Plan sanctioned by the KIADB. However, a portion of this raft casting falls within 75 meters buffer zone from the alleged lake. As stated above, there is no lake in the project site or abutting the project of this respondent. In fact, in a land parcel where a portion of this construction now falling



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within 75 meters of buffer zone was excavated as per the earlier plan sanction by the Respondent No. 7 for the purpose of construction and had to stop the same at the plinth level due to the interim orders of this Hon'ble Tribunal. Since no construction activity or maintenance has been taken up in the said excavated portion after the aforesaid ex-parte interim order of the Tribunal, water is collected due to rain and seepage. If this respondent is required to demolish this portion of the building, then the entire building foundation has to be removed. It is not possible to remove only one part of the footing and retain the remaining for construction due to structural safety. However, in view of the status quo order passed by the Hon'ble Supreme Court and also subsequent revocation of the Environmental Clearance and Consent of Establishment, this Respondent has not been able to demolish the same. This respondent has been advised that any action even of demolition of a portion of the building may be construed as contempt of the Hon'ble Supreme Court.

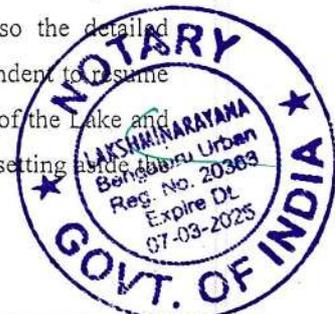
14. It is relevant to submit that as regards the raft casted basic structure shown at Point-G, structurally the building block is designed as a frame structure with interconnecting beams and columns, demolition of a portion of it randomly will affect the structural stability of the building.
15. It is submitted that this Respondent has complied with several of the direction/conditions imposed on it as per Order dated 04-05-2016. However, this respondent may in the interim be permitted to resume construction of the project by accepting the compliance already achieved, pending disposal of the appeal before the Hon'ble Supreme Court. This respondent may kindly permit the project



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proponent to resume construction beyond 75 meters from the edge of the lake on the Northern boundary and 50 meters from the edge of Raja Kaluve on the Western boundary till the disposal of the aforesaid Appeal before the Hon'ble Supreme Court by setting aside the order dated 23.02.2017 passed by the third respondent directing revocation of the Environmental Clearance and the Order dated 08.03.2017 issued by KSPCB withdrawing the Consent for Establishment. It is humbly submitted that the Order dated 04.05.2016 specifically directed R3 to issue a modified EC containing conditions contained in the order dated 04.05.2016 within four weeks so that the project proponent may continue with the compliance and construction. This respondent prays that all the licenses, consents, approvals, ~~permissions issued by various authorities may also be continued.~~ The approvals issued by the Authorities concerned were in abeyance since the interim order dated 16.04.2014 passed by the Chennai Bench of the Tribunal in the above matter which is continuing till the date. This respondent prays that the time elapsed on account of the interim order of the Hon'ble Tribunal may be excluded when permitting to proceed with the construction in the interim, based on the approvals, licenses, consents and permissions that existed for the Project before the date of interim order of the Tribunal.

WHEREFORE, the Respondent No.9., prays that the Hon'ble Tribunal may be pleased to accept the Compliance Statement filed by it on 19.03.18 and also the detailed statement made as above, permit this respondent to resume construction after the 75 meter buffer zone of the Lake and 50 meter buffer zone of the Rajakaluve, by setting

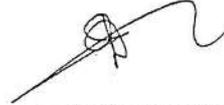


703

order of revocation of Environmental Clearance dated 23.02.2017, issued by the State Level Environment Impact Assessment Authority – Karnataka and the Order dated 04.03.2018 withdrawing the Consent for Establishment passed by the Karnataka Pollution Control Board and validating all the consents, approvals, permissions, licenses and orders as it existed on 16.04.2014, being the date of interim order passed in the above matter, in the light of the Order of the Hon'ble Supreme Court in Civil Appeal 5016/2016., in the interest of justice and equity.

Dated: 16-05-2018

Place : New Delhi



Advocate for Respondent No. 9



704

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI  
Original Application No.222 of 2014

IN THE MATTER OF:-

The Forward Foundation & Ors., ..... Applicants

-VERSUS-

The State of Karnataka & Ors., ..... Respondents

AFFIDAVIT

I, Girish Gupta H.S. S/o. Sri. Satyanarayan, Aged about 51 years, office at Mantri House, No.41, Vittal Mallya Road, Bangalore 560 001, Karnataka State, do hereby solemnly affirm and declare as follows:-

1. That I am the authorized representative of the Applicant-Mantri Techzone Pvt., Ltd, I know the facts and circumstances of the case on the basis of the records in the office of the Applicant and therefore, I am competent and duly authorized to swear and affirm to the contents of this affidavit.
2. That the accompanying Statement of compliance, contains of Statement of facts and prayer have been drawn by my Advocate under my instructions. I have read and understood the contents of the above said and I say that the same are true and correct to my knowledge and belief and I believe the same to be true.
3. That the Annexure enclosed with the Statement of Objection are true copies of their respective originals.

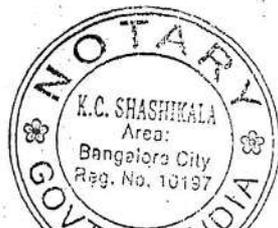
*(Signature)*

DEPONENT

VERIFICATION:-I, Girish Gupta H.S. S/o. Sri. Satyanarayan, the deponent, do hereby verify that the contents of Para-1 to Para-3 of above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from. Solemnly affirmed on this 16<sup>th</sup> day of May, 2018 at Bengaluru City.

*(Signature)*

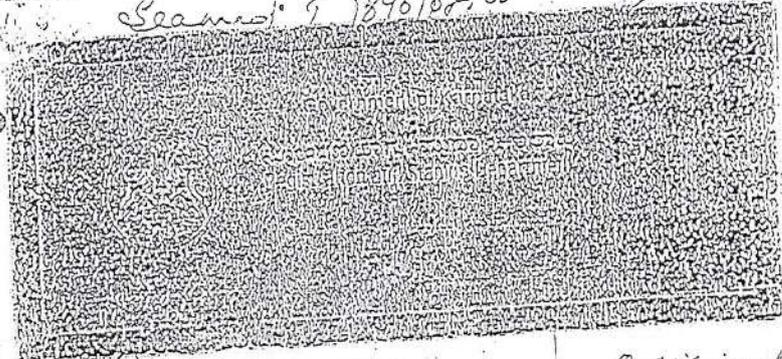
DEPONENT



ANNEXURE-A

Serial No. 5 1896/07.08

705



1896/07.08

BNG(U)-BMH/1896/2007-08

Original 1896/07.08

Agreement made at Bangalore the Thirtieth day of June month Two Thousand Seven between the Karnataka Industrial Areas Development Board having its Head Office at No. 14/3, 4th Floor, Rasthathana Parishath Building, Nrupathunga Road, Bangalore-560001 represented by Sri. K H V Babu, Assistant Secretary, hereinafter called the 'lessor' (which term shall wherever the context so permits, mean and include its successors in interest) of the one part AND Mrs Manipal-ETA Infotech Ltd., Regd. Off: Mantri House, No.41, Vittal Mallya Road, Bangalore-560 001 represented by Sri. SUSHIL MANTRI, DIRECTOR, hereinafter called the 'lessee' (which term shall wherever the context so permits, mean and include his/her/his heirs, executors, administrators, assignee and legal representatives) of the other part.

Whereas the lessee has applied to the lessor for allotment of land for setting up of an industrial infrastructure project, and in pursuance thereof the lessor has agreed to lease the plot of land herein described in the terms and conditions herein contained.

Now it is hereby agreed between the parties as follows:

- a) The lessee has paid to the lessor a sum of Rs. 22,05,000/- (Twenty-two crore five lakh eighty-four thousand three hundred and seventy five only) towards the allotment consideration, fixed tentatively, the receipt of which is hereby confirmed by the lessor.
- b) In consideration of the above sum and of the rent hereby reserved and performance of covenants and conditions on the part of the lessee hereinafter contained, the lessor hereby conveys to the lessee by way of lease a plot of land in Agara village, Begur Hobli, Bangalore South Taluk, Bangalore District, known as Sy. Nos:

For MANIPAL ETA INFOTECH LTD.  
DIRECTOR / AUTHORIZED SIGNATORY

(K.H.V. Babu)  
Assistant Secretary  
KIADE, Bangalore-560 001

ISSUED UNDER RTI ACT 2005





<translated copy of page no. 61>

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Document No. P-2300

In the office of the Sub-Registrar Bommanahalli, dated 30.06.2007 at 05:14:30 PM, along with fee as detailed hereinbelow

Sl. No.	Description	Rs.	P.
1.	Registration fee	2206000.00	
2.	Scanning fee	630.00	
3.	Scanning fee	30.00	
4.	Map filing fee	100.00	
	Total	2206760.00	

Presented by M/s Manipal-ETA infotech limited represented by director Sushil Mantri.

Name	Photo	Thumb Imression	Signature
M/s Manipal-ETA infotech limited represented by director Sushil Mantri.			signature

Signed

Senior Sub registrar

Bommanahalli, Bangalore City.

Agrees to have transferred

Sl. No.	Name	Photo	Thumb Impression	Signature
	M/s Manipal-ETA infotech limited represented by director Sushil Mantri			signature

Signed

Senior Sub registrar

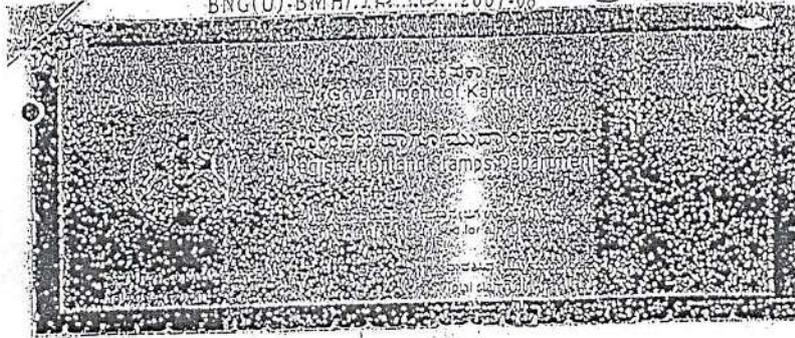
Bommanahalli, Bangalore City



708

BNG(U)-BMH/13416...2007-08

3-22



Sl.NO	Sy.NO	Extent A-G
1.	9/1P,12P,13/11 P	1-35
2.	9/2	0-09
3.	9/3	0-09
4.	9/4	0-09
5.	9/5	0-09
6.	9/6	0-09
7.	9/7	0-17
8.	9/8	0-26
9.	9/9	0-09
10.	10/P	0-04
11.	13/1	0-07
12.	13/2	0-08
13.	13/3	0-08
14.	13/4	0-08
15.	13/5	0-17
16.	13/6	0-04
17.	13/7	0-05
18.	13/8	0-04
19.	13/9	0-12
20.	13/10	0-09
21.	13/12	0-07
22.	13/13	0-06
23.	13/14	0-03
24.	13/15	0-09
25.	13/16	0-04
26.	13/17	0-03
27.	13/18	0-07

SLNO	Sy.NO	Extent A-G
28.	13/19	0-06
29.	13/20	0-03
30.	13/21	0-17
31.	14	2-21
32.	15/1A	0-19
33.	15/1B	0-19
34.	15/2	0-07
35.	15/3	0-16
36.	15/4	0-16
37.	15/5	0-16
38.	15/6	0-16
39.	15/7	0-07
40.	15/8	0-07
41.	15/9	0-08
42.	15/10	0-14
43.	15/11	0-14
44.	15/12	0-10
45.	15/13	0-05
46.	15/14	0-02
47.	15/15	0-01
48.	15/16	0-01
49.	15/17	0-01
50.	15/18	0-01
51.	15/19	0-02
52.	15/20	0-02
53.	15/21	0-04
54.	15/22	0-03

For MANIPAL ETA INFOTECH LTD.  
 DIRECTOR / AUTHORISED SIGNATORY

(K.H.V. Babu)  
 Assistant Secretary  
 KANR Bengaluru-560 001



709

1	ಬೆಂಗಳೂರು ನಗರ Rajkumar No 41, V.M. Road, Bangalore	
2	ಮುರಲಿ No 45, Kalamangala, Bangalore	

ಬೆಂಗಳೂರು ನಗರ  
ಮುರಲಿ  
No 45, Kalamangala, Bangalore

This document kept pending for time out

Designed and Developed by C-DAC, AICTE, Pune

ಬೆಂಗಳೂರು ನಗರ  
ಮುರಲಿ  
No 45, Kalamangala, Bangalore

BNG(U)-BMHI, 1896 2007-08

4-02



ISSUED UNDER RTI ACT 2005



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Sl. No.	Name and Address	Signature
1	Rajkumar No. 41 VM Road Bangalore	
2	Murali No. 45 Koramangala Bangalore	

Signed

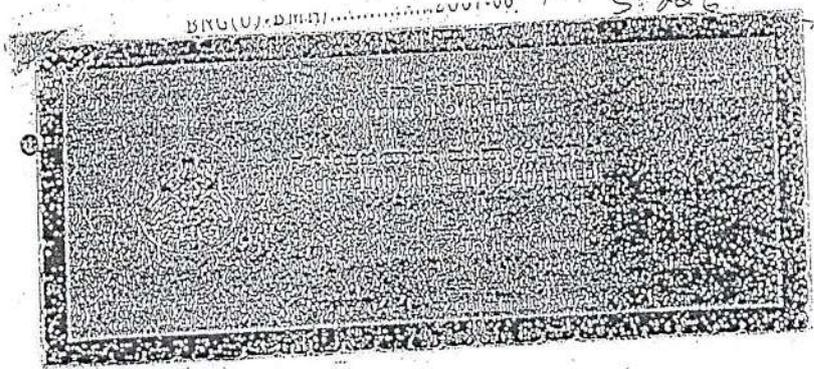
Senior Sub registrar

Bommanahalli, Bangalore City

This document kept pending for time out



BING(U)-D(11-17).....2007-00 **711** **5726**



55.	15/23	0-03
56.	15/24	0-13
57.	15/25	0-02
58.	16/1P	0-08
59.	17	3-02
60.	18/1	0-13
61.	18/2	0-26
62.	18/3	0-14
63.	19/1	0-32
64.	20/1	0-14
65.	20/2P	0-07
66.	20/3	0-27
67.	21/1A	1-14
68.	21/1B	1-15
69.	21/2	0-28
70.	21/3	0-26
71.	21/4	0-38
72.	22	2-05
73.	23	0-18
74.	24	3-32

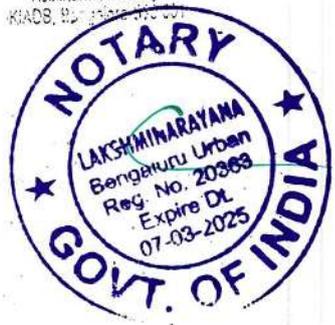
75.	25	1-00
76.	27	1-30
77.	28/1	2-07
78.	28/2	0-15
79.	29/P	0-09
80.	30/1AP	0-12 1/2
81.	30/1BP	0-03
82.	30/2P	0-10
83.	30/3P	0-10
84.	33/P	0-16
85.	40/P	7-35
86.	41/P	3-20
87.	42/P	2-17
88.	44	1-02
89.	45	0-28
90.	46	0-20
91.	47	1-29
92.	48	2-09
93.	49	0-25
94.	50	2-28
Total		63-2-12

and land in Jakkasandra village, Begur Hobli, Bangalore South Taluk, Bangalore District, known as 'Sy. Nos.;

Sl.No	Sy.No	Extent A-G
1.	7P	0-35

For MANIPAL ETA INFOTECH LTD.  
 DIRECTOR / AUTHORISED SIGNATORY

ISSUED UNDER  
 (K.H.V. Babu)  
 Assistant Secretary  
 KAAD, B...



712

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ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
ಪೊಸ್ಟಲ್ ಮತ್ತು ನೋಂದಣಿ ಇಲಾಖೆ  
Department of Stamps and Registration

ವ್ಯವಹಾರ ಪತ್ರ

1957 ರ ಕರ್ನಾಟಕ ಮುದ್ರಾಂಕ ನಿಯಮ ಕ್ರಮ 10, ಎ ಅಡಿಯಲ್ಲಿಯ ವ್ಯವಹಾರ ಪತ್ರ

ಶ್ರೀ M/s Manipal-ETA Infotec Ltd Rep by Its Director Sushil Mantri, ಇವರು 16543875.00  
ರೂಪಾಯಿಗಳನ್ನು ನಿರಂತರ ಮುದ್ರಾಂಕ ಶುಲ್ಕವಾಗಿ ಪಾವತಿಸುವುದನ್ನು ದೃಢೀಕರಿಸುವುದು

ವ್ಯವಹಾರ	ಮೊತ್ತ (ರೂ.)	ಪಾವತಿಸಿದ ದಿನಾಂಕ
ಇತರ ಲ್ಯಾಂಟ್ ಡಿ.ಡಿ.	16543875.00	DD No.303248 Dated 30/06/2007 ICICI Bank Ltd Bangalore
ಒಟ್ಟು:	16543875.00	

ವ್ಯವಹಾರ : ಪೂಜ್ಯ ಸಹಕಾರಿ  
ದಿನಾಂಕ : 30/06/2007

ಹಾಗೆ 30/6/07

ಉಪ-ನೋಂದಣಿ ಮತ್ತು ಮುದ್ರಾಂಕ ಅಧಿಕಾರಿ  
ಹರಿಯೂರು ಉಪನೋಂದಣಿ ಕಛೇರಿ  
ಪೂಜ್ಯನಹಳ್ಳಿ, ಬೆಂಗಳೂರು ನಗರ ಪಟ್ಟಣ

Designed and Developed by C-DAC ACIS Pune

ISSUED UNDER ACT 2005



Translated Copy of  
Government of Karnataka

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Department of Stamps and Registration

Certificate

Under Section 10 A of the Karnataka Stamp Act, 1957

Payment of Rs. 16543875.00 by M/s Manipal-ETA Infotec Ltd. Rep by its Director Sushil Mantri, is confirmed.

Mode	Amount	Details of deposit of money
D.D. of other bank	16543875.00	DD No 303248 dated 30.06.2007 ICICI Bank Ltd. Bangalore
Total	16543875.00	

Place: Bommanahalli

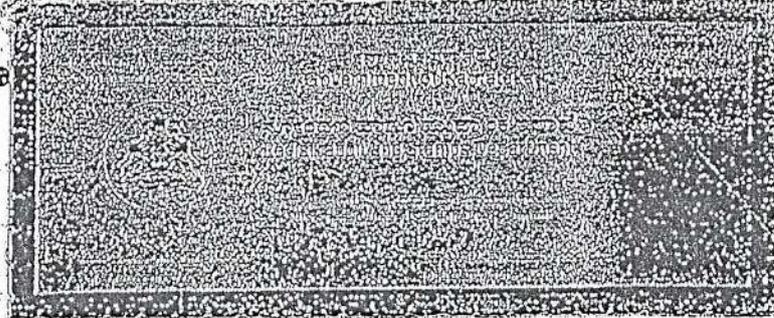
Date: 30.06.2007

Sub registrar and authorized officer



BNG(U)-BMH/1896/2007-08

7-22 714



totally admeasuring 63 acres 37 1/2 guntas or thereabouts and more fully described in the First Schedule hereunder written and delineated on the plan annexed hereto and surrounded thereon by red color boundary line, together with all rights, easements and appurtenants thereto belonging EXCEPT AND RESERVING unto the lessor all mines and minerals in or under the said land or any part thereof (hereinafter referred to as the 'Schedule Property') and the lessee shall hold the Schedule Property so conveyed commencing from Twenty Ninth day of June month Two Thousand Seven on the terms conditions and tenure herein provided.

c) The conveyance of the Schedule Property to the lessee is on lease for a term of Eleven years.

d) Both during the subsistence of the lease period and also thereafter, that is during the interregnum between the expiry of the lease period and the execution of the sale deed, the lessee shall pay to the lessor yearly rent of Rs. 100/- (Rupees Hundred only) per acre per annum on the Twenty Ninth day of June month each and every year.

Provided always that in case the lessee fails to pay the said rent on or before the date stipulated, the lessee shall pay to the lessor simple interest per annum @ 2% over and above the prime lending rate of the State Bank of India or such other rates as may be fixed by the lessor from time to time on the rent due.

2. The lessee shall pay all existing and future taxes, rates, assessments and out goings of every description in respect of the Schedule Property from the date on which possession of the Schedule Property is handed over to the lessee and to the period of lease thereafter.

3. The lessee shall neither make any excavation in or upon any part of the Schedule Property nor it shall remove any stone, sand, gravel, clay or earth there from except for the purposes of either forming foundations of building

MINERAL TECHNOTECH LTD.

ISSUED UNDER RTI ACT 2005



BNG(U)-BMH/1846.2007-08

715

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This document registered along with duplicate, there is no difference between the original and duplicate.

Ordered for registration.

ಎಂ.ಎ. ಉಪನಿರ್ದೇಶಕರಿಗೆ  
ಬೆಂಗಳೂರು ನಗರ ಪಂಚಾಯತ್, ಬೆಂಗಳೂರು ನಗರ ಪಂಚಾಯತ್

ಎಂ.ಎ. ಉಪನಿರ್ದೇಶಕರಿಗೆ  
ಬೆಂಗಳೂರು ನಗರ ಪಂಚಾಯತ್

1 ನೇ ಸ್ತರದ ದಾಖಲೆ  
ಸಂಖ್ಯೆ BMH-1-01846-2007-08 ಎ/ಎ  
ಒ.ಎ. ಸಂಖ್ಯೆ BMHD326 ರೇ ಛಾಪು  
ದಿನಾಂಕ 02-07-2007 ರಂದು ಸೀಲಮುದ್ರಿಸಲಾಗಿದೆ

ಎಂ.ಎ. ಉಪನಿರ್ದೇಶಕರಿಗೆ  
ಬೆಂಗಳೂರು ನಗರ ಪಂಚಾಯತ್



Designed and Developed by C-DAC, ACIS, Pune

ಜಿಲ್ಲಾ ನೋಟರಿಯ  
ಎಂ.ಎ. ಉಪನಿರ್ದೇಶಕರಿಗೆ  
ಬೆಂಗಳೂರು ನಗರ ಪಂಚಾಯತ್

I certify that on production of the Original Document, I have satisfied myself that the Stamp duty of Rs 1,875/- has been paid thereon vide document 1846/ 2007-08 CD.No BMHD 326 Of Book 1 Dated 02/07/2007 read in the Office of the Sub Registrar Bommanahalli, Bangalore



ISSUED UNDER RTI ACT 2005

ಎಂ.ಎ. ಉಪನಿರ್ದೇಶಕರಿಗೆ  
ಬೆಂಗಳೂರು ನಗರ ಪಂಚಾಯತ್

ISSUED UNDER RTI ACT 2005



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<translated version of page no. 70>

BNG(U)-BMH/846 2007-08

This document registered along with duplicate. There is no difference between the original and duplicate.

Senior Sub-registrar

Bommanahalli, Bangalore City

Ordered for registration

Document of the first book  
Number BMH-1-01896-2007-08  
C.D. Number BMHD 326  
Registered on 02.07.2007

Copy Certify that on production of the Original Document, I have satisfied myself that the Stamp duty of Rs. 8,875/- has been paid thereon vide document 1896/2007-08 CD No BMHD 326 of Book 1 Dated 02/07/2007 registered in the office of the Sub Registrar Bommanahalli, Bangalore.

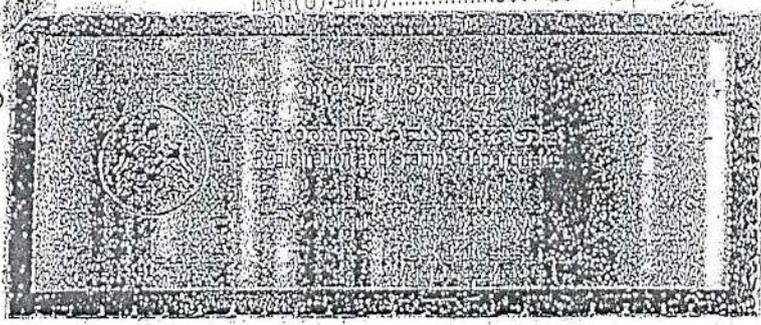
Senior Sub Registrar

Bommanahalli, Bangalore City District



BNG(U)-BMH/...2007.08

7-33



or executing any civil construction work or related activities in pursuance of this agreement.

The Lessee shall ~~not~~ ~~close~~ the ~~valley~~ ~~if~~ any, running across the Schedule property till such time a suitable alternative for the drainage with the prior approval of the Lessor is devised and implemented. The decision of the Lessor in this behalf shall be final and binding on the Lessee.

5. The lessee shall not construct any building or erect any structure on any portion of the Schedule Property except on complying with the following:

- a) After getting the building drawings duly approved by the lessor.
- b) As per the building regulations stipulated by the lessor in Second Schedule.

6. After the construction of buildings, the lessee shall not make any modifications to existing structures or additions to the facade or alterations of building or to the architectural features thereof except with the prior approval of the lessor in writing.



- a) The lessee shall maintain the Schedule Property and the buildings erected there on in good repairs and conditions to the satisfaction of the lessor.
- b) The lessee, in respect of the Schedule Property, shall observe and conform to all rules, regulations and bylaws of the local authority concerned or any other statutory regulations in force relating to public health and sanitation.

7. The lessee shall permit the lessor and officers, surveyors or others employed by it at all reasonable time of the day during the term hereby granted after a week's previous notice to enter into or upon the Schedule Property to inspect the implementation of the project and compliance of any of the terms and conditions of the lease hereby granted.

For MANIPAL ETE/INFOTECH LTD:  
DIRECTOR / AUTHORIZED SIGNATORY

ISSUED UNDER RTI ACT (KRSV. Babu)  
Assistant Secretary



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10-22

ಕೆ.ಆರ್.1202024/11

ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
ನೋಂದಣಿ ಮತ್ತು ಮುದ್ರಣ ಇಲಾಖೆ  
Department of Stamps and Registration

ಪ್ರಮಾಣ ಪತ್ರ  
1957 ಆ ಕರ್ನಾಟಕ ಮುದ್ರಣ ನಿಯಮ ಕೂ 10 ಎ ಅನ್ವಯಿಸುವ ಪ್ರಮಾಣ ಪತ್ರ  
( ನಿಯಮ 10-A )

ಶ್ರೀ /ಶ್ರೀಮತಿ M/s Manidol-ETA Infotec Ltd Rep by Its Director Sushil Mantri, ಇವರು 50.00 ರೂಪಾಯಿಗಳನ್ನು ನಗರ ಮುದ್ರಣ ಶುಲ್ಕವಾಗಿ ಪಾವತಿಸುವುದನ್ನು ದೃಢೀಕರಿಸಲಾಗಿದೆ

ವರ್ಗ	ನಿರತ (ರೂ.)	ತರದ ಪಾವತಿಯ ವಿವರ
ಮುದ್ರಣ ಶುಲ್ಕ	50.00	Paid by Cash
ಒಟ್ಟು :	50.00	

ಸ್ಥಳ : ಬೆಂಗಳೂರು  
ದಿನಾಂಕ : 02/07/2007

*(Signature)*  
 ನಗರ ಮುದ್ರಣ ಮತ್ತು ಮುದ್ರಣ ಇಲಾಖೆ  
 (ಬೆಂಗಳೂರು)  
 ನೋಂದಣಿ ಮತ್ತು ಮುದ್ರಣ ಇಲಾಖೆ  
 ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ

Designed and Developed by C. DAC, ACIS Pune.

ISSUED UNDER RTI ACT 2005



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"Translated Copy" of F.C.

Government of Karnataka

Department of Stamps and Registration

Certificate

Under Section 10A of the Karnataka Stamp Act, 1957

(Rule 10-A)

It is certified that M/s. Manipal-ETA Infotech Ltd. Rep. by its Director Sushil Mantri was paid a payment of Rs.50/- as stamp fee.

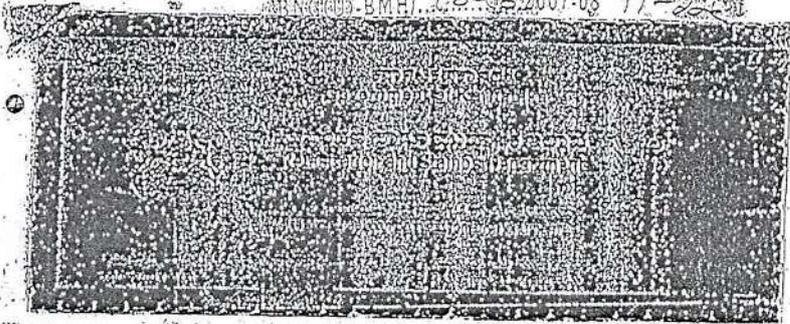
Mode	Amount (Rs.)	Details of deposit of money
Stamp fee	50.00	Paid by cash
Total		50.00

Place: Bommanahalli  
Date: 02/07/2007

Sd/-  
Sub-Registrar and Authorized Officer  
(Bommanahalli)  
Senior Sub-Registrar,  
Bommanahalli, Bangalore City District



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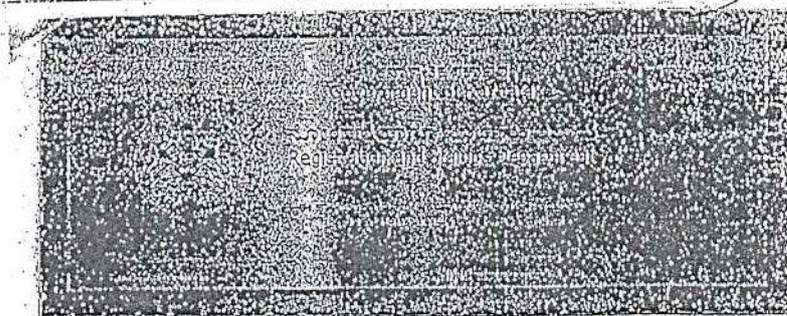
- 8. (a) The lessee shall use the Schedule Property only for the purpose of establishment of Information Technology Park, R&D Centre, In built residential complex, Parks, open spaces, education Centre, Hotel, Service Apartments & Shopping Centre etc or establishing any other infrastructure industry permissible under the Law, after obtaining prior approval of the lessor, without creating any nuisance, annoyance and disturbance to the owners, occupiers or residents of other premises in the vicinity and the lessee shall observe and conform to rules, regulations and guidelines as framed by the Department of Ecology and Environment, Karnataka State Pollution Control Board and other competent and jurisdictional authorities with regard to prevention of water, air and noise pollution.
- (b) It shall be mandatory for the lessee to obtain clearance for the project from Karnataka State Pollution Control Board before commencement of approved project.
- 9. The lessee shall keep the Schedule Property and the contents existing thereon insured in the name of the lessee against any damage or destruction as per the statutory norms or in compliance with obligations to financial institutions and banks who may have lent moneys for the purpose of erection of factory building, plant and machinery.
- 10. (a) The lessor may, if the lessee so desires, shall permit implementation of the project in a phased manner, but not exceeding in three phases, in accordance with the time schedule prescribed as under:

For MANIPAL ETA INFOTECH LTD.  
 \_\_\_\_\_  
 DIRECTOR / AUTHORIZED SIGNATORY

\_\_\_\_\_ (K.H.V. Babu)  
 ISSUED UNDER RTI Assistant Secretary  
 KIADB, Bangalore-560 001



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Phase No.	For approval of building plans	To commence civil works	To complete the civil works & Implement the project
I Phase	3 months from the date of taking possession of schedule property	6 months from the date of approval of building plans	36 months from the date of taking possession of schedule property
II Phase	Within 3 months after the expiry of initial 36 months.	6 months from the date of approval of building plans	54 months from the date of taking possession of schedule property
Final Phase	Within 3 months after the expiry of 54 months	3 months from the date of approval of building plans	72 months from the date of taking possession of schedule property
I & II and final phases	Amendment suggested on 8/10-03 Provide: In the event of Lessee submitting the building plans for approval within the time prescribed as above, the computation of time schedule for implementing the projects, for all the phases, shall be reckoned from the date of approval of the building plans.		

b) The Lessee with regard to civil constructions, installation of machineries and implementation of the industrial infrastructure project shall obtain necessary licenses/clearances/Approvals from the concerned, such as: Government of India, State Government, Local Bodies, Statutory Bodies etc., wherever required in accordance with law.

c) If the Lessee fails to adhere to the time schedule, as prescribed above, the lessor may, taking into consideration the effective steps taken, such as sanction of loan and execution of documents with financial institutions.

For MANIPAL EYE INFOTECH LTD.

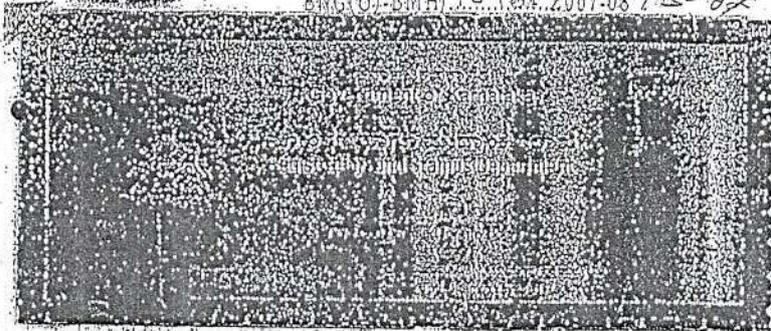
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 AUTHORIZED SIGNATORY

\_\_\_\_\_  
 (K.H.V. Babu)  
 Assistant Secretary



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MANIPAL INFOTECH LTD. 2007-08



obtaining clearance from RESCOMMESCOM/GESCOM/IESCOM, and KSPCB and also licenses from the competent authority and continuous construction activities after the approval of building plans, at its discretion extend the time in writing, by imposing penalty. The decision of the Lessor in this behalf shall be final and binding on the Lessee.

9) The Lessor shall have the right to terminate the lease and resume the possession of the schedule property or any part thereof, in the event the Lessee has failed to implement the project, within the stipulated period, or, extended period, if any.

11. (a) On written request from the lessee, the lessor may permit the sub lease of leasehold rights of the scheduled property or any part thereof in favour of a project developer solely for the construction of buildings and allied purposes in pursuance of the implementation of the project as cleared by the Government in the C&I Department or any other agency constituted by it in this behalf.

(b) The lessee may mortgage the right, title and interest in the Schedule Property after obtaining consent in writing from the lessor to secure loans for erection of building plant and machinery on the schedule property or to avail working capital facilities for the purposes of the project on the schedule property from financial institutions and banks.

12. The lessee shall not change the constitution/status of its firm/company (proprietary or partnership, registered or unregistered) or private limited company or unlimited company without the previous written consent of the lessor.

Explanation: For the purpose of this Clause, the word "firm/ company" means and includes any body Corporate, like a company registered under the Companies Act, Partnership firm, Association or Society registered under the Societies Registration Act-1960, Trust etc.,

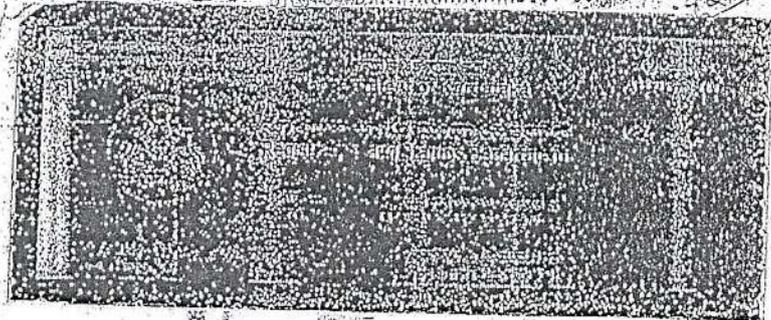
13. In the event of the lessee's death the person to whom the title has been transferred as heir or otherwise shall cause notice thereof to be given to

For MANIPAL INFOTECH LTD.

ISSUED UNDER RTI ACT 2005 (K.H.V Babu)



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the lessor, within three months from such death. The Survivors and his/her or heirs of the allottee concerned would acquire the same lease-hold rights over the property, as the original allottee had in schedule property, but only after the determination of the claims and counter claims by the Lessor. If the claims and counter claims are of complicated nature, it is open to the Lessor to call upon the claimants and counter claimants to approach a competent Civil Court for the purpose of getting the matter adjudicated.

14. The lessor shall be entitled to determine the lease hereby granted and to resume the possession of the whole of the Schedule Property or any part thereof, if and whenever there is breach of any of the covenants and obligations contained herein by the lessee, after due notice to the lessee as under:

- a) One hundred and twenty days notice, under intimation to the financial institutions or banks, for remedying such breach or breaches in respect of cases wherein the lessee has permitted the lessee to mortgage the lease hold rights of the Schedule Property in favour of any financial institutions or banks to raise the funds for implementing the approved industrial project.
- b) Thirty days notice, in respect of other cases where no such permission was given as mentioned in sub-clause (a) above and the lessee has not got the building plans approved by the lessor or failed to commence the constructions even after the building plans are approved by the lessor or, where the building project is yet to be implemented fully.

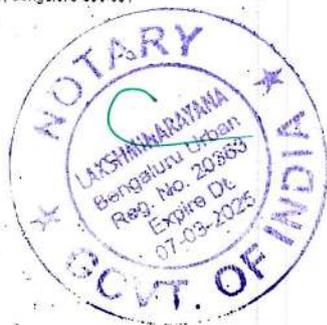
The lessor reserves the right to resume the land required for the purpose of providing common corridors, arterial roads and layout roads, as per the master plan developed for industrial development of the area or as per the C.D.P. of the B.D.A./Local Planning Authority and in that event the lessee shall be entitled to the refund of the proportional amount paid towards the cost of the land.

ISSUED UNDER RTI ACT 2000

For MANIPAL ETA INFOTECH LTD. - 9 -

DIRECTOR / AUTHORIZED SIGNATORY

*K.H.V. Babu*  
(K.H.V. Babu)  
Assistant Secretary  
KIADB, Bangalore-560 001



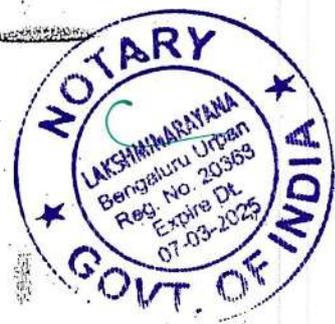
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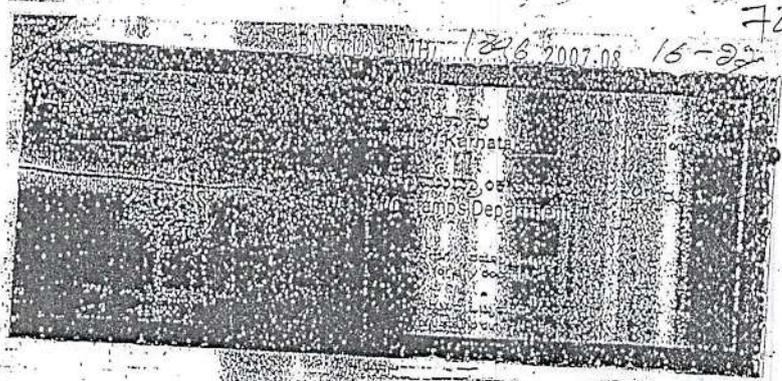


- 15. On determination of the lease and resumption of the scheduled property or any part thereof, the lessor shall forfeit 25% of the allotment consideration paid together with rents payable, interest due and payable on the unpaid rents and earnest money deposit and the residuary amount would be paid to the lessee. In such of the cases wherein the amount towards allotment consideration or part of the allotment consideration has been paid directly by the financial institutions / banks, to the lessor, the amounts paid by such of the financial institutions / banks towards the allotment consideration or part of allotment consideration shall be refunded to them and out of the remaining amount not exceeding 25% of the allotment consideration together with the rents and maintenance charges due and payable, interest due and payable on the unpaid rents and earnest money deposit shall be forfeited to the lessor. The lessee shall not be entitled for the payment of any compensation by the lessor on account of building constructed or any improvements made on the Schedule Property.
- 16. Notwithstanding any such default, the lessor may at its discretion extend the period of lease at the cost and expense of the lessee on payment of rent mentioned herein before and subject to the same covenants, provisions and stipulations herein contained.
- 17. The lessor may at its discretion consider the request of the lessee for the transfer of leasehold rights of schedule property in favour of a new entrepreneur as identified by the lessee during the currency of lease imposing such terms and conditions as decided by the lessor from time to time in this regard.
- 18. The lessor may accept the voluntary surrender of schedule property by the lessee on such terms and conditions as decided by the lessor from time to time in this regard.
- 19. (a) The lessee, in the industrial units to be established in the schedule property, shall create maximum possible employment opportunities and

For MANIPAL ET INFOTECH LTD.

ISSUED UNDER RTI ACT 20





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provide minimum of 60% of the employment to the Kannadigas on an overall basis, however, the lessee shall reserve 100% of the jobs to Kannadigas in case of group C and D categories (persons who are living in the state for the past fifteen years and who possess the knowledge of reading and writing of Kannada are considered as Kannadigas).

(b) The lessee, in the industrial units to be established in the schedule property, shall employ only Kannadigas for the post of Personnel Officer.

(c) The lessee, in employing skilled and unskilled labour, in the industrial units to be established in the schedule property, shall as far as possible give preference to the members of the families of the landowners whose lands have been acquired for the purpose of formation of industrial areas subject to their eligibility as per the qualifications prescribed for the job.

20. In case of Lessor incurring payment of additional amounts towards the makies and structures, in addition to the compensation awarded to the lands, or, in case of enhancement of compensation by the Competent Court of Law, the lessor will return the value of the schedule property at which it is sold to the lessee and communicate it to the lessee and the decision of the lessor in this regard will be final and binding on the lessee. The lessee shall pay the balance value of property if any, after adjusting the allotment consideration and such money deposit excluding rents and interest and penalties levied, to be paid by him within one month from the date of receipt of communication from the lessor. However, in case there is no additional payment or enhancement of compensation by the competent Court of Law, the final sale consideration, consideration indicated in Clause-1 shall be final sale consideration.

21. (a) The Lessor shall sell the schedule property to the Lessee during the currency of the lease period or at the end of eleven years referred to in Clause-1 (c) of the extended period, if any, if the lessee has performed all the conditions herein contained and committed no breach thereof and all attendant expenses in connection with such sale as stamps duty, registration charges etc., shall be borne by the lessee.

ISSUED UNDER RTI ACT 2005

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For MANIPAL ETM INFOTECH LTD.

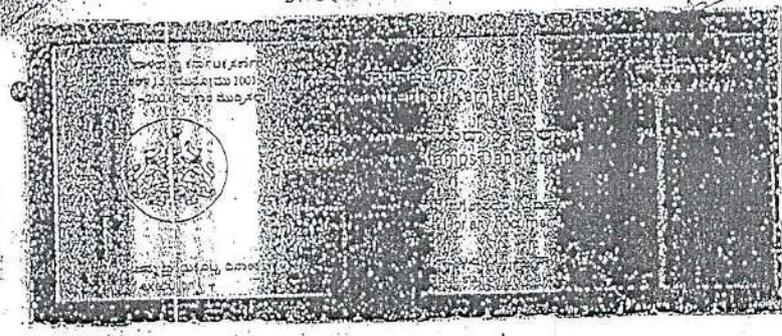
(K.H.V. Babu)  
Assistant Secy.



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- b) Subject to the provisions contained in Sub-Clause-(a) above the Lessor may consider execution of sale deed for a portion of the schedule property provided the compactness of the schedule property is not affected and the remaining schedule property has proper approach road facilities.
- 22. The Lessee hereby also confirm that this agreement shall be subject to the provisions of the Karnataka Industrial Areas Development Act: 1966 (Act No: 13 of 1966), the Rules and the Regulations made there under.
- 23. If the Lessor incurs any expenditure arising from legal proceedings, in respect of the schedule property, whether initiated by the Lessor or Lessee, or, a third party, the expenditure shall be debited from the Lessee's account.
- 24. The lessee shall implement the project by way of commencement within a period of 2 years from the date of execution of lease cum sale agreement and thereafter complete the project in phases within a period of 6 years. In case the lessee fails to commence the project within the period of 2 years, then the allotment so made shall be liable for cancellation.
- 25. The lessee shall upgrade 2 kms. Ring Road to the end road and build underpass & over bridge near the project area.
- 26. The lessee shall utilize the land as per COP.
- 27. The terms and conditions of allotment letter, dated 28-06-2007 bearing No: IADB/SUC-14976/4345/07-08, insofar as they do not contradict the covenants prescribed herein, are to be treated as part and parcel of this agreement.

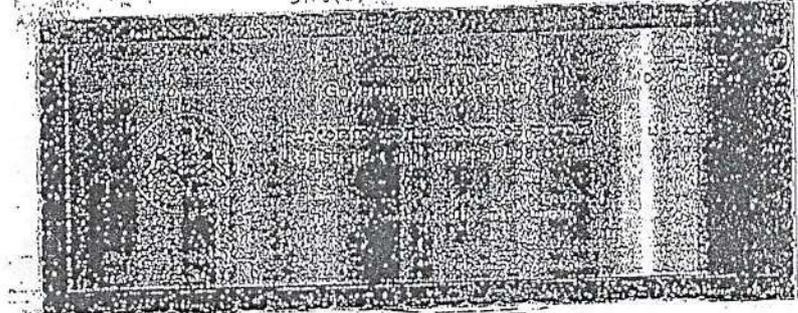
IN WITNESS WHEREOF The Karnataka Industrial Areas Development Board hath caused Assistant Secretary Karnataka Industrial Areas Development Board to set his/her hand and affix the official seal hereto on their behalf and the Lessee has set his/her hand and seal thereto the day and year first above written.

For MANIPAL INFOTECH LTD. ISSUED UNDER RTI ACT 2007  
 (R.H.V. Babu)  
 Assistant Secretary  
 IADB, Bangalore-560 011



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BN(U)-BN-4 (2006) 2007-08 18-28



**FIRST SCHEDULE  
(DESCRIPTION OF LAND)**

All that piece of land in Agara village, Begur Hobli, Bangalore South Taluk, Bangalore District, known as Sy.Nos:

Sl.No	Sy.NO	Extent A-G
1.	9/1P,12P,13/11 P	0-35
2.	9/2	0-09
3.	9/3	0-09
4.	9/4	0-09
5.	9/5	0-09
6.	9/6	0-09
7.	9/7	0-17
8.	9/8	0-25
9.	9/9	0-09
10.	10/P	0-04
11.	13/1	0-07
12.	13/2	0-08
13.	13/3	0-08
14.	13/4	0-08
15.	13/5	0-17
16.	13/6	0-04
17.	13/7	0-05
18.	13/8	0-04
19.	13/9	0-12
20.	13/10	0-09
21.	13/12	0-07

SL.NO	Sy.NO	Extent A-G
22.	13/13	0-06
23.	13/14	0-03
24.	13/15	0-09
25.	13/16	0-04
26.	13/17	0-03
27.	13/18	0-07
28.	13/19	0-06
29.	13/20	0-03
30.	13/21	0-17
31.	14/1	0-21
32.	15/1A	0-19
33.	15/1B	0-19
34.	15/2	0-07
35.	15/3	0-16
36.	15/4	0-16
37.	15/5	0-16
38.	15/6	0-16
39.	15/7	0-07
40.	15/8	0-07
41.	15/9	0-08
42.	15/10	0-14

For MANIPAL ETA INFOTECH LTD.

DIRECTOR / AUTHORIZED SIGNATORY

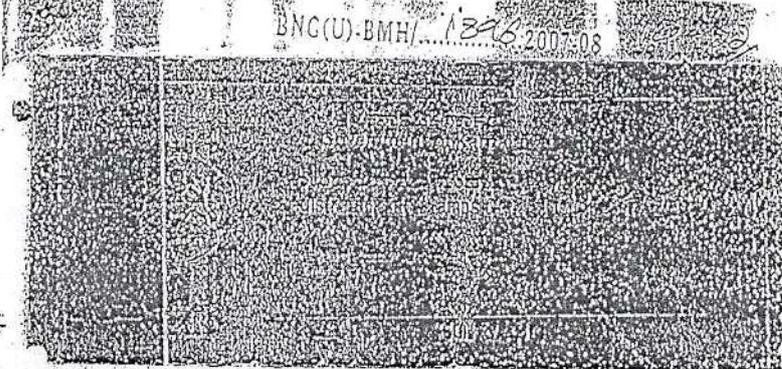
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(K.H.V. Babu)  
Assistant Secretary



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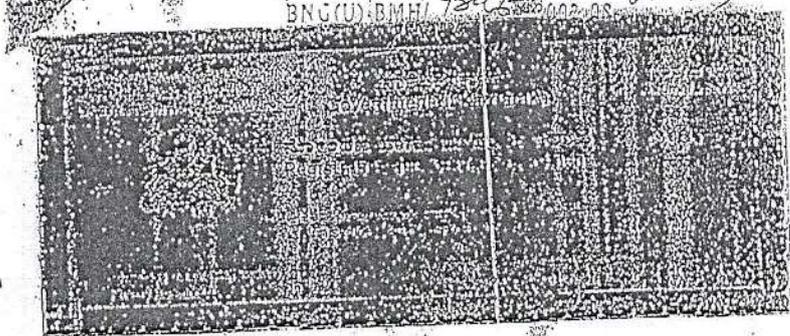
Sl.No	Sy.NO	Extent	Sl.No	Sy.NO	Extent
43.	15/11	0-14	69.	21/2	0-28
44.	15/12	0-10	70.	21/3	0-26
45.	15/13	0-05	71.	21/4	0-38
46.	15/14	0-02	72.	22	2-05
47.	15/15	0-01	73.	23	0-18
48.	15/16	0-01	74.	24	3-32
49.	15/17	0-01	75.	25	1-00
50.	15/18	0-01	76.	27	1-30
51.	15/19	0-02	77.	28/1	2-07
52.	15/20	0-02	78.	28/2	0-15
53.	15/21	0-04	79.	29/1	0-09
54.	15/22	0-03	80.	30/1A	0-12
55.	15/23	0-03	81.	30/1B	0-03
56.	15/24	0-13	82.	30/2A	0-10
57.	15/25	0-02	83.	30/3A	0-10
58.	16/1P	0-08	84.	33/1	0-26
59.	17	13-02	85.	40/1	7-35
60.	18/1	0-18	86.	41/1	3-20
61.	18/2	0-26	87.	42/1	2-17
62.	18/3	0-19	88.	43/1	1-07
63.	19/1	0-82	89.	45/1	4-02
64.	20/1	0-14	90.	46/1	0-30
65.	20/2A	0-07	91.	47/1	1-29
66.	20/3	0-27	92.	48	2-09
67.	21/1A	1-14	93.	49	0-21
68.	21/1B	1-15	94.	50	1-28
					63-2 1/2

For MANIPAL BXA INFOTECH LTD  
 DIRECTOR / AUTHORIZED SIGNATORY

*(Signature)*  
 (K.H.V. Babu)  
 Assistant Secretary



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Note: The constructions shall be in accordance with the Building Regulations prescribed by the Lessor from time to time.

Signed, Sealed and Delivered  
By Sri.K.H.V Babu  
Assistant Secretary  
The Karnataka Industrial Areas  
Development Board, Bangalore. (K.H.V. Babu)  
Assistant Secretary  
KIDBI, Bangalore-530 001

IN THE PRESENCE OF:

- 1) V. Anand Kumar  
Asst. Secy
- 2) [Signature]

Signed, Sealed and Delivered  
By the above named Lessee  
Sri. SUSHIL MANTRI, DIRECTOR  
M/s Maripal ETA Infotech Ltd. For M/s Maripal ETA INFOTECH LTD.  
DIRECTOR, AUTHORIZED SIGNATORY

- In the presence of:
- 1) G. S. Kumar  
# 41, K. R. Road
  - 2) [Signature]

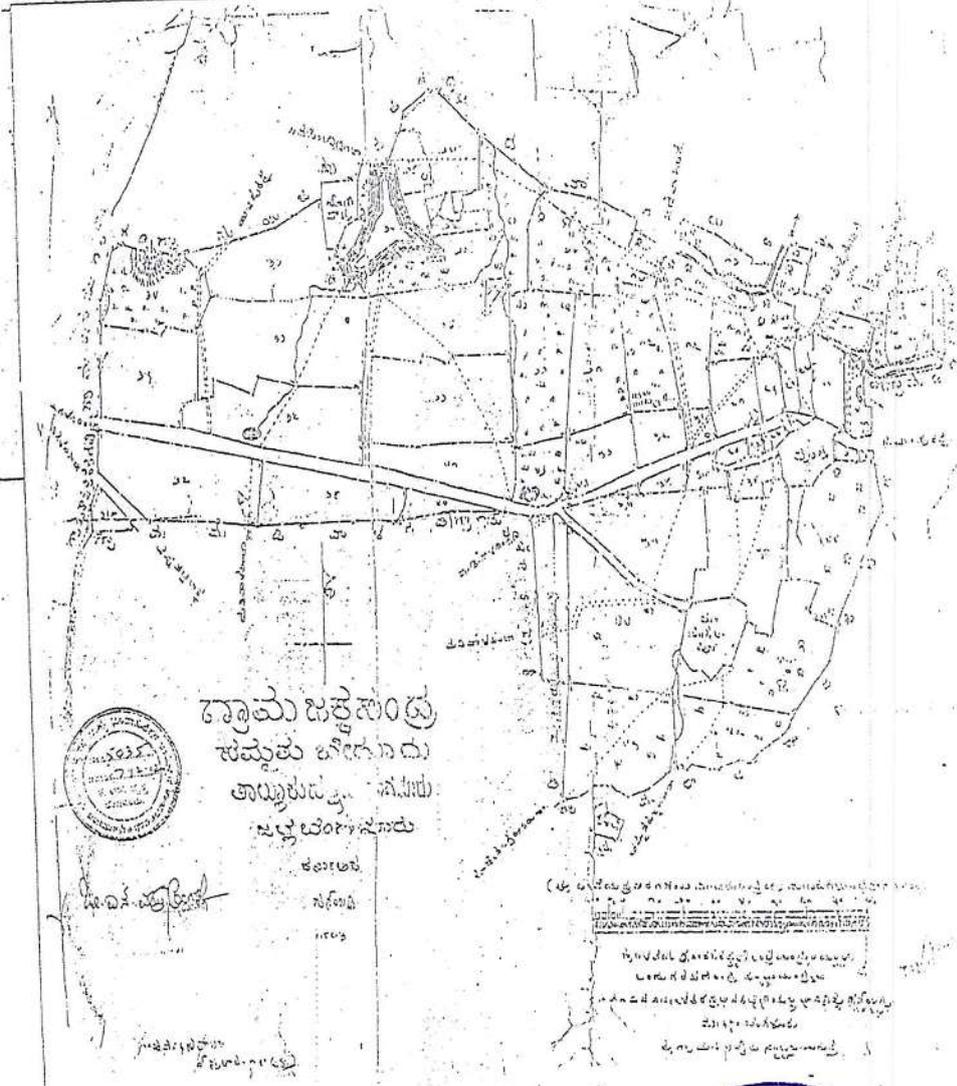
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ಗ್ರಾಮ ಜತ್ತೆಸಂಪ್ರದ  
 ಸಮುದಾಯ ಬೆಂಗಳೂರು  
 ಅಧಿಕಾರಿಗಳ ಸೇವೆಗೆ  
 ಜಿಲ್ಲಾ ಅಧಿಕಾರಿಗಳಿಗೆ

ಕರ್ನಾಟಕ  
 ಸರ್ಕಾರ  
 ಬೆಂಗಳೂರು

(ಈ ನಕ್ಷೆಯು ತುರ್ತುಗೊಳಿಸಿದ ಭೂಮಿಗಳನ್ನು ಸೂಚಿಸುತ್ತದೆ ಮತ್ತು ಅದರ ವಿವರಗಳನ್ನು ಕೆಳಗೆ ನೀಡಲಾಗಿದೆ.)  
 ಈ ನಕ್ಷೆಯು ತುರ್ತುಗೊಳಿಸಿದ ಭೂಮಿಗಳನ್ನು ಸೂಚಿಸುತ್ತದೆ ಮತ್ತು ಅದರ ವಿವರಗಳನ್ನು ಕೆಳಗೆ ನೀಡಲಾಗಿದೆ.  
 ಈ ನಕ್ಷೆಯು ತುರ್ತುಗೊಳಿಸಿದ ಭೂಮಿಗಳನ್ನು ಸೂಚಿಸುತ್ತದೆ ಮತ್ತು ಅದರ ವಿವರಗಳನ್ನು ಕೆಳಗೆ ನೀಡಲಾಗಿದೆ.

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ANNEXURE-B

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REPORT OF THE COMMITTEE CONSTITUTED BY  
HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH, NEW DELHI, AS PER THE JUDGMENT DATED  
7.5.2015 IN CASE OF ORIGINAL APPLICATION NO. 222  
OF 2014 IN THE MATTER OF THE FORWARD  
FOUNDATION & OTHERS V/S. STATE OF KARNATAKA &  
11 OTHERS RESPONDENTS.

AUGUST 2015



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## 1.0 INTRODUCTION

The Forward Foundation, A Charitable Trust, Praja RAAJ, A society; and Bangalore Environment Trust, all based in Bengaluru and involved in NGO activities had filed an Application No. 222 of 2014 before National Green Tribunal (NGT) against State of Karnataka & 11 other respondents. The main appeal was against M/s. Mantri Techzone Private Limited (formerly called M/s. Manipal ETA Pvt. Ltd.) & M/s. Core Mind Software & Services Private Limited regarding their projects relating to construction of Hotels, Residential Apartments, Software Parks, etc., located in the Bellandur Lake catchment area between Agara Lake (Venkobarao Tank as per survey records) & Bellandur Lake in Bengaluru City. In this regard, the NGT, Principal bench, New Delhi, has given a comprehensive judgment on 7.5.2015 and as per one of the directions, a Committee has been constituted to inspect the projects in question and to submit a report to the Tribunal on the issues stated there under.

## 2.0 DIRECTIONS OF THE HON'BLE TRIBUNAL:

Following directions are issued by the Hon'ble Tribunal in case of the Original Application No. 222 of 2014:

- (1) We decline to pass any direction or order to stop further progress and/or demolition of the project or any part thereof at this stage. However, ~~the~~ <sup>the</sup> project



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the following Committee to inspect the projects in question and submit a report to the Tribunal inter alia but specifically on the issues stated hereinafter.

- (a) Advisor in the Ministry of Environment and forest dealing with the subject of wetlands.
  - (b) CEO of the Lake Development Authority, Karnataka State
  - (c) Chief Town Planner of BBMP, Bengaluru
  - (d) Chairman of SEAC which recommended the grant of Environmental Clearances to the projects in question.
  - (e) Sr. Scientist (Ecology) from the Indian Institute of Sciences, Bengaluru.
  - (f) Dr. Siddharth Kaul, former Advisor to MoEF.
  - (g) A Senior Officer from the National Institute of Hydrology, Roorkee.
- (2) The Member Secretary of the Karnataka State Pollution Control Board (KSPCB) shall act as the Convener of the Committee and would submit the final report to the Tribunal:
- (3) The Committee shall inspect not only the sites where the projects in question are located but even other areas of Bengaluru which the Committee in its wisdom may consider appropriate, in order to examine the interconnectivity of Lakes and Impact of



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such activities upon the water bodies, with particular reference to Lakes.

- (4) The Committee shall submit whether the projects in question have encroached upon or are constructed on the wetlands and Rajakaluves. If so, are there any adverse environmental and ecological impact of these projects on the lake particularly, Bellandur Lake & Agara Lake, as well the Rajakaluves. The report should specify if any Rajakaluves have been covered by the construction activities of Respondent Nos. 9 & 10 or by any of the projects in the area in question.
- (5) Committee should submit in its report if these projects have any adverse impacts upon the surrounding ecology and environment, with particular reference to Lakes and wetlands. If yes, then whether any part of the project is required to be demolished. If so, details thereof along with reasons.
- (6) The Committee shall substantially notice if any of the conditions of the Environmental Clearance order in each case of Respondent Nos. 9 & 10 have been violated. If so, to what extent and suggest remedial measures in that behalf to restore the ecology of the area.
- (7) The Committee would also recommend what should be the buffer zone around the Lake (Shimrayana)



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interconnecting passages and wetlands. The Committee shall also report whether activities of multipurpose projects which have serious repercussions on traffic, air pollution, environment & allied subject should be permitted any further or not, particularly, in wetlands, and catchment areas of water bodies.

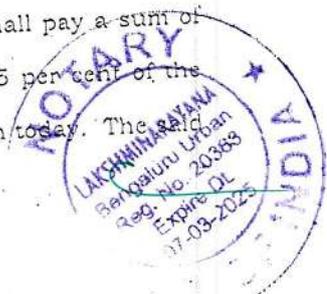
- (8) Recommendations should be made with regard to the steps and measures that should be taken for restoration of Lakes, particularly, in the city of Bengaluru.
- (9) The Committee shall also find out that whether the construction of the projects is in accordance with the sanctioned drawings and bye-laws in accordance with the letter dated 4<sup>th</sup> July, 2007 and 22<sup>nd</sup> April, 2008 respectively. Further, the Committee would also report whether both Respondent Nos. 9 & 10 have installed ETP/STP and have taken full measures for recycling of used water for washing and flushing etc., in terms of letter dated 11<sup>th</sup> October, 2013 and 3<sup>rd</sup> January, 2013, issued by the Karnataka Industrial Area Development Board to Respondent Nos. 9 & 10 respectively.
- (10) In the event, the Committee is of the opinion that the adverse impacts noticed are redemptable, then



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directions needs to be issued in that behalf and the cost involved for achieving the said conservation and restoration of Lakes and water bodies.

- (11) Till the submission of the report by the Committee and directions passed by the Tribunal in the regard, both Respondent Nos. 9 & 10 are hereby restrained from creating any 3<sup>rd</sup> party interest or part with the possession of the property in question or any part thereof, in favour of any pers.
- (12) The Committee shall submit its report to MoEF and to this Tribunal as expeditiously as possible and in any case not later than three months 7.5.2015. During that period we restrain MoEF, SEIAA and/or any public authority from sanctioning any construction project on the wetlands and catchment areas of the water bodies in the city of Bangaluru.
- (13) The Committee shall report if the project proponents are proposing to discharge their trade or domestic effluents into the lake or any of the water bodies in and around of the area in question.
- (14) For the reasons stated in the judgment, Respondent No. 9 is liable and shall pay a sum of Rs. 117.35 Crores, while Respondent No. 10 shall pay a sum of Rs. 22.5 Crores respectively being 5 per cent of the project value, within two weeks from today. The said



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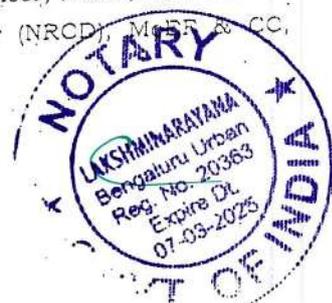
amount would be paid to the KSPCB, which shall maintain a separate account for the same and would spend this amount for environmental and ecological restoration, restitution and other measures to be taken to rectify the damage resulting from default and non-compliance to law by the Project Proponent in that area, after taking approval of the Tribunal.

- (15) We make it clear that the said Respondents would not be entitled to pass on the amount in terms of direction 14, onto the purchasers because this liability accrues as a result of their own intentional defaults, disobedience of law in force and carrying on project activities and construction illegally and unauthorizedly.

### 3.0 COMPOSITION OF THE COMMITTEE

As per the directions of the Hon'ble Tribunal, the Committee is represented by the following Members:

- (1) Sri Shivanna, IFS, the Chief Executive Officer, Lake Development Authority, Bengaluru.
- (2) Sri N.K. Thipeswamy, Additional Director of Town & Country Planning, Bruhat Bengaluru Mahanagara Palike, Bengaluru.
- (3) Dr. S.P. Rai, Scientist 'E1', Hydrological Investigation Division, National Institute of Hydrology, Roorkee.
- (4) Dr. Sidharth Kaul, Retd. Advisor, MoEF, New Delhi.
- (5) Shri Brijesh Sikka, Advisor (NRCD), MoEF & CC, New Delhi.



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- (6) Dr. T.V. Ramachandra, Energy and Wetlands Research Group (CES), Centre for Ecological Sciences, Indian Institute of Science, Bengaluru.
- (7) Sri Naganna, Chairman, SEAC Karnataka, Bengaluru.
- (8) Sri Vijay Kumar, IFS, Member Secretary, KSPCB, Bengaluru (Convener)

#### 4.0 SCOPE OF STUDY OF COMMITTEE:

The scope of Committee has already been mentioned in para No. 2.0 above.

#### 5.0 THE 1<sup>ST</sup> MEETING & VISIT OF THE COMMITTEE:

The Members of the Committee met on 19<sup>th</sup> June 2015 at the office of Karnataka State Pollution Control Board (KISPCB) located in Bengaluru. The Committee discussed the strategy to be followed for the execution of the study. It was also decided to visit the sites of M/s. Mantri Techzone Private Limited (Formerly called M/s. Manipal ETA Pvt Ltd.) & M/s. Core Mind Software & Service Private Limited, and Bellandur Lake. Accordingly, the project proponents were intimated in advance about the visit of the Committee. The members of the Committee visited the said sites on 20<sup>th</sup> June 2015, during which the project proponents were also present. The proceedings of the said meeting & site visits are enclosed as Annexure-A. The photos taken during the site visit are enclosed as Annexure-B.

#### 6.0 THE 2<sup>ND</sup> MEETING OF THE COMMITTEE



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The second meeting of the Committee was held on 6<sup>th</sup> 7<sup>th</sup> July 2015 at the office of KSPCB. On the first day of the 2<sup>nd</sup> meeting, the petitioners and the project proponents were invited in the morning session to present their cases before the Committee. In the afternoon session, the concerned authorities of the State Government i.e. Bengaluru Development Board (KIADB), Bengaluru Water Supply and Sewerage Board (BWSSB), the Secretary, Department of Ecology & Environment, were invited to have discussion on the procedures in giving approvals to the projects. The Karnataka Remote Sensing Application Centre representatives were also invited for the said session, but they did not attend. On the second day of the 2<sup>nd</sup> meeting, the Committee examined the submission made by the NGOs, project proponents and also various authorities. The proceedings of the 2<sup>nd</sup> meeting of the Committee are enclosed as Annexure -C.

#### 7.0 THE 3<sup>rd</sup> & 4<sup>th</sup> MEETING OF THE COMMITTEE:

The 3<sup>rd</sup> meeting of the Committee was held from 30<sup>th</sup> July to 1<sup>st</sup> August 2015 and the 4<sup>th</sup> meeting was held on 17<sup>th</sup> & 18<sup>th</sup> August, 2015 at the office of KSPCB to examine the inputs given by various stakeholders and finalize the report.

#### 8.0 OBSERVATIONS AND RECOMMENDATIONS OF THE COMMITTEE



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1. The Committee shall inspect not only the sites where the project in question are located but even other areas of Bengaluru which the Committee in its wisdom may consider appropriate, in order to examine the interconnectivity of Lakes and impact of such activities upon the water bodies, with particular reference to Lakes.
- Bengaluru landscape consists of three major catchments: Koramangala & Challaghatta (K & C) Valley, Hebbal Valley and Vrishabhavati Valley. Lakes in these valleys are interconnected facilitating the transfer of water from one lake to the other.
- The Committee visited Bellandur & Agara Lakes and the catchment area of Bellandur Lake, including the project sites, which are all located in K & C Valley. Rapid urbanization has impacted the interconnectivity of the lakes in K & C Valley and also degraded their water quality. The conditions that prevail in this region are also applicable to other catchments.
2. The Committee shall submit whether the projects in question have encroached upon or are constructed on the wetlands and Rajakajuves. If so,



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are there any adverse environmental and ecological impact of these projects on the lake particularly, Bellandur Lake & Agara Lake as well the Rajakaluves. The report should specify if any Rajakaluves have been covered by the construction activities of Respondent Nos. '9 & 10 or by any of the projects in the area in question.

M/s. Core Mind Software & Services Private Limited has not started any construction activity.

M/s. Mantri Techzone Private Limited (formerly called M/s. Manipal ETA Pvt. Ltd.,) had started construction after obtaining clearances. A small part of the project was constructed and then stopped. Subsequently the construction has again been started and is in progress after the vacation of stay.

It is to be mentioned that, the sites allotted to M/s. Mantri Techzone Private Limited (formerly called M/s. Manipal ETA Pvt. Ltd.,) and M/s. Core Mind Software & Services Private Limited fall in the area classified as sensitive zone as per Revised Master Plan (RMP) 2015 of Bengaluru Development Authority (BDA) Map No. 3.18(a).

The Project Proponents have not obtained



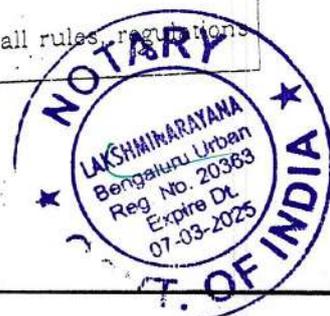
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clearance from Sensitive Zone Committee constituted by Government of Karnataka which is mandatory for all developments proposed in sensitive zones.

The survey numbers of the lands allotted to these two project proponents have been earmarked as residential, public utilities (power, water, garbage facilities, treatment plant) and park & open spaces in the RMP 2015 Map No. 3.18(a) (Coy enclosed as Annexure-D).

KIADB as per the lease agreement dated 30.6.2007 has indicated to the project proponents to obtain mandatory clearances from BDA, BBMP as applicable. Other conditions are,

1. The lessee shall utilize the land as per CDP (now RMP, 2015)
2. The Lessee shall not disturb/close the valley, if any, running across the schedule property till such time a suitable alternative for the drainage with the prior approval of the Lessor is devised and implemented. The decision of the Lessor in this behalf shall be final and binding on the Lessee.
3. The Lessee, in respect of the schedule property shall observe and conform to all rules, regulations



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and byelaws of the local authority concerned, or any other statutory regulations in force relating to public health and sanitation.

The above conditions of the lease agreement have not been complied by the project proponents.

Further, from the records the area of M/s. Mantri Techzone Pvt.Ltd., has increased from 63 acrs 37.5 guntas (allotted by KIADB) to 72 acres 12.47 guntas (2,92,636.03 sq. m as per details submitted to SEAC and KSPCB). Any amalgamation due to addition of land to the project site (allotted by KIADB) requires approval of the High Level Clearance Committee (HLCC) of Government of Karnataka chaired by Hon'ble Chief Minister. However, no such clearance has been obtained by M/s. Mantri Techzone Pvt. Ltd.

The total water requirement projected by M/s. Mantri Techzone Pvt. Ltd., in their application to KSPCB and SEIAA is 4.587 MLD. However, the projected figure to HLCC is 0.4 MLD. Also, they have obtained NOC from BWSSB for 18 flats only, which is a fraction of their total requirement. BWSSB have informed that they give NOCs in phases as and when the project proponent



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approaches them. This piece meal approach is likely to have serious implications on water availability for other consumptive uses keeping in view of the perennial shortage of water in Bengaluru City.

The Committee has observed that the project proponent M/s. Mantri Techzone Pvt. Ltd., has dumped the excavated soil from the project site on the Rajakaluve resulting in the reduction of width of the Rajakaluve. Earlier, the KSPCB had observed and initiated action by issuing Notice on 2.1.2014 (copy enclosed as Annexure -E).

During the discussion of the committee with Government departments on 6.7.2015, KIADB who were present were requested to conduct a detailed field survey of the land pertaining to M/s..Mantri Tech Zone Pvt. Ltd. For verifying the encroachment of Lake and Rajakaluves, if any and submit the report within one week. The Special Land Acquisition Officer, KIADB vide his letter No. 1269/2015-16 dated 14.8.2015 addressed to the Secretary, Land allotments Section, KIADB, Bengaluru with a copy marked to Member Secretary, KSPCB has provided the survey sketch.



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with details (Annexure -F)

The details provided by KIADB vide their letter mentioned above are listed below.

I. Land transferred by KIADB to M/s. Mantri - 63 acres 37.5 guntas

II. Land transferred but not secured by M/s. Mantri (presently outside their boundary wall) - 1 acres 36.5 guntas.

III. Transferred land with M/s. Mantri ((I) - (II)) = 62 acres 1 gunta

IV. Land not transferred but under litigation within the boundary wall of M/s. Mantri - 6 acres 19 guntas.

V. Survey No. 43, unauthorized occupation of lake area (within the boundary wall of M/s. Mantri) - 3 acres 10 guntas.

VI. Total land within the boundary wall of M/s. Mantri ((III) + (IV) + (V)) = 71 acres 30 guntas.

Therefore, as per KIADB survey, 3 acres 10 guntas (shown in green colour in the sketch) is unauthorized occupation of lake area by M/s. Mantri.

3. Committee should submit in its report if these projects have any adverse impacts on the



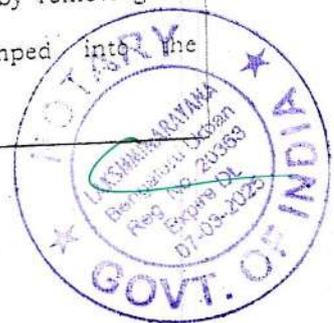
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surrounding ecology and environment, with particular reference to Lakes and wetlands. If yes, then whether any part of the project is required to be demolished. If so, details thereof along with reasons.

The two project sites are located in the ecologically sensitive zone. As per RMP 2015, BDA prior approval from the Sensitive Zone Committee constituted by Govt. of Karnataka is required for all projects proposed in the sensitive zone. However, in this case the same has not been done. KIADB/Plan approving authorities need to ensure that the same is followed in future.

If Environment Management Plan (EMP) and other conditions are implemented as per Environmental Clearance (EC) issued by State Environment Impact Assessment Authority (SEIAA) and Consent for Establishment (CFE) issued by KSPCB, the impacts of the projects on surrounding ecology and environment will be minimized.

Also the project proponents shall restore the Rajakaluve to its original status by removing the excavated earth material dumped into the Rajakaluve / Lake bed.



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Any inflow of debris/construction material into the lake would deteriorate the water quality and lead to sedimentation. Therefore the project proponent shall take precaution to avoid any inflow of debris/construction material into Lake/Rajakaluve. As mentioned in point No. (2) above as per KIADB survey, 3 acres 10 guntas (shown in green colour in the sketch) is unauthorized occupation of Lake area by M/s. Mantri. This unauthorized occupation needs to be vacated by M/s. Mantri and his boundary wall re-located to the KIADB allotted area. In addition, the lake area needs to be restored by M/s. Mantri. Also, the project proponent needs to ensure that the 30 m buffer zone shall be maintained between the building line and lake boundary as per RMP 2015, BDA and Hon'ble High Court of Karnataka order (WP No. 817/2008). As per condition No. 38 & 41 of EC respectively with respect to M/s. Mantri Techzone Pvt. Ltd., and M/s Core Mind Software & Services Pvt. Ltd., the project authorities shall not use the Kharab land for any purpose and it shall be maintained as green belt. However, the Kharab land (if any) has not been demarcated at the project sites. Therefore,



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KIADB/Revenue authorities need to demarcate the kharab land (if any) and the project proponents need to ensure that the EC conditions are complied with.

Further, as per the KIADB lease agreement with M/s. Mantri Techzone Pvt. Ltd., the project proponent is required to upgrade 2 kms of Ring Road to 6 lane Road and build under - pass and over bridge at the project area to reduce the traffic congestion in the region.

4. The Committee shall substantially notice if any of the conditions of the Environmental Clearance order in each case of Respondent Nos. 9 & 10 have been violated. If so, to what extent and suggest remedial measures in that behalf to restore the ecology of the area.

In case of M/s. Mantri Techzone Pvt. Ltd., the excavated soil has been dumped into the Rajakaluve & part of Lake bed.

As per KIADB survey, 3 acres 10 guntas is unauthorized occupation of Lake area by Mantri. This unauthorized occupation needs to be vacated by M/s. Mantri and his boundary wall re-located to the KIADB allotted area. In addition, the



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needs to be restored by M/s. Mantri.

As per condition No. 38 & 41 of EC respectively with respect to M/s Mantri Tezhzone Pvt. Ltd., and M/s. Core Mind Software & Services Pvt. Ltd., the project authorities shall not use the Kharab land for any purpose and it shall be maintained as greenbelt. However, the Kharab land (if any) has not been demarcated at the project sites.

Therefore, KIADB/Revenue authorities need to demarcate the kharab land (if any) and the project proponents need to ensure that the EC conditions are complied with.

5. The Committee would also recommend what should be the buffer zone around the lake(s) and interconnecting passages and wetlands. The Committee shall also report whether activities of multipurpose projects which have serious repercussions on traffic, air pollution, environment & allied subjects should be permitted any further or not, particularly, in wetlands and catchment areas of water bodies.

The existing norms as per the Revised Master Plan-2015 of Bangalore Development Authority and Hon'ble High Court of Karnataka order (1/10/2010)



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817/2008) stipulates the following.

- 30 m buffer zone shall be maintained from the Lake boundary
- Interconnecting passages like drains / nalla/valley, the buffer zone of 50m/25m/15m from the centre of the nalla on either side based on the category, i.e. primary/secondary/Tertiary respectively.

As this area falls in ecologically sensitive zone, the project proponents are required to obtain clearance of the committee of BDA constituted by Government of Karnataka for this purpose vide G.O. No. 35/2008 dated 26.11.2008 (copy enclosed as Annexure -G). As this has not been done, it is recommended that the project proponents should get the requisite clearance from the said Committee.

The Government of Karnataka vide Notification No. FEE 52 ENV 2013 (Par-1), Bengaluru dated 3.6.2015 has constituted the The Karnataka Lake Conservation and Development Authority (KLCDA) on 5<sup>th</sup> June 2015. The main functions of the said authority are as follows.

The Government of Karnataka vide Notification



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No.FEE 52 ENV 2013(Part-1), Bengaluru dated 3.6.2015 has constituted the 'The Karnataka Lake Conservation and Development Authority (KLCDA)' on 5<sup>th</sup> June 2015. The main functions of the said authority are as follows.

1. To exercise regulatory control over all the Lakes within its jurisdictions including prevention and removal of encroachment of lake;
2. To protect, conserve, reclaim, regenerate and restore Lakes to facilitate recharge of depleting ground water by promoting integrated approach with the assistance of concerned Government Departments, local and other authorities;
3. To take up environmental impact assessment studies for any or all Lakes;
4. To take up environmental planning and mapping of Lakes and their surrounding areas with the help of geographical information system and prepare database and atlas of Lakes and their catchments.
5. To prepare a plan for integrated development of Lakes;



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6. To improve and also create habitat (wet lands) for aquatic biodiversity; water birds and aquatic plants by reducing sullage and non-point sewage impacts;
7. To facilitate for impounding storm water drainage system, reduce or remove siltation of Lakes by taking up appropriate soil and water conservation measures including afforestation and to augment recharge of ground water aquifers and revive bore wells;
8. To improve and monitor water quality, conserve lake ecology on need basis and to protect them against domestic and industrial pollution;
9. To utilize or allow to utilize the Lakes for the purpose of drinking water, fishing, irrigation, education or tourism or any other purpose as the Authority may determine;
10. To encourage participation of communities and voluntary agencies and to launch public awareness programmes for lake conservation, preservation and protection of Lakes;
11. To advise on any matter that may be referred to it by the Government or any ins...



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- 12. To promote integrated and co-ordinated applied research on all the relevant issues pertaining to Lakes;
- 13. To do such other acts as the Authority may consider necessary, conducive or incidental, directly or indirectly, to achieve the object of this Act.

KLCDA with Sensitive Zone Committee of BDA need to function together to ensure conservation of Lakes. This would also help in evolving appropriate strategies towards the developmental projects in the region.

Further, as, per the KIADB lease agreement with M/s. Mantri Techzone Pvt. Ltd., the project proponent is required to upgrade 2 Kms of Ring Road to 6 lane Road and build under-pass and over bridge at the project area to reduce the traffic congestion in the region. This needs to be complied concurrently with the project execution.

6 Recommendations should be made with regard to the steps and measures that should be taken for restoration of Lakes, particularly, in the city of Bengaluru.

The threats faced by Lakes in Bengaluru.



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mainly due to (i) entry of untreated sewage; (ii) dumping of municipal solid waste; construction and demolition debris in the Lake bed and Rajakaluves; (iii) encroachment of Rajakaluves and Lake beds; (iv) unregulated construction activities in the valley zone which are sensitive regions (as per RMP 2015); (v) Too many para-state agencies and lack of co-ordination among them; (vi) Different custodians for upstream and downstream Lakes.

Considering the above mentioned, problems, the following recommendations are made.

1. 100% treatment of sewage generated in Bengaluru at decentralized level preferably at the upstream of each lake.
2. Reuse of treated wastewater to the maximum extent possible for various industrial applications, railways, construction activities, cleaning of buses, gardening, horticulture, flushing and irrigation purposes etc., so as to reduce the demand of fresh water.
3. Integration of STP with constructed wetlands / tertiary treatment for removal of nutrients (Nitrogen and Phosphorus).
4. Removal of encroachments on Rajakaluves



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- and Lake beds.
5. Collection, handling and treatment of municipal solid waste as per Municipal Solid Waste (Management & Handling) Rules, 2000, Govt. of West Bengal.
  6. Marking and fencing of the Lake boundaries.
  7. Digitization of Lake, spatial extent etc., and uploading these information on the net for the public access.
  8. Regular monitoring of Lakes.
  9. Regular removal of macro phytes in the lake and maintenance in the wetland.
  10. Mandatory STP in all new apartments with more than 50 units 2<sup>nd</sup> commercial establishments with built up area more than 2000 sq.m.
  11. Rainwater harvesting to be practiced, intensively as per RMP 2015.
  12. Artificial recharge to ground water through structures like dug well recharge, water shed treatment, recharge trenches, percolation tanks, check dams, sub surface dykes etc. should be practiced to the maximum extent possible.



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All these and additional activities if any, should be regulated and monitored by KLCDA in co-ordination with other para-state agencies.

The Committee had discussions with BWSSB authorities, and they were requested to provide details of sewage generated and treated in the whole of Bengaluru City. Information provided by them vide their letter dated 21.7.2015 & 5.8.2015 are enclosed as Annexure- H & I respectively.

As per estimates, of BWSSB, the total sewage generation in Bengaluru (all three valleys) is around 1400 MLD against which treatment capacity of 721 MLD is available. STPs of 339 MLD are under construction, out of which 231 MLD STP capacity is expected to be created by 2016 and 108 MLD capacity by 2017. In addition 6 new STPs of 520 MLD capacity have been proposed under Mega City funding and 2 small STPs of 17 MLD have been proposed under Karnataka Municipal Reform Project (KMRP) / 110 Villages transitional phase. These STPs are expected to be completed in 5 years after receipt of funds as per BWSSB. On completion of all these STPs the total sewage treatment capacity installed would be 1597 MLD.



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With regards to K & C Valley, which includes Agara, Bellandur and Varthur Lakes, as per BWSSB the total sewage generated in the valley is around 600 MLD against which treatment capacity of only 305 MLD is existing at present. An STP of 90 MLD capacity is under construction. BWSSB also propose to construct additional STPs so that total treatment capacity of 605 MLD would be available.

The Lakes in Bengaluru are suffering from eutrophic conditions primarily due to high levels of nitrates and phosphates in the lakes. Therefore, it is recommended that all STPs in Bengaluru (as the treated sewage from these STPs would flow primarily into the lakes) should have tertiary treatment or integration with constructed wetlands for nitrogen & phosphorus removal.

In addition, the Central Pollution Control Board vide its letter No. A-19014/41/2006-Mon/1242-44 dated 22.5.2015 has issued seven directions to KSPCB under Section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 in the matter of contamination of Belapur Varthur Lakes (copy of letter is enclosed as Annexure).



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Accordingly, KSPCB has issued directions to BWSSB, BBMP, BDA, LDA and Karnataka Forest Department for implementation of the directions, which should be complied with.

7. The Committee shall also find out that whether the construction of the projects is in accordance with the sanctioned drawings and bye-laws in accordance with the letter dated 4<sup>th</sup> July, 2007 and 22<sup>nd</sup> April, 2008 respectively.

Further, the Committee would also report whether both Respondent Nos.9 & 10 have installed ETP/STP and have taken full measures for recycling of used water for washing and flushing etc., in terms of letters dated 11<sup>th</sup> October, 2013 and 3<sup>rd</sup> January, 2013, issued by the Karnataka Industrial Area Development Board to Respondent Nos. 9 & 10 respectively.

M/s. Core Mind Software & Services Pvt. Ltd., has not started any construction activity. M/s. Mantri Techzone Pvt. Ltd., has started construction. A small portion of the project construction is in progress. As the project construction has not been started by M/s. Core Mind Software & Services Pvt. Ltd., and is in initial stage in case of M/s.



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	<p>Techzone Pvt., Ltd., the installation of STP/ETP has not been started by both the proponents.</p> <p>However, as per their proposal submitted to SEIAA, the project proponents have committed to treat the entire sewage generated to the required standards and reuse the same within their premises. The CFE issued by KSPCB also stipulates treatment up to "urban reuse" standards (pH- 6 to 9, BOD &lt;10 mg/l, Turbidity &lt; 2 NTU, E- coli - Nil and Residual Chlorine - 1 to 3 mg/l) and use the entire treated sewage within their premises.</p>
8	<p>In the event, the Committee is of the opinion that the adverse impacts noticed are redeemable, then what directions need to be issued in that behalf and the cost involved for achieving the said conservation and restoration of Lakes and water bodies.</p>
	<p>If Environment Management Plan (EMP) and other conditions are implemented as per Environmental Clearance (EC) issued by State Environment Impact Assessment Authority (SEIAA) and Consent for Establishment (CFE) issued by KSPCB, the impacts of the projects on surrounding ecology and environment will be minimized.</p>



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Also the project proponents shall restore the Rajakaluve to its original status by removing the excavated earth material dumped into the Rajakaluve /Lake bed.

As per KIADB survey, 3 acres 10 guntas is unauthorized occupation of Lake area by M/s Mantri. This unauthorized occupation needs to be vacated by M/s Mantri and his boundary wall re-located to the KIADB allotted area. In addition, the lake area needs to be restored by M/s Mantri.

Any inflow, of debris/construction material into the lake would deteriorate the water quality and lead to sedimentation. Therefore, the project proponent shall take precaution to avoid any inflow of debris/construction material into Lake/Rajakaluve.

9 The Committee shall report if the project proponents are proposing to discharge their trade or domestic effluents into the lake or any of the water bodies in and around of the area in question.

As per their proposal submitted to SEIAA, the project proponents have committed to treat the entire sewage generated to the required standards and reuse the same within their premises. The GFE issued by KSPCB also stipulates treatment



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"urban reuse' standards (pH- 6 to 9, BOD <10 mg/l, Turbidity < 2 NTU, E-coli - Nil and Residual Chlorine - 1 to 3 mg/l) and use the entire treated sewage within their premises.

Sd/-  
C.K. Shivanna

Sd/-  
N.K. Thippeswamy

Sd/-  
Dr. S.P. Rai

Sd/-  
N. Naganna

Sd/-  
Brijesh Sikka

Sd/-  
Dr. T.V. Ramachandra

Sd/-  
Vijay Kumar



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## ANNEXURE- "A"

PROCEEDINGS OF THE 1<sup>ST</sup> MEETING OF THE COMMITTEE CONSTITUTED BY THE NATIONAL GREEN TRIBUNAL (NGT), PRINCIPAL BENCH, NEW DELHI, IN CASE OF ORIGINAL APPLICATION NO.222 OF 2014 VIDE ITS JUDGEMENT DATED 7.5.2015, HELD AT KARNATAKA STATE POLLUTION CONTROL BOARD MEETING HALL, 3<sup>RD</sup> FLOOR, CHURCH STREET, BENGALURU, ON 19.6.2015 AND FIELD VISITS ON 20.6.2015.

## Members Present:

1. Sri Brijesh Sikka, Adviser, N.R.C.D., MoEF, New Delhi.
2. Sri C K Shivanna, IFS, Chief Executive Officer, Lake Development Authority, Bengaluru.
3. Sri N.K Thippeswamy, Additional Director of Town Planning, Bruhat Bengaluru Mahanagara Palike, Bengaluru.
4. Dr. T.V. Ramachandra, Scientist, Indian Institute of Sciences, Bengaluru.
5. Dr. S.P. Rai, Scientist 'E', National Institute of Hydrology, Roorkee-247 667.
6. Sri Vijayakumar, IFS, Member Convenor & Member Secretary, Karnataka State Pollution Control Board, Bengaluru.

Members absent with intimation:



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Sri N. Naganna, Chairman, SEAC, Government of Karnataka.

Dr. Siddharth Kaul, Former Adviser to MoEF.

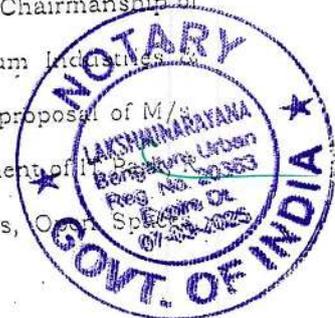
Officers of Karnataka State Pollution Control Board (KSPCB) assisted the Committee during the meeting and field visit of NGT Committee.

Meeting of the Committee on 19.6.2015

The first meeting of the Committee constituted by the National Green Tribunal (NGT), Principal Bench, New Delhi, in case of 'Original Application No.222 of 2014 filed by the Forward Foundation, A Charitable Trust, Bengaluru, and Two Other NGOs against the State of Karnataka & 11 Other Respondent vide its Judgement dated 7.5.2015. The Member Convener & the Member Secretary of Karnataka State Pollution Control Board gave the brief background of the above case and mandate given to the Committee by the NGT.

1. M/s. Manipal ETA Infotech Ltd.,

The High Level Committee, Government of Karnataka, in its meeting held on 21.6.2000 under the Chairmanship of the Hon'ble Minister for Large & Medium Industries, Infrastructure Development, cleared the proposal of M/s Manipal ETA Infotech Ltd., for establishment of  
& D Center, Residential Complex, Parks, O



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Education Center, etc., at Agara Village, Sarjapura Road, Bengaluru, and directed KIADB to acquire 110 Acres of land for the said project.

M/s. KIADB has leased 63 Acres 37 1/2 Guntas of land to M/s. Manipal ETA Infotech Ltd., on 30.6.2007 vide Registered Agreement.

M/s. Manipal ETA Infotech Ltd., had applied for CFE for development of Mixed-Used project consisting of (a) Residential Block 1 & 2 in a built up area of 2,91,909.44 Sq. mtrs., (b) Retail, Hotel & Office in a builtup area of 3,78,502.13 Sq. mtrs., (c) Office SEZ in a builtup area of 6,23,570.87 Sq. mtrs, and (d) Office Non-SEZ in a builtup area of 56,472.54 Sq. mtrs., on 23-6-2011 under Water Act, 1974, and Air Act, 1981. The details of the project are as below.

1 i) Residential Block - 1 & 2 and Club House.

Block-1

Wing-A ... 2BF+GF+14 UF

Wing-B ... 2BF+GF+10 dF

Block-2: (Six Wings)

Wings -A to E ... 2BF+GF+14 UF

Wing - F ... 2BF+GF+11 UF

ii) Office SEZ Block - 3BF+GF+11 UF+TF



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....6,23,570.87 Sq. mtrs

iii) Office Non SEZ Block - 3BF+GF+12 UF+TF  
....56,472.54 Sq. mtrs

iv) Retail, Hotel & Office Block - 3BF+GF+11 UF  
....3,78,502.13 Sq. mtrs.

Club Houses: .... 3 Nos.

2- Club Houses .... G+3UF.

1 - 2 Floor + 5<sup>th</sup> Floor of Wing-C of Block-2.

....2,91,909.44 Sq. mtrs.

Total Builtup area.... 13,50,454.98 Sq. mtrs.

Environmental Clearance was issued to above project from State Level Environment Impact Assessment Authority, Karnataka, on 17.2.2012.

The CFE was issued from the Board to above project on 4.9.2012.

2. M/s. Coremind Software & Services Private Limited:

M/s. KIADB has allotted 17 Acres 33 ½ Guntas of land at Sy. No. 29, 30/1 a, 30/2, 30/3, 31/1, 31/2, 32, 33, 34, 35, 36, 37, 38, 39 & 40, Agara Village, Begur Hobli, Bengaluru South Taluk, and issued Possession Certificate on 20.3.20081 for establishment of Software Technology Park, Hospitality, Commercial & Residential Compound MLCP.



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Project proponent applied for CFE on 2.3.2012 for construction of IT Park with total builtup area of 3,33,333 Sq. mtrs with 5 Towers (3BF+GF+13UR+TF).

Regional Officer, KSPCB, Bengaluru South-1, had inspected the project site on 16.5.2012 and forwarded the CFE application.

The CFE was issued on 3.6.2013. Environmental Clearance has been issued from State Level Environment Impact Assessment Authority, Karnataka, vide No.SEIAA:37:CON: 2012 dated 30.9.2013.

The Forward Foundation, A Charitable Trust, Bengaluru, and Two Other NGOs have filed the Original Application No.222 of 2014 before the NGT, Principal Bench, New Delhi, against the grant of Environmental Clearance (EC) to above projects and eco-restoration in the Bellandur Catchment Area against State of Karnataka & 11 Other Respondents. The NGT in its judgment on 7.5.2015 has constituted a Committee comprising of following Members.

- (a) Advisor in the Ministry of Environment and Forest dealing with the subject of wetlands.
- (b) CEO of the Lake Development Authority, Karnataka State.

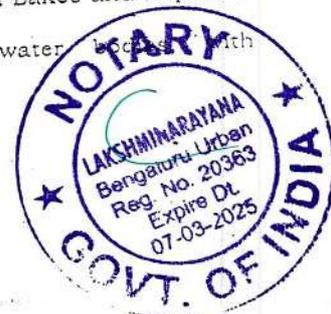


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- Chief Town Planner of BBMP, Bengaluru.
- (d) Chairman of SEAC which recommended the grant of Environmental Clearance to the projects in question.
- (e) Sr. Scientist (Ecology) from the Indian Institute of Sciences, Bengaluru.
- (f) Dr. Siddharth Kaul, former Advisor to MoEF.
- (g) An senior officer from the National Institute of Hydrology, Roorkee.

The Member Secretary of the Karnataka State Pollution Control Board (KSPCB) shall act as the Convener of the Committee and would submit the final report to the Tribunal. The copy of the above judgement has already been circulated to all above Members. The Committee has been directed to carryout following tasks before submission of the report within 3 months from the date of judgement.

1. The Committee shall inspect not only the sites where the projects in question are located but even other areas of Bengaluru which the Committee in its wisdom may consider appropriate, in order to examine the interconnectivity of Lakes and impact of such activities upon the water bodies with particular reference to Lakes.



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2. The Committee shall submit whether the projects in question have encroached upon or are constructed on the wetlands and Rajakaluves. If so, are there any adverse environmental and ecological impact of these projects on the lake particularly, Bellandur Lake & Agara Lake, as well the Rajakaluves. The report should specify if any Rajakaluves have been covered by the construction activities of Respondent Nos.9 & 10 or by any of the projects in the area in question.
3. Committee should submit in its report if these projects have any adverse impacts upon the surrounding, ecology and environment, with particular reference to Lakes and wetlands. If yes, then whether any part of the project is required to be demolished. If so, details thereof long with reasons.
4. The Committee shall substantially notice if any of the conditions of the Environmental Clearance order in each case of Respondent Nos. 9 & 10 have been violated. If so, to what extent and suggest remedial measures in that behalf to restore the ecology of the area.
5. The Committee would also recommend what should be the buffer zone around the lake(s) and interconnecting passages and wetlands.



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Committee shall also report whether activities of multipurpose projects which have serious repercussions on traffic, air pollution, environment & allied subjects should be permitted any further or not, particularly, in wetlands and catchment areas of water bodies.

5. Recommendations should be made with regard to the steps and measures that should be taken for restoration of Lakes, particularly, in the city of Bengaluru.

7. The Committee shall also find out that whether the construction of the projects is in accordance with the sanctioned drawings and bye-laws in accordance with the letter dated 4<sup>th</sup> July, 2007 and 22<sup>nd</sup> April, 2008 respectively. Further, the Committee would also report whether both Respondent Nos.9 & 10 have installed ETP/STP and have taken full measures for recycling of used water for washing and flushing etc., in terms of letters dated 11<sup>th</sup> October, 2013 and 3<sup>rd</sup> January, 2013, issued by the Karnataka Industrial Area Development Board to Respondent Nos. 9 & 10 respectively.

8. In the event, the Committee is of the opinion that adverse impacts noticed are redeemable, when what



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directions need to be issued in that behalf and the cost involved for achieving the said conservation and restoration of Lakes and water bodies.

9. Till the submission of the report by the Committee and directions passed by the Tribunal in that regard, both Respondent Nos.9 & 10 are hereby restrained from creating any 3<sup>rd</sup> party interests or part with the possession of the property in question or any part thereof, in favour of any person.
10. The Committee shall submit its report to MoEF and to this Tribunal as expeditiously as possible and in any case not later than three months from 7.5.2015. During that period we restrain MoEF, SEIAA and/or any public authority from sanctioning any construction project on the wetlands and catchment areas of the water bodies in the city of Bengaluru.
11. The Committee shall report if the project proponents are proposing to discharge their trade or domestic effluents into the lake or any of the water bodies in and around of the area in question.

As Dr. T.V. Ramachandra, Scientist, Indian Institute of Sciences, Bengaluru, has been conducting research on Bengaluru Lakes for the last 20 years, he was requested by the committee, to give brief account of work done by



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him in this regard. In his presentation, he informed that construction activities in areas identified as ecologically sensitive in the BDA Master Plan of 2015 were not only degrading the wetlands/Lakes but also leading to encroachment of the Rajakaluves (which are feeder lines to the wetlands) and the Lakes/wetlands region.

After detailed deliberations, the following were decided.

- > Field visit would be undertaken by the committee on 20.06.2015 to Agara and Bellandur valley as well as the project sites of Mantri Techzone and Coremind Software.
- > The Committee deliberated on NGT order and discussed on the action plan to be taken. In this regard, it was felt necessary to interact with all stakeholders to elicit their views and obtain additional information.
- > The Committee decided to call the petitioners, project proponents as well as Heads of State Environment Appraisal Committee (SEAC), Karnataka Industrial Area Development Board (KIADB), Bengaluru Water Supply and Sewerage Board (BWSSB), Karnataka State Remote sensing Application Centre (KSRAC), Bengaluru Development Authority (BDA), Secretary, Department of Ecology & Environment, Govt. of Karnataka, along



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with concerned records as Special Invitees for the next meeting scheduled to be held on 6.7.2015 & 7.7.2015.

FIELD VISIT ON 20.6.2015

The committee visited the project sites of Coremind Software and Mantri Techzone, the lands for which were acquired through KIADB. The committee also visited the valley region of Agara - Bellandur Lakes and have the following observations;

M/s. Core Mind Software & Services Private Limited:

- > The Project proponent stated that their project is not a part of SEZ Project.
- > No construction activity has been taken up at the site, except for construction of Site Office.
- > There were some encroachments by private persons on the Southern side of the project site (between Sarjapura Road and the project site). In the encroached land, there are some small sheds, nursery, workshop and paver blocks manufacturing unit.
- > The Rajakaluve (which connects Agara Lake to Bellandur Lake) is located on the West and Northern sides of the project site. The Rajakaluve was carrying lot of sewage, construction debris and municipal waste.



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- > Bengaluru Electricity Supply Company (BESCOM) substation is located on the North West corner between the Rajakaluve and project site. The construction work is in final stages.
  - > After the Rajakaluve on the northern side, M/s. Advaita Ventures (P) Ltd., are constructing Residential Apartment with 170 Flats & they have obtained CPE & EC. This property is abutting the Rajakaluve.
  - > An un-metalled road is existing between the Rajakaluve and BESCOM sub station. Work on the un-metalled road was in progress. This un-metalled road is the approach road to both the BESCOM sub station and M/s. Advaita Ventures (P) Ltd.
- M/s. Mantri Techzone Private Limited (Formerly called M/s. Manipal ETA Pvt. Ltd.,)
- > The project is part of the SEZ.
  - > At the time of the visit the construction activity was in progress. The project proponent informed that subsequent to the vacation of stay, work has been restarted.
  - > The Rajakaluve (connecting Agara Lake and Bellandur Lake) flows adjacent to the project site on the West or North West side and joins the Bellandur Lake.



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- > The residential apartment project of M/s Sterling Developers was being constructed on the Eastern side of the project site.
- > The Committee observed that excavated soil had been dumped in the course of the Rajakaluve resulting in the reduction of width of the Rajakaluve.

Agara - Bellandur valley region :

- > This region forms the part of sensitive zone as per Revised Master Plan (RMP) 2015 of BDA.
- > The drainage channels/ Rajakaluves feeding Bellandur and other Lakes in the region need to be de-silted and restored to its original width so that the carrying capacities of these channels are maintained which will help in mitigation of floods and ensuring adequate inflow into the Lakes.
- > The presence of widespread growth of macrophytes in these Lakes shows high rate of nutrient loading. In addition, foaming was observed in the waste weir of Bellandur Lake. This indicates deterioration in the water quality of these Lakes primarily due to discharge of untreated sewage. Therefore the committee felt that BWSSB (which is mandated to manage the sewage of Bengaluru) needs to provide details of quantum of sewage generated in the City, quantum of treatment,



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the Sewage Treatment Plants (STP) under construction and their plan of action for augmenting the treatment capacity to bridge the gap.

Sd/-  
C.K. Shivanna

Sd/-  
N.K. Thippeswamy

Sd/-  
Dr. S.P. Rai

Sd/-  
N. Naganna

Sd/-  
Brijesh Sikka

Sd/-  
Dr. T.V. Ramachandra

Sd/-  
Vijay Kumar

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ANNEXURE C

## INSPECTION NOTE

With reference to the order dated 10<sup>th</sup> September 2015 in die OA No. 222 of 2014, site visit to the project area of R-9 and R-10 was made on 11<sup>th</sup> September 2015. During the visit, apart from the representatives of R-9 and R-10, senior level officials assisted by field staff from the concerned departments/authorities such as Bangalore Water Supply & Sewerage Board, Minor Irrigation Department, Bangalore Development Authority, Bruhat Bangalore Mahanagra Palike, Ecology & Environment Department, Regional Office of MoEF, Karnataka State Pollution Control Board, Lake Development Authority, Karnataka Industrial Area Development Board, and Revenue Department were present. Members of the Expert Committee constituted under the judgment pronounced in the case on 7<sup>th</sup> May 2015 were also present apart from few representatives of the appellants. On 12<sup>th</sup> September 2015, an interactive meeting was held in the Board Room of KSPCB to gather details that were required for evaluation of the issues involved in the present case. A complete list of the participants in the proceedings is enclosed at page No. K-1468 to K-1472, whereas important photographs apart from completion of



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voluminous documents as submitted by various departments/authorities, parties are enclosed at page nos. K-824 to K-841.

Keeping in view the interconnected issues of water supply, sewage, lakes, interconnecting channels (Rajkulewas), land use, urbanization, ground water, traffic, etc. apart from specific focus on environmental concerns with regards to R-9 and R-10/ the Note has been prepared in a manner to provide in the beginning, general observations to provide a holistic view of the issues and subsequently attention is made on the specific issues pertaining to R-9 and R-10.

#### General Observations

A major portion of Bangalore town as on date lies in the catchment area of Koramangala and Challaghatta Valley which occupies around 300 Sq. km area and the elevation varies from 880 to 680 meters above MSL. The master plan prepared by BBMP showing storm water drains. In Bangalore area is placed at page no. K-1094. A large number of waterbodies/ lakes/ tanks existed in the entire area and a majority of them are interconnected by drains and are termed as storm water drains or Rajkulewas. According to BBMP, 260 waterbodies are present and upon the mapping, all the drains could be classified into



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the categories of primary, secondary and tertiary drains where, primary drain is the drain that connects the waterbody at the highest elevation to ultimately the river downstream through a series of waterbodies, whereas, a secondary drain is the one, which connects any other waterbody to the primary drain. Tertiary drains are the drains which are not contributing to any of the waterbody. Adopting this concept, the length of primary drain in the area within BBMP, primary drains covers a length of 460km whereas the secondary drain covers a length of 390km. Generally the area between the village boundaries wherever demarcated by a (Primary, Secondary and Tertiary) drain was termed as Raj Kalewas. The dimensions of these Raj Kalewas range from 6 Meters to 20 Meters in top width with parabolic section. In addition to these Raj Kalewas, small drains taking all from the tanks/lakes were constructed for irrigating the adjoining paddy fields through gravity flow. These small drains finally join, the primary, secondary or tertiary Raj Kalewas. The network of primary, secondary and tertiary Raj Kalewas is meant for directing the run-off/over flow of the lake to other inter-connected waterbody and finally into the river, whereas the small Raj Kalewas taking off from the tanks for irrigation purpose were meant for irrigation.



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purpose to the agricultural field and directing the excess flow to the primary, secondary and tertiary Raj Kalewas.

With passage of time, rapid growth of urbanization and natural processes of erosion and siltation, the agricultural land (paddy fields) have got converted into residential areas while the dimensions of the Raj Kalewas got shrinking and closed upon. At the same time, sedimentation/ siltation is taking place in the tank/lakes bed and as a sequel to that more submergence area of waterbodies remains dry for major part of the year; however, during monsoon flooding in adjoining area takes place.

1. Extent of water spread area of water bodies

The revenue records and the Google satellite imagery for last 15 to 20 years indicate that though the revenue records show the extent of waterbody in a much larger area, whereas the actual waterbody area as on date, even during the full reservoir level, is much less.

2. Wastewater quality and discharge standards

During the field visit and interaction with the government officials apart from the

examination of voluminous records placed by authorities, it was observed that the water quality of these waterbodies

is deteriorating fast. It was observed that discharge

mostly domestic effluents into the Raj Kalewas is

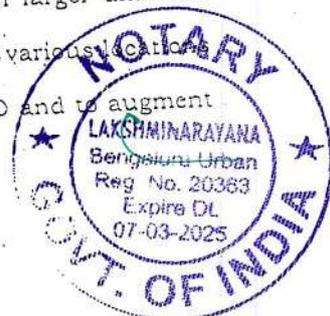


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responsible for this phenomenon. Wide spread growth of macrophytes indicates higher rate of nutrient loading which results in froth formation in the waste weir/out flow section from the lakes. The Regional Officer of the Karnataka State Pollution Control Board has been requesting the KSPCB itself that the Board should stipulate condition that the effluents discharged from the STP should be meeting the standards of, "Inland Surface Water Standards" as against the presently applicable "standards of treated sewage effluents for urban reuse" or "sewage quality standards for irrigation on land" (Page K-1386).

### 3. STP - Capacity

It was observed that apart from restrictions on major projects, where installation of ETP is a necessity, the other housing projects are directly or indirectly contributing to the sewage inflow to the primary, secondary and tertiary Raj Kalewas. As per the Bangalore Water Supply and Sewerage Board mater plan, around 1200 MLD sewage is generated from the Bangalore town which is collected through sewer network of all most 3300 KMs. Having small diameter pipe. This collected waste water is conveyed to the treatment plant through larger diameter pipe. At present, BWSSB has 14 STPs at various locations with a capacity to treat around 729 MLD and to augment



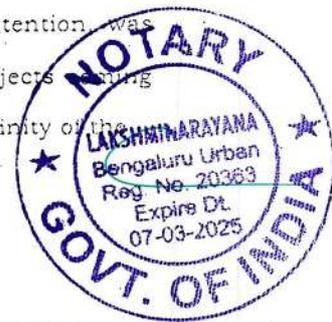
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these STPs, 10 new STPs with a capacity of around 500 MLD are under construction and are likely to be completed by the end of 2016. Proposal is also under consideration for installation of online monitoring system for various parameters of these STPs and it is likely that the same will be commissioned within six months.

#### 4. Water Supply & Ground water extraction

At present Bangalore City receives treated water to the tune of 1360 MLD from river Cauvery. As per the projections, the requirement of another 750 MLD fresh water is there and for this purpose BWSSB has prepared a feasibility report. The growing need for fresh water has put pressure on the groundwater resources. The available data indicates that the major portion of the Bangalore town falls in critical zone in terms of ground water exploitation. It was informed that apart from heavy drawl of groundwater for day-to-day usage, groundwater is also being extracted for use in construction activity. BWSSB informed that only One Million Litre per month of STP treated water is used by the builders for construction purposes.

The other connected fact which drew our attention was pertaining to huge number of residential projects coming up in the entire Bangalore town and in the vicinity of the



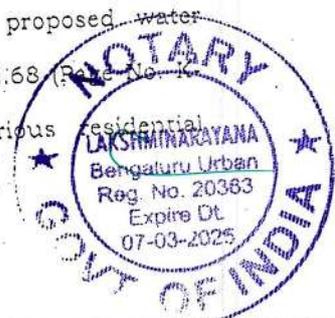
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lakes. BWSSB issues No Objection Certificates (NOC) to various residential and commercial projects for supply of water supply and sewage connection. A list of more than 1500 projects is annexed where conditional NOC to the projects is issued with a specific condition that "the water supply to the above premises will be provided subject to the availability of the water provisional at the time of sanctioning connection". The other condition that is mentioned pertains to "Quantum of water supply and pressure will not be guaranteed". Yet another condition requires that "Tertiary treated water available at BWSSB Sewage Treatment Plant should be used for construction purpose in order to conserve potable water of other-way they should make their own arrangement".

5. Numerous projects in proximity to water bodies and Raj Kalewas

A reference to few of the photographs taken during the field visit, would indicate that some of the projects are actually either on the edge on Raj Kalewas or on the edge of the lake itself. For the various residential development projects that have been issued Environmental Clearance from 2007-2008 onwards till now, a total of 842 proposals have been sanctioned for which the proposed water requirement in Kilo-Liters/day is 286752.68 (Page No. 1110). Similarly, with regards to various residential

1110). Similarly, with regards to various residential



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projects that have been granted Environmental Clearance in the vicinity of Agara and Belandur lakes, it is noticed that a total of 22 projects have been granted Environmental Clearance from 2007-2008 onwards.

6. Raj kalewas

Considering the moderately undulating topography of Bangalore town-ship, BBMP has come out with a plan to re-model the storm-water drains (primary, secondary and tertiary Raj Kalewas) to overcome the havoc caused by the rains and associated problem of flooding. Based on demarcation of drains, topography, catchment area, hydrology, land use, etc., and adopting the procedure outlined in CPHEEO manual of Ministry of Urban Development, Govt. of India, they have worked out site specific proposals for the Raj Kalewas aimed at lining them as rectangular cross-section with the top width varying from 6 Meters to 19 Meters. Restriction is proposed depending on the width of the Raj Kalewas to have 15 to 30 Meters Buffer zone from the center line of the open box drain as green area.

Note on Respondent No. 9

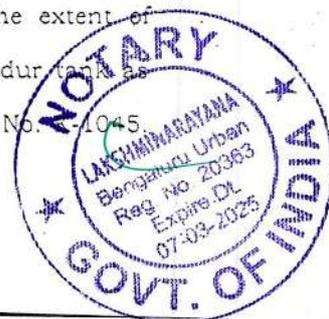
In the above backdrop, the specific issues pertaining to Respondent No. 9 pertain to:



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1. The records show that the area allotted to the project comprised of 63 acres 37.5 guntas, whereas, owing to boundary disputes with the adjoining Military Area, they could not take actual possession of 1 acre 36.5 guntas, thus out of the originally allotted land by KIADB, they are in possession of 62 acres 1 gunta land. According to the records placed, certain plots that were encircled within the above piece of land, have been acquired by them through private negotiations. Such land amounts to 6 acres 19 guntas. As per details furnished by the Revenue department, Survey No.43 admeasuring 3 acres 10 guntas has neither been allotted by KIADB nor has been acquired by the project proponent, and as such the land in the revenue records as lake area, is unauthorizedly encroached upon by the project proponent and boundary wall has been raised around the entire land admeasuring 71 acres 30 guntas. Thus, unauthorized encroached land needs to be restored.

2. The full tank level of Belandur tank is 822.10 Meters above Mean Sea Level (MSL) and highest tank level is 823 Meters above MSL. Whereas in the case of Agara tank, the full tank level is 876.70 Meters above MSL and the highest tank level is 877.60 Meters above MSL. The extent of water spread area for Agara tank and Belandur tank as per the revenue records is depicted on Page No. 1045



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Comparative extent of these lakes in the Master Plan of 2015 shows considerable variation. It would be appropriate to carry out desilting operations in the water body area to ensure proper storage.

3. The revenue records indicate that the major portion of the land allocated to Respondent No. 9 was agricultural land (paddy field). The cadastral map of 1956 indicates that irrigation canal/Raj Kalewas taking off from the upstream Agara tank passed through the area of Respondent No. 9; however, after inclusion of the area in Bangalore Mahanagar Palike and construction of Sarjapur road abutting Agara lake, this area is not under cultivation and the outlets from Agara tank for supplying tank water for irrigation purposes were blocked and no evidence is available about existence of irrigation canal/raj kalewas.

4. The revenue records placed before us indicate that Bangalore Development Authority notified the entire area including that of Respondent No. 9 in the year 1991-1992 for the purpose of Hosur Sarjapur Road (HSR) layout stretch-II. Karnataka Industrial Areas Development Board (KIADB) acquired area of Respondent No. 9 setting up Special Economic Zone (SEZ).

a. General topography and physical features seen at the site indicate that huge alterations to



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topographic features of the area have been made for the project activities of Respondent No. 9.

- b. As per the details collected, cumulative quantity of excavation upto of 3 Meters is 254168.82 cubic meters, excavation upto in the range of 3 to 6 Meters is 136346 Cubic Meters, excavation in the range of 6 to 9 Meters is 21222 Cubic Meters and excavation in the range of 9 to 12 Meters is 8212 Cubic Meters.
- c. During the course of site visit, reference to the inspection made by the KSPCB on 2<sup>nd</sup> January 2014 was made. Subsequently, upon enquiry, original records of the same were perused and it was felt that the report provides valuable insights and photographic evidence to various observations made in the report. A copy of the same is placed at page nos. K-1375 to K-1384. The Inspection Report of Pollution Control Board in para 3 noted that excess soil from construction was being used within project area for filling low lying area. In para 5, issue of construction water supply is dealt, Issue of large number of labours and labour camps and absence of STP in para 6 whereas para 7 records discharge of sullage from labour camp to the Raj kalewas. In para 8b, issue of buffer zone violation was noticed and in para 9, dumping of excess soil in close proximity



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the Raj kalewas was noticed. For the various observations, photographic evidence with corresponding indexing on the project layout map has also been annexed to. These photographs with the current photographs indicate the state of affairs that prevailed at the site.

d. In view of the factual situation, proper records for excavation and dumping for each location needs to be maintained. Connected issue pertains to EC specific condition on "no alteration to the existing topography", which practically is impossible considering the type and extent of construction is proposed.

5. Kharab Land details: As per the details furnished by the Revenue Department, one acre and 2 guntas of the land allocated to Respondent No. 9 - M/s. Mantri Tech. Zone falls in 'C' Kharab land which means that it is yet to be classified under 'A' Kharab or 'B' Kharab land. With the present level of alteration to the topography and partial constructions already raised, the demarcation of especially "B" Kharab land is crucial to identify the structures that are illegal, however, for this first revenue department has to classify the "C" Kharab land into category "A" and "B" first.



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6. The project proponent has raised entire construction so far after purchasing water through tankers and no specific information was made available regarding sourcing of water.

7. The total water requirement for the project is stated to be 4.587 MLD as per the proposal before SEIAA whereas in the KIADB proposal it was projected as 0.4 MLD only. The project applied for water supply to BWSSB for the entire project, however, they have been granted permission as on date for water supply to 18 residential flats only.

8. The traffic density on the Sarjapur road falls in Category C i.e. overloaded, whereas with the proposed SEZ, it is expected that the traffic in the area will become very-very poor performance in terms of level of service. As per the lease agreement with KIADB, the project proponent is to upgrade 2 kms of this stretch of road to 6 lane road and build an under-pass and over-bridge to reduce the traffic congestion; however, in the meantime, a flyover has already been raised by the Government, thus, the entire issue requires a fresh look.

Note on Respondent No. 10

In case of Respondent No. 10, it was noted that as far as land details are concerned, no disputes are forthcoming.

So far construction has not been raised, only preparatory



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excavation work has been carried out. However, as far as issue of Kharab land, proximity to raj kalewas, presence of irrigation channels (raj kalewas) on originally allotted agricultural land, traffic congestion, water requirement, etc. are common, as in case of Respondent No. 9.

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ANNEXURE-D

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BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 222 of 2014

Forward Foundation & Ors. Vs. State of Karnataka & Ors.

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

**Present:**

<b>Applicant:</b>	Mr. Raj Panjwani, Sr. Adv. with Mr. Rishabh Parikh, Adv.
<b>Respondent No. 1 :</b>	Mr. Devraj Ashok, Adv. for State of Karnataka
<b>Respondent No. 2 :</b>	Mr. Attin Shankar Rastogi, Adv.
<b>Respondent No. 7 :</b>	Mr. B. R. Srinivasa Gowda, Adv.
<b>Respondent No. 8 :</b>	Ms. Shweta S. Parihar and Mr. Ankur S. Kulkarni, Adv.
<b>Respondent No. 9 :</b>	Mr. Shekhar G. Devasa, Mr. D. Mahesh, and Mr. Manish Tiwari, Adv.
<b>Respondent No. 10 :</b>	Mr. Raju Ramachandran, Sr. Adv., Mr. Devashish Bharukar, Mr. Suraj Govindraj and Mr. Valbhav Niti, Adv.
<b>Respondent No. 11 &amp; 12:</b>	Mr. Praveen Sehrawart and Mr. Saransh Jain, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 01  May 04 <sup>th</sup> 2016 A	<p>Vide our judgement dated 07<sup>th</sup> May, 2016 the Tribunal had disposed of Original Application No. 222 of 2014 - Forward Foundation &amp; Ors. Vs. State of Karnataka &amp; Ors. By its detailed judgment various directions were passed including appointment of High Powered Committee which was required to submit its report to the Tribunal. The High Powered Committee submitted the report in relation to the project of Respondents Nos. 9 and 10 in August, 2015.</p> <p>The Project Proponent had preferred statutory Appeals against order dated 07<sup>th</sup> May, 2015 passed by the Tribunal before the Hon'ble Supreme Court of India which came to be disposed of vide order dated 20<sup>th</sup> May, 2015 passed by the Hon'ble Supreme Court of India. The said order reads as follows:-</p> <p>"one of the main contentions raised by the Appellants in these Appeals is that the Tribunal had heard the matter only on procedural issues and no arguments on merit were addressed."</p>



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final judgment decides the merits of the disputes as well and above all a penalty of Rs. 117.35 crores against the original Respondent No. 9 (the Appellant in C.A. No. 4832 of 2015) and Rs. 22.5 crores against Original Respondent No. 10 (the appellant in C.A. No. 4829/2015) is imposed.

On the aforesaid averment, we feel that it would be more appropriate for the appellant to file an application before the Tribunal with the prayer to recall the order on merits and decide the matter afresh after hearing the counsel for the parties, as the Tribunal knows better as to what transpired at the time of hearing.

With the aforesaid liberty granted to the petitioners, the appeals are disposed of. Certain preliminary issues are decided against the appellants which are also the subject matter of challenge. However, it is not necessary to deal with the same this stage. We make it clear that in case the said application is decided against the appellants or if ultimately on merits, it would be open to the appellants to challenge those orders by filing the appeal and in that appeal all the issues which are decided in the impugned judgment can also be raised.

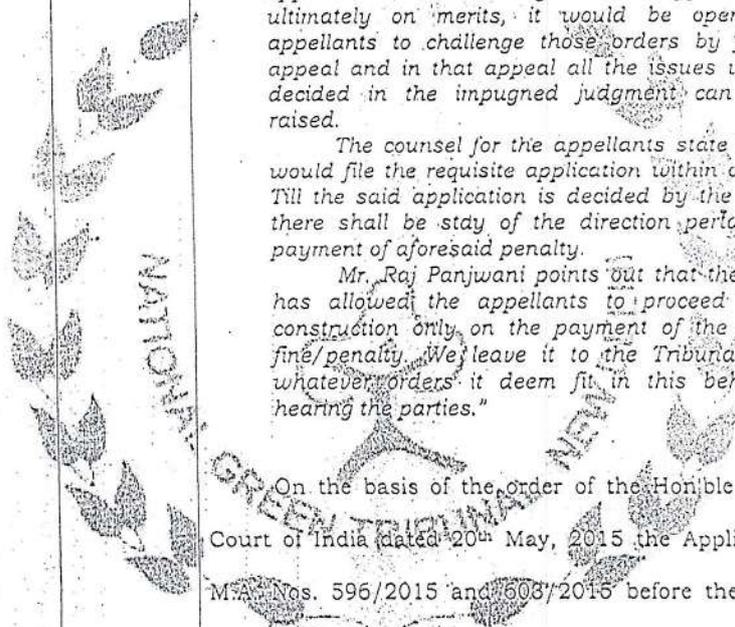
The counsel for the appellants state that they would file the requisite application within one week. Till the said application is decided by the Tribunal, there shall be stay of the direction pertaining the payment of aforesaid penalty.

Mr. Raj Panjwani points out that the Tribunal has allowed the appellants to proceed with the construction only on the payment of the aforesaid fine/penalty. We leave it to the Tribunal to pass whatever orders it deem fit in this behalf, after hearing the parties."

On the basis of the order of the Hon'ble Supreme Court of India dated 20<sup>th</sup> May, 2015 the Applicant filed M.A. Nos. 596/2015 and 603/2015 before the Tribunal praying that order dated 07<sup>th</sup> May, 2015 be recalled, particularly, in relation to the issue No. 5 and opportunity of hearing be granted to the Respondents. When these two applications came up for hearing before the Tribunal they were disposed of vide order dated 06<sup>th</sup> April, 2016 that reads as under:-

"M.A. No. 603 of 2015 and M.A. No. 596 of 2015

These Applications have been filed on behalf of the Respondent No. 9 & 10 respectively. It is necessary for us to refer to any details in view of the directions that we propose to issue in this case.



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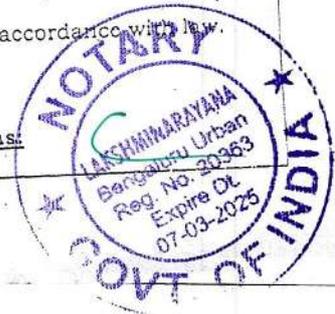
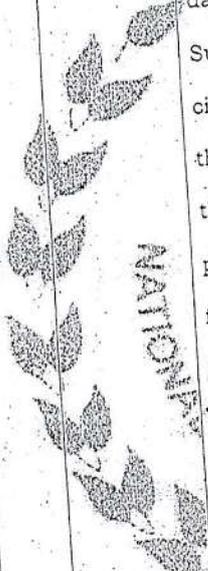
Without prejudice to the rights and contentions of the parties and subject to just exception we would hear the parties in terms of the order of the Hon'ble Supreme Court of India primarily on the question of imposition of Environmental Compensation and merits attached in relation thereto. Parties are given liberty to address their submissions on that behalf.

With the above directions the M.A. No. 603 of 2015 and M.A. No. 596 of 2015 stand disposed of without any order as to cost."

As is evident from the above order, the Tribunal had granted liberty to the parties to address the Tribunal on the limited question as afore-stated. The parties were heard at great length and the case was heard on day to day basis. Keeping in view the order of the Hon'ble Supreme Court of India, the peculiar facts and circumstances and more particularly the fact that one of the Hon'ble Member (Dr. D.K. Agrawal) would be demitting the office on 05<sup>th</sup> May, 2016, we consider it appropriate to pass detailed directions in relation to the both the matters for which the reasons could be recorded in the later part of the day by the Tribunal. Thus, we proceed to record the operative part of the judgment with directions as is deemed proper by the Tribunal.

In view of our discussion in the main judgment, the documents placed before the Tribunal and particularly keeping in view the Inspection Note prepared after site inspection by the two Hon'ble Expert Members of this Bench, we find it necessary for the Tribunal to impose certain conditions and issue appropriate directions, as a condition precedent for these projects to re-commence and/or complete their projects in accordance with law.

General Conditions or directions:



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1. In view of our discussion in the main Judgment, we are of the considered view that the fixation of distance from water bodies (lakes and Rajkalewas) suffers from the inbuilt contradiction, legal infirmity and is without any scientific justification. The RMP - 2015 provides 50m from middle of the Rajkalewas as buffer zone in the case of primary Rajkalewas, 25m in the case of secondary Rajkulewas and 15m in the tertiary Rajkulewas in contradiction to the 30m in the case of lake which is certainly much bigger water body and its utility as a water body/wetland is well known certainly part of wet land. Thus, we direct that the distance in the case of Respondents Nos. 9 and 10 from Rajkulewas, Waterbodies and wetlands shall be maintained as below:-

(i) In the case of Lakes, 75m from the periphery of water body to be maintained as green belt and buffer zone for all the existing water bodies the 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

This buffer/green zone would be treated as construction zone for all intent and purposes and is absolutely essential for the purpose of



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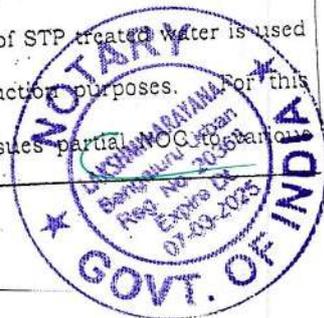
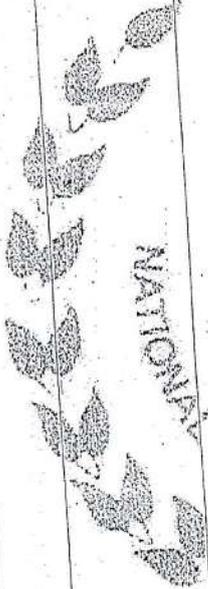
sustainable development particularly keeping in mind the ecology and environment of the areas in question.

All the offending constructions raised by Respondents Nos. 9 and 10 of any kind including boundary wall shall be demolished which falls within such areas. Wherever necessary dredging operations are required, the same should be carried out to restore the original capacity of the water spread area and/or wetlands. Not only the existing construction would be removed but also none of these Respondents - Project Proponent would be permitted to raise any construction in this zone.

All authorities particularly Lake development Authority shall carry out this operation in respect of all the water bodies/ lakes of Bangalore.

2. The capacity of the existing STPs to treat sewage is 729 MLD whereas another 500 MLD sewage is proposed to be treated in 10 upcoming STPs. In this context, all the STPs operating in the area whether Government or privately owned, should meet the revised standards notified by CPCB / MoEF.

3. Bangalore city receives treated potable water of 1360 MLD from river Cauvery whereas the requirement is for another 750 MLD and the entire area falls in critical zone in terms of ground water exploitation. Information reveals that only one million litre per month of STP treated water is used by builders for construction purposes. For this reason, the BWSB issues partial WOC to all



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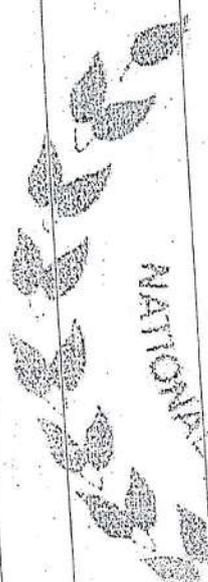
residential and commercial projects in respect of supply of potable water. In this context, following directions need to be issued:

- i. At the time of grant of EC, the water requirement for the construction phase and operation phase should be considered separately. Due consideration should also be given for identification of source of supply of water and this should be a pre-requisite for grant of EC.
- ii. All the project proponents should necessarily use only treated sewage water for construction purpose and this should be reflected in EC as a condition for construction phase.
- iii. Wherever the quality of treated sewage water does not conform to the quality needed for construction, necessary upgradation in STP should be undertaken immediately.

Specific Conditions / Directions for Respondent 9:

In addition to the above directions which should be equally part of EC condition in respect of respondents nos. 9 & 10, following specific conditions shall apply to respondent no. 9:

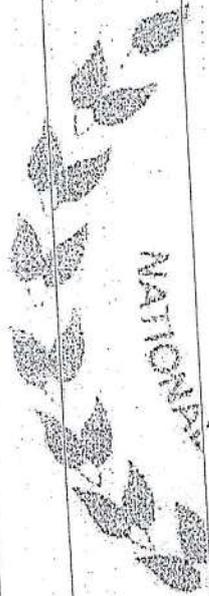
- i. Reclaimed area of the lake to the extent of 3 acres 10 guntas in survey no. 43 should be restored to its original condition at the cost of project proponent. The possession of this area should be restored by Respondent No. 9 to the concerned Authorities immediately by acquisition.



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buffer zone of 75 m should be provided between the lake and the project area and this should be maintained as green area.

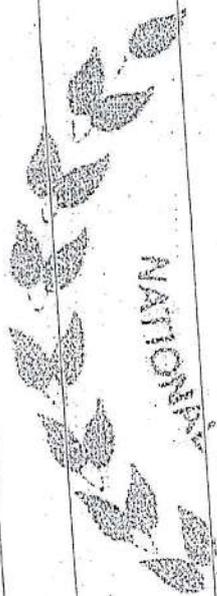
- ii. In the remaining area, where primary Rajkalewa is abutting the project area, 50 m buffer zone on the side of the project area from the edge of the rajkalewa should be maintained as green belt.
- iii. Several irrigation canals or tertiary rajkalewas taking off from the Agara tank were passing through the area of respondent no. 9, and serve the dual purpose of irrigating paddy fields and disposal of surface run off (storm water drains) during rainy season. However, on account of the activities of the project, these drains have been totally obliterated. For the purpose of proper disposal of storm runoff from the entire area falling between the Agara lake and the Belandur Lake, respondent no. 9 must provide required number of storm water drains based on proper hydrological study. These storm drains should have a buffer zone of 15 m on either bank maintained as green belt.
- iv. The cumulative quantity of earth excavated for the construction of project is around 4 lakhs cubic meters in the depth range of 0 to 9 meters. This has created huge hillock like structure obstructing the natural flow pattern of surface runoff from Agara Lake side to Belandur Lake side or primary Rajkalewas. For this purpose during construction phase, garland drains should



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be constructed around the existing dumping site for safe disposal of runoff to the Rajkalewas. For the disposal of excavated material, a proper muck disposal plan, duly approved by SIEAA shall be prepared. In any case the plan should ensure that no muck/sediment flows into Rajkalewas and/or Belandur lake.

- v. The Kharab land identified by Revenue Dept. admeasuring 1 acre 2 guntas should be demarcated and maintained separately as green belt.
- vi. The entire green belt created under the directions of this Tribunal should not to be considered as part of green belt of the project as part of EC condition and will be over and above the green belt as indicated in the EC.
- vii. In view of the heavy traffic load in the adjoining Sarjapur road, a proper study on the basis of traffic density, foot falls, expected, etc. a proper plan needs to be prepared and the concept of service road exclusively for the project needs to be worked out and additional parking space created within the project area and incorporated as a part of the overall project layout, within a period of 3 months.
10. Though, at the time of hearing prior to passing the Judgment, we had heard the parties on all aspects but still we have provided re-hearing to the parties on all issues with emphasis on imposition of



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environmental compensation including the quantum. Upon hearing, we are of the considered view that environmental compensation imposed upon Respondent No. 9 calls for no variation and the Respondent No. 9 should be called upon to pay the said amount of Rs. 117.35 Crores determined under the Judgment prior to commencement of any project activity at the site. Respondent No. 10 has not commenced any actual construction activity but has carried out various preparatory steps including excavation and deposition of huge earth by creating a hillock at the premises in question and a site office.

Thus, considering cumulative effect on environment and ecology due to various breaches in that behalf by Respondent No. 10 and the fact that the remedial measures can more effectively be taken by the Respondent No. 10, we reduce environmental compensation payable by Respondent No. 10 to Rs. 13.5 crores (3% of the stated project cost instead of 5% as imposed in the original judgment).

General Directions:

1. We direct SEIAA, Karnataka to issue amended order granting Environmental Clearance within four weeks from today incorporating all the conditions stated in this judgement and such other conditions as it may deem appropriate in light of this judgement and Inspection Note of the Expert Members. The



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Project Proponents would be permitted to commence activity only after issuance of amended Environmental Clearance order.

2. SEIAA Karnataka and MoEF shall ensure regular supervision and monitoring of the project and during the construction and even upon completion to ensure that activity is carried out strictly in accordance with the conditions of the order granting Environmental Clearance, this Judgment, Notification of 2006 and other laws in force.

3. The distances in respect of buffer zone specified in this judgment shall be made applicable to all the projects and all the Authorities concerned are directed to incorporate such conditions in the projects to whom Environmental Clearance and other permissions are now granted not only around Belandur Lake, Rajkulewas, Agara Lake, but also all other Lakes/ wetlands in the city of Bengaluru.

4. We hereby direct the State of Karnataka to submit a proposal to the MoEF for demarcating wetlands in terms of Wetland Rules 2010 as revised from time to time. Such proposal shall be submitted by the State within four weeks from today and the MoEF shall consider the same in accordance with law and grant its approval or otherwise within four weeks thereafter. After such approval is granted by MoEF, the State would issue notification notifying such areas immediately thereafter in accordance with Rules and law.

5. Both the Respondents Nos. 9 and 10 shall



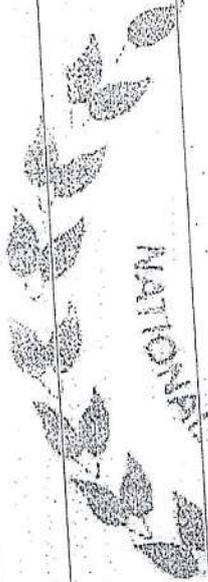
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that debris or any construction material that has been dumped into the Rajkulewas, or on their Banks and on the buffer zone of wetlands should be removed within four weeks from today. In the event they fail to do so, the same shall be removed by the Lake Development Authority along with the State Administration and recover charges thereof from the said Respondents.

6. There is a serious discrepancy even in regard to the measurement of land as far as Respondent no. 9 is concerned. Admittedly the Respondent has been allotted and is in possession of land admeasuring 63.94 acres, though Environmental Clearance has been granted for 2,92,636.03 Sq. Meters which is equivalent to 72.22 acres. For this reason alone, Environmental Clearance cannot be given effect to. While issuing the amended Environmental Clearance, SEIAA Karnataka shall take into consideration all these aspects and, if necessary, would require Respondent no. 9 to submit a fresh layout plan and the entire project may be revised in accordance with law.

7. Both the Respondents (Project Proponents) shall submit an appropriate plan in view of the conditions imposed in this judgment and the amended Environmental Clearance that would be issued.

8. The amount of environmental compensation will be deposited prior to issuance of amended Environmental Clearance.



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With the above directions, the Original Application No. 222 of 2014 and Misc. Applications Nos. 596/2016 and 603/2016 are finally disposed of while leaving the parties to bear their own costs.

.....CP  
(Swatanter Kumar)

.....JM  
(M.S. Nambiar)

.....EM  
(Dr. D. K. Agrawal)

.....EM  
(Prof. A.R. Yousuf)

.....EM  
(B.S. Sajwan)



|| True copy ||



ANNI

ITEM NO.12

COURT NO.1

S U P R E M E C O U R T O F  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5016/

MANTRI TECHNOZE PVT. LTD.

VERSUS

Respondent(s)

FORWARD FOUNDATION & ORS.

WITH

C.A. D 16939/2016

(With appln.(s) for permission to file appeal and Office Report)

Date : 12/05/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s)

- Mr. R. Venkataramani, Sr. Adv.
- Mr. Dushyant Dave, Sr. Adv.
- Mr. Shekhar Devasa, Adv.
- Mr. Manish Tiwari, Adv.
- Mr. Yashraj Singh Bundela, Adv.
- Ms. Neelam Singh, Adv.
- Mr. S. Mahesh, Adv.
- Mr. K.V. Bhuvanendra, Adv.
- Mr. Anup Kumar, Adv.

- Mr. K.K. Venugopal, Sr. Adv.
- Mr. S.Kiran Shetty, Sr. Adv.
- Mr. Rohit Bhat, Adv.
- Mr. Kush Chaturvedi, Adv.

For Respondent(s)

- Mr. H.N. Salve, Sr. Adv.
- Mr. Mahesh Agarwal, Adv.
- Mr. Rishabh Parikh, Adv.
- Mr. E.C.Agrawala, Adv.

Valid till R.No.14 & 15  
AD No.16939  
2016

(R.No.1,2 & 3  
In CA No.5016

- Mr. H.N. Salve, Sr. Adv.
- Mr. Praveen Sehrawat, Adv.
- Mr. Saransh Jain, Adv.
- Mr. Arvind Datar, Sr. Adv.
- Mr. E.C. Agrawala, Adv.



in 2016) Mr. Mahesh Agarwal, Adv.  
Mr. Rishabh Parikh, Adv.

(R.No.12 & 13)  
IN CA No.5016  
In 2016) Mr. Arvind Datar, Sr.Adv.  
Mr. Praveen Sehrawat, Adv.  
Mr. Saransh Jain, Adv.  
Mr. O.P. Bhadani, Adv.

Ms. Anita Shenoy, Adv.

Mr. Devashish Bharuka, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Civil Appeal No.5016 of 2016

Issue notice.

Mr. Rishabh Parikh, learned counsel accepts notice on behalf of respondent No.1 to 3, 12 and 13.

Ms. Anita Shenoy, learned counsel accepts notice on behalf of respondent No.4 and 6 to 11. She shall take instructions for filing counter affidavit on behalf of the said respondents. Since some of the said respondents may choose to engage a counsel of their own choice we direct simultaneous issue of notice for service upon the said respondents dasti.

Issue of notice to the remaining respondents is dispensed with for the present.

Counter affidavit be filed within four weeks. Rejoinder affidavit, if any, within two weeks thereafter.

Mr. R. Venkataramani, learned senior counsel for the petitioner company submits that although the company had been permitted to resume its construction activities in terms of the order passed by the Tribunal it has not chosen to do so. He further states that the extent of 3 acres and 10 guntas of land referred to in the impugned order passed by the Tribunal is not



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actually in the occupation of the petitioner company and that the petitioner company has no objection to the possession of the said 3 acres and 10 guntas of land being taken over by the competent authority. He has also no objection to the removal of any building standing on the said extent of land. In that view therefore we permit the competent authority to take over the possession of the extent of 3 acres and 10 guntas of land referred to in the order passed by the Tribunal and allegedly in possession of the petitioner company. We also permit the competent authority to remove/demolish any construction put up on the said extent of land. Keeping in view the fact that if the petitioner company has not resumed its construction activity so far, we direct that it shall maintain status quo on the spot.

Operation of the impugned order in so far as it directs award of a monetary compensation of Rs.117.35 crores shall however remain stayed until further orders.

List for further orders on 12.07.2016.

Civil Appeal D.No.16939/2016

The appeal is dismissed as withdrawn with the liberty prayed for in terms of the signed order.

(Ashok Raj Singh)  
Court Master

(Signed Order is placed in the file)

(Veena Khara)  
Court Master



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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL D.NO.16939/2016

CONFEDERATION OF REAL ESTATE  
DEVELOPERS' ASSOCIATION OF  
INDIA-KARNATAKA AND ORS.

...APPELLANTS

VERSUS

THE FORWARD FOUNDATION AND ORS.

...RESPONDENTS

ORDER

Mr. K.K. Venugopal, learned senior counsel seeks leave to withdraw this appeal reserving liberty for the individual members affected by the impugned orders to file individual cases.

The appeal is accordingly dismissed as withdrawn with the liberty prayed for.

.....CJI.  
(T.S.THAKUR)

.....J.  
(R. BANUMATHI)

NEW DELHI,  
MAY 12, 2016.

|| True copy ||



ANNEXURE-F

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IN THE SUPREME COURT OF INDIA  
(CIVIL APPELLATE JURISDICTION)

I.A.No. 3 OF 2016

IN

CIVIL APPEAL No. 5016 OF 2016

IN THE MATTER OF:-

Mantri Techzone Pvt., Ltd. ....Applicant/Appellant

-VERSUS-

The State of Karnataka & Ors., .....Respondents

AN APPLICATION FOR FURTHER DIRECTIONS DURING  
THE PENDENCY OF APPEAL

To,  
The Hon'ble chief Justice of  
India and His Companion  
Justices of Hon'ble Court.

The Humble Application of the  
Appellant/Applicant above named:

MOST RESPECTFULLY SHWETH:-

1. The Appellant/applicant above named filed the aforesaid Civil Appeal No.5016/2016 being aggrieved by the impugned judgment and final order dated 04-05-2016 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No.222/2014. The aforesaid Appeal was listed on 12-05-2016 and this Hon'ble Court, after hearing the parties to the lis, was pleased to issue notice to the respondents and directed that the "status quo" should be maintained on the spot and also directed stay of the award of monetary compensation of Rs.117.35 crores passed by the Tribunal until further orders and also passed such other orders/directions. The above said



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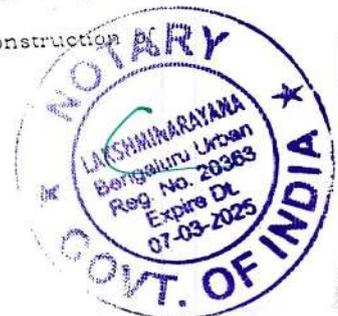
Appeal is pending before this Hon'ble Court for further consideration.

2. That in terms of order dated 12-07-2016 passed by this Hon'ble Court, the Appellant has filed an affidavit to abide by some of the conditions stipulated by the Hon'ble National Green Tribunal in the impugned order dated 04-05-2016. The appellant stated therein that certain conditions were complied by it to the extent stated therein and undertook to abide by some of the conditions during the course of construction of project in terms of the Approvals, Sanctions and Environmental Clearance granted on 17-02-2012 to the project in question.

A true copy of Additional Affidavit filed by the Appellant on 19-10-2016 in Civil Appeal No.5016/2016 in this Hon'ble Court is marked at Annexure-A/1 (Pg...17...to...28...).

3. The detailed facts and circumstances giving rise to the filing of the present Application are set forth in the aforesaid Appeal; the appellant/applicant craves leave of this Hon'ble Court to refer to and rely upon the same as forming part of the present application.

4. That the Appellant submits that after obtaining all sanctions, approvals and orders from the competent Authorities, the appellant commenced construction of



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the project in the month of November, 2012 and the environment clearance was granted much before the construction, on 17-02-2012.

True Copy of Environment clearance granted by State Level Environment Impact Assessment Authority, Karnataka (SEIAA) dated 17-02-2012 is marked at Annexure-A/2 (Pg. 29 to 46).

5. That the Appellant submits that the Respondent No.12 (Namma Bengaluru Foundation) and the Respondent No.13 (Citizen's Action Forum) had, prior to filing of the Original Application before the Hon'ble National Green Tribunal, instituted a Public Interest Litigation in Writ Petition No. 36567-574/2013 before the Karnataka High Court seeking to restrain construction activity of the Appellant. In the said Petition, the land acquisition for the project was also questioned. The associates of the 12<sup>th</sup> and 13<sup>th</sup> Respondents, namely, the 1<sup>st</sup> Respondent (The Forward Foundation), the 2<sup>nd</sup> Respondent (Praja RAAG) and the third Respondent (Bangalore Environment Trust) filed an application before the Hon'ble Green Tribunal (Southern Bench at Chennai) on 12 February 2014 being Application No. 114 of 2014. In the application, the Green Tribunal granted an ex-parte interim stay on the 16<sup>th</sup> April 2014 against construction activities on the surmise that the environmental clearance had been obtained for the



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project. However, the Tribunal was not informed of the pending Writ Petitions in the Karnataka High Court or of the fact that environmental clearance for the project was issued on 17<sup>th</sup> February 2012 itself. Subsequently, the aforesaid application was heard at length and they came to be transferred before the Principal Bench of the Tribunal at New Delhi and it was renumbered as O.A.No.222 of 2014.

6. The Appellant submits that the Hon'ble Green Tribunal heard the preliminary objections regarding maintainability and limitation to file Original Application and also in respect of interim order granted on 16-04-2014 by the Tribunal and passed judgment and order on 07-05-2015 on merits. The Tribunal at Para-85 (1) issued directions as under:-

*"85 (1): We decline to pass any direction or order to stop further progress and/or demolition of the project or any part thereof at this stage. However, we constitute the following Committee to inspect the project in question and submit a report to the Tribunal inter alia but specifically on the issues stated hereinafter." (Order available at page 96 at 199 - Vol.-I of the aforesaid Appeal).*

7. That the appellant submits that being aggrieved by the order dated 07-05-2015, the Appellant filed Civil Appeal No.4832/2015 in this Hon'ble Court wherein this



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Hon'ble Court, by the order dated 20-05-2015 (Order available at page 92-Vol-I) while disposing off the said Appeal, directed the Tribunal to recall the order and decide the matter afresh after hearing the Counsel for the parties. The Counsel for the respondents at that time pointed out about the construction of the project site. This Hon'ble Court at last para of the said order dated 20-05-2015 recorded as under:-

*"Mr. Raj Panjawani points out that the Tribunal has allowed the appellants to proceed with the construction only on the payment of the aforesaid fine/penalty. We leave it to the Tribunal to pass whatever orders it deems fit in this behalf, after hearing the parties."*

8. The appellant submits that in view of the liberty and direction given by this Hon'ble Court on 20-05-2015, the Appellant filed an application before the Tribunal on 28-05-2015 for recalling of order dated 07-05-2015. During the pendency of the original application as well as the recalling application of the Appellant, the appellant filed an application in M.A. No.1283/2015 on 08-12-2015, inter alia, praying before the Tribunal to allow the Appellant to continue the construction and to create third party rights. The Hon'ble Tribunal was pleased to allow the said application on 22-12-2015 and the appellant had re-commenced their construction in the project site.



812-0631  
 True copy of order of the Tribunal dated 22-12-2015 is marked at Annexure-A/3 (Pg. 47 to 50).

9. Subsequent upon the passing of the order dated 22-12-2015, the Appellant continued its construction.

10. The Appellant submits that, being aggrieved by the said order dated 22-12-2015 of the Tribunal, the Respondents filed a Civil Appeal No.214/2016 in this Hon'ble Court; this Hon'ble Court was pleased to dismiss the said Appeal on 20-01-2016 and confirmed the said order dated 22-12-2015 passed by the Hon'ble Tribunal.

True copy of the order dated 20-01-2016 in Civil Appeal No.214 of 2016 passed by this Hon'ble Court is marked as Annexure-A/4 (Pg. 51 to 52).

11. The Appellant submits that on 04-05-2016, the Tribunal passed the impugned order. On 12-05-2016, this Hon'ble Court was pleased to pass an interim order; in view of the statement that the status quo would be maintained, the Appellant has not restarted the construction. The Appellant craves leave to be relieved of the said statement and seeks the liberty of this Hon'ble Court to recommence the construction.

13. The Appellant wishes to bring to the notice of this Hon'ble Court that the pendency of these proceedings are being adverted to for extraneous purposes by an



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organization called the South East Forum for Sustainable Development. It is relevant to note that the said organization has informed the Punjab National Bank, Cantonment Branch, Bangalore, in which the Appellant has bank account as follows:

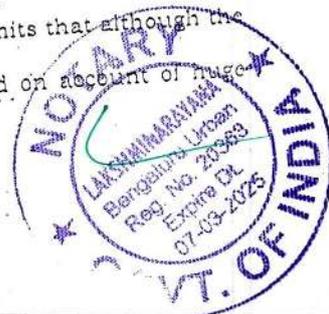
"We understand that you have a loan exposure to M/s Mantri Techzone P Ltd in respect of a project called 'Mantri Agara' on Sarjapur Road Bangalore. Please be aware that this entire land parcel is the subject of a case just concluded at the National Green Tribunal, Delhi in which the plan sanctions and Environmental Clearance accorded to M/s Mantri Techzone P Ltd have been set aside. The information has been widely reported in the media as well.

There is therefore a clear risk that the loans granted by you to the project proponent M/s Mantri Techzone P Ltd could turn into a doubtful asset classification. We therefore request you to assess your asset quality with regard to the above exposure in light of this new information and take whatever steps you deem prudent.

A copy of this letter is being shared with Reserve Bank of India (Banking Regulation Department) and with the Ministry of Finance, Government of India for information."

A true copy of the representation dated 29th August, 2016 made by the South East Forum for Sustainable Development before Punjab National Bank is enclosed herewith as Annexure-A/5 (Pg...53...to...54).

14. The Appellant respectfully submits that although the Bellandur Lake has been polluted on account of huge



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dumping of untreated sewerage (not only Bellandur Lake but also in other lakes in the city of Bangalore) by the Bangalore Water Supply and Sewerage Board and other households which have no connections to public sewers or have faulty sewage treatment plants installed within their boundaries. This needs to be rectified by the BWSSB which can undertake immediate cleaning and pumping operations.

15. The Appellant submits that the Lake Development Authority issued a notice to the Appellant on 07-10-2016 wherein it called upon the Appellant to comply with certain directions that were issued by the Tribunal under its Order dated 04-05-2016, particularly removal of debris or any construction materials from the Raja Kallives and for demolition of boundary wall, temporary or permanent construction that fall under the buffer/green zone as directed by the Tribunal. The said notice is in disregard of the order of this Hon'ble Court dated 12-05-2016 in the aforesaid Appeal.

True copy of notice dated 07-10-2016 issued by the Lake development Authority to the Appellant is marked at Annexure-A/6 (Pg. 55 to 56.)

16. The Appellant submits that the Appellant is suffering huge monetary loss on account of the pending proceedings and stoppage of construction. The



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Appellant is unable to raise any funds either by way of debt or advances from customers for the spaces to be leased or sold to such customers on account of such pending litigations, due to which, great financial hardship is being caused to this Appellant:

17. That the Appellant submits that the Committee constituted by the Tribunal, in its spot Inspection Report also did not observe any major deviation at the site and that the construction should be stopped. The impugned order does not contain any observation to the effect that the project in question has impact on environmental degradation.

18. When the matter was listed on 12-07-2016, the learned Senior Counsel appearing on behalf of the Appellant submitted that an affidavit would be filed indicating compliance with relevant conditions as contained in the order passed by the Tribunal and also in the Committees' reports. The appellant filed the additional affidavit in terms of the order dated 12-07-2016 in this Hon'ble Court with following statements:-

12. I state that the condition with regard to the government land or land forming part of the Lake measuring 3 Acres 10 Guntas in Sy. No.43 has always been out of the boundary of the Appellant and accordingly, the said land is surrendered to the competent authority, being the Karnataka Industrial



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15. The appellant has already undertaken Traffic Management Study as indicated in the Order of the Hon'ble Tribunal and it will make appropriate changes in the design and other parameters of its building to provide suitable pass-through and provision for visitor and occupant parking at the site of the Appellant.

16. The Appellant submits that it will undertake to use as far as possible, recycled water during construction phase and during operation phase by purchasing water from BWSSB or other agency as long as the water so provided are acceptable under the normal standards and parameters. It will use recycled water generated within the facility and for this purpose will carry out double piping and use maximum recycled water for flushing and other uses as per standards. It will also consume the recycled water for gardening and other non-human uses. It is already planned and will establish necessary Sewerage Treatment Plants for recycling of waste water generated within its facility.

17. It is submitted that the Appellant has complied with and has carried out construction in full compliance of all the conditions imposed by all the authorities including the Environmental Clearance granted on 17-02-2012.

18. As stated earlier, the Appellant has already prepared a plan with regard to Environmental Management during construction and the same will be submitted to the competent authority detailing the matter and all actions will be carried out as suggested by such Competent Authority (KSPCB and SEIAA). The Plan includes the methodology to avoid any obstruction for safe disposal of run off to the Rajakalves. Present excavated material or any construction material



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escaping either to the Rajakaluves or Bellandur Lake, so that said condition is complied with and no damage and caused either to the Rajakaluves or Bellandur Lake.

19. I state that the construction of the Appellant is limited to the lands that are allotted to the Appellant and those which have been under private negotiation that too since they form integral part of the rest of the lands. Although, the purchase of contiguous parcels of land ad measuring 6 acres 19 guntas are under negotiation with private parties, however, for the present construction will be limited to the extent of 63.94 acres as shown in the Map annexed herewith.

20. I state that the Hon'ble Tribunal has directed this Appellant to retain the entire buffer zone as a no-construction zone and that the same shall be in addition to the green belt prescribed under any law relating to planning. It is submitted that since the Plans have already been sanctioned and construction has commenced, the Appellant will not be able to maintain any buffer zone in addition to what is specified in the Sanction Plan based on the applicable planning laws. However, subject to result of the appeal, it will follow such restrictions in the lands where construction has not commenced and the land is available as vacant land not occupied by any proposed building. The buffer zone so provided will also be used for permitted uses. However, as an interim measure, the Appellant will not construct within 75 meter of the Bellandur Lake. In respect of two buildings identified as A and B in the annexed map, no further construction shall be made until the disposal of the Appeal. This undertaking is without prejudice to the rights and conditions of the parties."



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19. The Appellant begs the leave of this Hon'ble Court to permit the Appellant to file this application seeking further directions to permit the Appellant to continue with the construction at the Project Site subject to the final orders to be passed by this Hon'ble Court in the matter since the Appellant is being put to great financial and other hardship despite the fact that the environmental clearance for the Project was granted on 17-02-2012, and it commenced the construction in the month of November, 2012 which was stopped after issue of the interim order dated 16.04.2014 and intermittently continued in accordance with the Orders passed from time to time. This Appellant undertakes to abide by the conditions, if any, imposed by this Hon'ble Court while passing further orders in furtherance to this Application and during the pendency the aforesaid Appeal.

20. It is humbly submitted that in view of the above, it is just and necessary that this Hon'ble Court enlarges the Order to include that the Authorities may not disturb the existing construction in the project and to permit the Appellant to continue with the construction at the Project Site beyond the 75 meter and 50 meter buffer zones for Lake and 'Raja Kaluve', respectively specified in the Order dated 04-05-2016 in accordance with the



820.12  
 permissions and sanctions and subject to the final orders of this Hon'ble Court in the extent of land measuring 63.94 acres and in terms of Environmental Clearance granted on 17-02-2012.

21. In view of the above, it is humbly and respectfully prayed that this Hon'ble Court may be pleased to issue further directions and permit the Appellant to undertake further construction in accordance with the undertaking contained in the aforesaid affidavit. That the balance of convenience is in favour of the present appellant/applicant and there is every likelihood of it succeeding in the aforesaid appeal and therefore, the application may be allowed as prayed herein.

22. That the present application is bona fide and is in the interest of justice.

PRAYER

It is therefore, the applicant/Appellant prays that this Hon'ble Court may graciously be pleased to:-

(a) allow the application and pass further direction(s) in the above matter, direct the authorities not to interfere with the existing constructions and permit this appellant to continue with the construction in the sanctioned project site (to the extent of 63.94 acres), in terms of environmental clearance.



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to the Appellant on 17-02-2012 subject to the final Orders to be passed in the above said pending Appeal, in the interest of justice and equity and for the reasons aforesaid; and

(b) pass such other or further orders as this Hon'ble Court may deem just and proper in the facts and circumstances of the case;

DRAWN BY:  
Shekhar G Devasa,  
Advocate

DRAWN ON: 15/10/2016  
FILED ON: 19/10/2016

(M/s Devasa & Co)  
Advocates for the appellant/Applicant

FILED BY:



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IN THE SUPREME COURT OF INDIA  
(CIVIL APPELLATE JURISDICTION)

I.A. No. 2 of 2016

IN  
CIVIL APPEAL No:5016 of 2016

IN THE MATTER OF:-

Mantri Techzone Pvt., Ltd. ...Applicant/Appellant

-VERSUS-

The State of Karnataka & Ors. ...Respondent

**A F F I D A V I T**

I, Girish Gupta H S, S/o. Sri. Satyanarayana Gupta, Aged about 48 years, office at Mantri House, No.41, Vittal Mallya Road, Bangalore-560 001, Karnataka State, do hereby solemnly affirm and declare as follows:-

1. That I am the authorized representative of the Applicant/Appellant-Mantri Techzone Pvt., Ltd, I know the facts and circumstances of the case on the basis of the records in the office of the Applicant/Appellant and therefore, I am competent and duly authorized to swear and affirm to the contents of this affidavit.
2. That the Interlocutory Application for further directions has been drawn by my Advocate under my instructions. I have read and understood the contents of the above said and I say that the same are true and correct to my knowledge and belief and I believe the same to be true.
3. That the Annexure are true copies of the respective originals.

**VERIFICATION:-** I, Girish Gupta H S, S/o. Sri. Satyanarayana Gupta, the above name deponent do hereby verify that the contents of Para-1 to Para-3 of above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from. Solemnly affirmed on this 19th Day of October, 2016 at Bengaluru.

**TRUE COPY ATTESTED BY ME**  
*[Signature]* 02/03/2024  
**LAKSHMINARAYANA**  
Advocate & Notary Public  
GOVT OF INDIA  
# 15, 1st Main, 2nd Cross  
near my old College, Anco Layout, K. G. G. Nagar  
Bengaluru, Urban, Karnataka - 560092



BEFORE THE HON'BLE NATIONAL GREEN  
TRIBUNAL BENCH

SOUTHERN ZONE, CHENNAI

Execution Application No.10 of 2023 (SZ)

IN

Original Application No.222 of 2014 (PB)

The Forward Foundation & Ors.

... Applicant(s)

-Vs-

State of Karnataka & 9 Ors.

... Respondent(s)

**VOLUME 2 : STATEMENT OF  
OBJECTIONS AND TYPED SET OF  
DOCUMENTS FILED ON BEHALF  
OF THE 9<sup>TH</sup> RESPONDENT**

**M/s. CHANDRAMOULI PRABHAKAR (MS. 4136 / 2015)**

**R. PRITHVIRAJ PANDIAN (MS. 422 / 2015)**

**NITHYAVENDHAN K (MS. 2199/2015)**

**R. VANDHANA PRABHU (MS. 8022 / 2021)**

**M/s. PC LAW CHAMBERS**

**Ph No:** 9940469099 / 9677003795

**Address:** M/s. PC Law Chambers  
C-2 (2<sup>nd</sup> Floor), Vasanth Apartments,  
75/40, CP Ramaswamy Road,  
Alwarpet Chennai 600 018

**Email:** chandramouli@pclawchambers.com  
prithviraj@pclawchambers.com