



Suvisesham Jayakumaar <s.jayakumaar@gmail.com>

Complaint Petition dated 16.7.2025 regarding TNPCB's Deliberate Failure to prevent environmental damage by SBIOA Unity Enclave Owners' Welfare Association, Mambakkam, Chennai-600127.

1 message

Suvisesham Jayakumaar <s.jayakumaar@gmail.com>

16 July 2025 at 12:23

To: deemmn@tnpcb.gov.in, grievance@tnpcb.gov.in, forsec@tn.gov.in, cmo@tn.gov.in, cmcell@tn.gov.in, mudhalvarinmugavari@gmail.com

By Email & RPAD

Complaint Petition dated 16.7.2025. For the Personal Attention of the DEE

From To
S.Jayakumaar, The District Environmental Engineer,
Owner of Flat No.144, Block-N, Tamil Nadu Pollution Control Board,
SBIOA Unity Enclave, Maraimalai Adigalar Street,
Mambakkam, Maraimalai Nagar,
Chennai-600127. Chennai-603 209.
(Email:deemmn@tnpcb.gov.in)

Sir/Madam,

Sub: Complaint – Failure to Monitor and Prevent Environmental Damage by SBIOA Unity Enclave Owners' Welfare Association, Mambakkam, Chennai-600127 in Defiance of TNPCB's Directions and in Blatant Violation of *The National Solid Waste Management Rules, 2016* – Investigation and Penal Action against the Association – Requested– Reg.

Ref: 1) Proceedings No.ந.க.எண்12333/2013/சு.பி dated 20.12.2013 of the Commissioner of Town and Country Planning, Chennai.
2) Consent Order No. 6429 dated 17.4.2015 in ProceedingsNo.T10/TNPCB/F-34341/MMN/OL/W/2015 dated 17.4.2015 of Tamil Nadu Pollution Control Board.
3) Original Application No.115 and 148 of 2024 pending before the National Green Tribunal, Southern Zone, Chennai.
4) Various Communications, Reports and Orders issued by Tamil Nadu Pollution Control Board with regard to the cases in the Original Application No.115 and 148 of 2024 pending before the National Green Tribunal, Southern Zone, Chennai.

5) Proceedings No.T2/TNPCBd/F.019084/MNM/RL/T2/W&A/

2024-1 dated 10.6.2024 of the Chairperson, TNPCB, Guindy, Chennai.

6) Letter No.CMWSSB/EE(STP/S)/Perungudi STP (O&M)/RTI/2024-25 dated 5.5.2025 of the Executive Engineer/Public Information Officer, Perungudi STP of CMWSSB (copy enclosed).

7) **My Complaint Petition dated 7.7.2025 sent to you by RPAD and email with enclosure/attachment.**

I am a resident owner of a flat at my above address. I am sure that you are aware of the blatant violations by SBIOA Unity Enclave Owners' Welfare Association, Mambakkam, Chennai-600127 of *The National Solid Waste Management Rules, 2016*, the "Consent to Establish" the STP issued by TNPCB and the directions issued by TNPCB on 10.6.2024 itself to the President of the Association to collect the treated sewage "through GPS fitted authorised tanker lorries and dispose the same into the nearby CMWSSB STP with necessary permission".

2) **Despite all these directions, "Consent to Establish" the STP in SBIOA Unity Enclave has not yet been obtained by the Promoter SBIOACC. Moreover, SBIOA Unity Enclave Owners' Welfare Association has been deliberately engaging from August 2024 tanker lorries not authorized by CMWSSB and are also not discharging the excess STP water to Perungudi decanting centre of CMWSSB but elsewhere illegally!** The Executive Engineer/Public Information Officer, Perungudi STP of CMWSSB vide his Letter No.CMWSSB/EE(STP/S)/Perungudi STP (O&M)/RTI/ 2024-25 dated 5.5.2025 has confirmed that "No lorries were decanted from SBIOA Unity Enclave, Mambakkam to Perungudi STP of CMWSSB from 19.8.2024 to 31.3.2025".

3) All these prompt me to believe that **the District Environmental Engineer, Maraimalai Nagar and his subordinates have deliberately failed to monitor and prevent environmental damage by SBIOA Unity Enclave Owners' Welfare Association** in defiance of the directions by TNPCB and in blatant violation of *The National Solid Waste Management Rules, 2016*. **All these also give me an impression that the officials of TNPCB are corrupt and hence have wilfully derelicted their responsibility and duty to prevent environmental damage by the above Association and have thereby encouraged the Association to boldly continue the violations without punishment.**

4) Hence, I requested you vide my Complaint Petition dated 7.7.2025 sent to you by RPAD and email to investigate into the deliberate damage caused to the environment by SBIOA Unity Enclave Owners' Welfare Association, Mambakkam, Chennai-600127 and take severe penal action against the Association.

5) **Even after the documentary proof furnished by me in my Complaint Petition dated 7.7.2025 sent to you by RPAD and email regarding the wilful violations and damages caused to the environment by SBIOA Unity Enclave Owners' Welfare Association, you have deliberately failed to investigate and take severe penal action against the Association.**

6) Hence, I request you to take immediate action against SBIOA Unity Enclave Owners' Welfare Association, Mambakkam, Chennai-600127 based on my complaint petition.

7) I also wish to point out that I will follow up this complaint through RTI petitions.

7) Please acknowledge receipt of this letter.

Yours faithfully,

(S.Jayakumaar)

Mobile No: 9444915124

Copy to: 1) The Chairman, Tamil Nadu Pollution Control Board, 76, Mount Salai, Guindy, Chennai – 600032 for information and necessary action. (Email: grievance@tnpcb.gov.in)

2) The Additional Chief Secretary to Government, Environment, Climate change & Forests Department, Secretariat, Chennai-600009 for information and necessary action. (Email: forsec@tn.gov.in)

3) The Hon'ble Chief Minister of Tamil Nadu, Secretariat, Chennai-600009 for information and necessary action. (Email: cmo@tn.gov.in)

4) The Chief Minister's Cell, Secretariat, Chennai-600009. (Email: cmcell@tn.gov.in, mudhalvarinmugavari@gmail.com).



TAMIL NADU POLLUTION CONTROL BOARD

From
Er.G. Kesavamoorthy,M.Tech.,
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Adigalar Street,
Maraimalai Nagar.
Chengalpattu District – 603 209.

To
Thiru. S.Jayakumaar,
Owner of Flat No.144,
Block-N, SBIOA Unity Enclave,
Mambakkam,
Chennai-600127.

Lr.No./DEE/TNPCB/MMN/2025 dated:25.07.2025

Sir,

Sub : DEE - TNPC Board -Maraimalainagar- Complaint against the M/s.SBIOA Unity Enclave Owners' Welfare Association, Mambakkam, Chennai regarding Violation of the Solid Waste Management Rules, 2016 – Regarding.

Ref : Complaint received through e-mail on 16.07.2025.

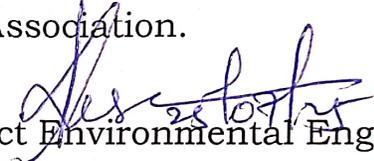
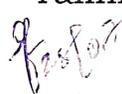
With reference to the above, it is hereby informed that based on the complaint already received against the M/s.SBIOA Enclave Owners' Welfare Association. The following direction issued to the developer/project proponent of M/s. SBIOA Unity Enclave and M/s.SBIOA Unity Enclave Welfare Association.

I) Directions to the developer/project proponent M/s. SBIOACC (Chennai Circle) of M/s. SBIOA Unity Enclave, S.No. 17/2 etc, Mambakkam Village, Thiruporur Taluk, Chengalpattu District to pay the amount of Rs.71,70,000/- (Seventy One Lakhs Seventy Thousand only) towards recovery of Interim Environmental Compensation to Tamil Nadu Pollution Control Board within a month vide. Proc. No.: 12 /INPCB/F.019084/MMN/ Direction/ 2024-1 dated: 14.10.2024.

II) Direction under Section 31A of the Air (P&CP) Act 1981 as amended and under Section 33 A of the Water (P&CP) Act, 1974 as amended vide Proc. No.: T2 /INPCB/F.019084/MMN/ Direction/ 2024-2 dated: 14.10.2024 to the developer/project proponent M/s. SBIOACC (Chennai Circle) of M/s. SBIOA Unity Enclave, S.No. 17/2 etc, Mambakkam Village, Thiruporur Taluk, Chengalpattu District.

III) Direction under Section 31A of the Air (P&CP) Act 1981 as amended and under Section 33 A of the Water (P&CP) Act, 1974 as amended vide. Proc. No.: T2/TNPCB/F.019084/MMN/ Direction/ 2024-3 dated: 14.10.2024 to the SBIOA Unity Enclave Welfare Association of M/s. SBIOA Unity Enclave, S.No. 17/2 etc, Mambakkam Village, Vandalur Taluk, Chengalpattu District.

Further it is informed that the case has been pending before the Hon'ble National Green Tribunal(SZ) in OA.No.115 of 2024 & 148 of 2024 filed by Thiru.D.Rakeshkumar against the M/s.SBIOA Unity Enclave. Based on the judgement received from the Hon'ble National Green Tribunal the appropriate action will be initiated against the developer/project proponent of M/s. SBIOA Unity Enclave and M/s.SBIOA Unity Enclave Welfare Association.


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Nagar.




CHENNAI METROPOLITAN WATER SUPPLY AND SEWERAGE BOARD

EXECUTIVE ENGINEER (STP-SOUTH) / PIO

Lr.No.CMWSSB / EE(STP/S) /Perungudi STP (O&M) / RTI / 2025-26

dt 13.06.2025

To

D. Rakesh Kumar
Flat No. M105 Block M
SBIOA Unity Enclave,
Mambakkam,
Chennai-600127.

Sir,

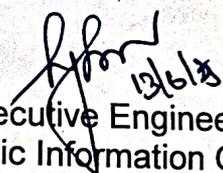
Sub: CMWSSB – EE(STP/S) – Perungudi STP – Information regarding the number of trips/loads of sewage water disposed to Perungudi STP under the RTI Act, 2005 – Reg

Ref: 1.RTI Application dated 28.04.2025

With reference to the RTI application cited above the reply pertain to CMWSSB, are furnished below:

S.No.	Information sought	Reply furnished
1.	Kindly provide the details regarding the Number of trips or loads of sewage water disposed of daily through tanker lorries from SBIOA Unity Enclave, Mambakkam to Perungudi STP of CMWSSB for the period from 19 th August 2024 to 19 th August 2024 and 1 st May 2025.	No lorries were decanted from SBIOA Unity Enclave, Mambakkam to Perungudi STP of CMWSSB from 19.8.2024 to 01.05.2025.
2	Please provide date-wise details of the trips or loads of sewage water disposed of daily by the following tanker lorries from SBIOA Unity Enclave, Mambakkam to Perungudi STP between 19 th August 2024 and 1 st May 2025: TN47D6129 TN30BF4307 TN22BT8679 TN22AE5411 Kindly provide a list of tanker lorries authorized and registered with Perungudi STP of CMWSSB for the financial year 2024-25 for the disposal of sewage water.	The mentioned lorries, TN47-D-6129, and TN30-BF-4307 have not obtained license from CMWSSB/Tambaram Municipality. Hence, these lorries are not allowed to decant at Perungudi STP. The lorry with registration number TN22-BT-8679 and TN 22 AE 5411 has obtained a license from Tambaram Municipality. However, it has not been decanting sewage from 19.08.2024 to 01.05.2025 at Perungudi STP.

3	Please provide the registration numbers of the approved/authorized tanker lorries registered with Perungudi STP of CMWSSB, along with the license / authorization details issued to these tanker lorries for the financial year 2024-25.	List Annexed.
4	Kindly provide the details of the approval and authorization (including approval/authorization letter/order number and date) granted by CMWSSB to the following tanker lorries for the disposal of sewage water to Perungudi STP during the financial year 2024-25: TN47D6129 TN30BF4307 TN22BT8679 TN22AE5411	The mentioned lorries TN47-D-6129 and TN30-BF-4307 and have not obtained license from CMWSSB. The lorry with registration number TN22-BT-8679 and TN 22 AE 5411 has obtained a license from Tambaram Municipality. Hence the license/authorization details provided to these tanker lorries are available with the issuing authority i.e Tambaram Municipality.


 Executive Engineer /
 Public Information Officer

Copy to: 1. GRFO/RTI
2. EE/Coordination

DR. H.MALLESHAPPA ,I.F.S.,
MEMBER SECRETARY



STATE LEVEL ENVIRONMENT
IMPACT ASSESSMENT AUTHORITY,
TAMILNADU,
3rd Floor, Panagal Maaligai,
No.1 Jeenis Road, Saidapet,
Chennai-15.

ENVIRONMENTAL CLEARANCE (EC)

Letter No.SEIAA-TN/F – 1687/ EC/8(b)/337/2013 Dt: 25.7.2014

To

M/s. State Bank of India Officers Association
(Chennai Circle)
84, Rajaji Salai, Post Box No. 1991,
Chennai - 600001

Sir / Madam,

Sub: SEIAA, Tamilnadu - Environmental Clearance – M/s. State Bank of India Officers Association (Chennai Circle) ,- Proposed Residential Development Project entitled "Unity Enclave" at S.No.17/2, 17/3, 17/4, etc., of Mambakkam village, Thiruporur Thaluk, Kanchipuram District, Tamilnadu under Category "B" and Schedule S.No. 8(b) - issued - reg

This has reference to your application dated 30.08.2013 submitted to the State Level Environment Impact Assessment Authority, Tamil Nadu seeking Environmental Clearance under the Environment Impact Assessment Notification, 2006, as amended.

It is noted, interalia that the project proposal involves to construct a Proposed Residential Complex "Unity Enclave" by M/s. State Bank of India Officers Association (Chennai Circle) at Survey Nos. 17/2, 17/3, 17/4, 17/5A, 17/5B, 18/1, 18/2A, 18/2B, 18/3, 19/4, 19/5, 20/1, 20/2, 20/3, 21, 22, 23/1, 23/2, 23/3, 24/1, 24/2A, 24/2B, 24/2C, 24/3, 24/4, 25/1, 25/2A, 25/2B, 25/3, 25/4, 33/1A, 33/1B1, 33/2, 33/1B2A, 33/1B2B, 34/1, 34/2, 35, 36/1, 63/2, 63/3, 63/5, 64, 68/1A, 68/1B, 68/3, 69/1A, 69/2, 72/1, 72/2, 73 of Mambakkam village, Thiruporur Thaluk, Kanchipuram District, Tamilnadu, comprising of Block A - Basement + Stilt Floor + 15 floors, Block B - Basement + Stilt Floor + 15 floors, Block C - Basement + Stilt Floor + 15 floors, Block D - Basement + Stilt Floor + 15 floors, Block E - Basement + Stilt Floor + 15 floors, Block F - Basement + Stilt Floor + 15 floors, Block G - 2 Basement + Stilt Floor + 15 floors, Block H

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- 2Basement + Stilt Floor + 15 floors, Block I - 2 Basement + Stilt Floor + 15 floors, Block J - 2 Basement + Stilt Floor + 15 floors, Block K - 2 Basement + Stilt Floor + 15 floors, Block L - Basement + Stilt Floor + 15 floors, Block M - Basement + Stilt Floor + 15 floors, Block N - 2 Basement + Stilt Floor + 15 floors, Block O - 2 Basement + Stilt Floor + 15 floors, Block P - 2 Basement + Stilt Floor + 15 floors, Block Q - 2 Basement + Stilt Floor + 15 floors, Block R - Basement + Stilt Floor + 15 floors, Block S - Basement + Stilt Floor + 15 floors, Block T - Basement + Stilt Floor + 15 floors, Block U - Basement + Stilt Floor + 15 floors, Commercial Block - Basement + Ground Floor + 6 floors + M, Club House - Basement + Ground Floor + 4 floors with total no. of dwellings – 2100 units and Expected occupancies - 13107. The area of the plot is 86319.31 m² and the built up area is 316187.66 m². The parking area as per report is 22925 m² as covered parking. The green belt area is 12996.48 m².

Daily fresh water requirement for the project will be 971 KLD¹ which will be met from Mambakkam village panchayath sources. The sewage generated after treatment will be 1281 KLD out of which 523 KLD will be recycled for flushing, 69 KLD will be utilized for gardening & 689 KLD will be discharged through Mambakkam village panchayath local body for their avenue plantation and public park.

Solid Waste generation has been projected as 7091 Kg /day out of which 4228 Kg/day of Biodegradable waste will be Handed over to EXNORA for treatment and disposal, the 135 Kg/day of Organic sludge generation from STP will be used as manure for gardening and the 2728 Kg/day of Non-Biodegradable / recyclable waste will be handed over to the authorized recyclers.

The power required will be of 11616.15 KVA with backup power for 3nos of 750 KVA with stack height of 7.6 m from ground level, 2 Nos. of 500 KVA with stack height of 6.75 M from ground level. The total cost of the project is about Rs. 515 crores.

The proponent also furnished affidavit in a Non judicial stamp paper stated that,

1. We commit to the SEIAA that the fresh water requirement 971 KLD for the proposed residential project will be met from the Mambakkam Village Panchayat. The required permission from the competent authority for supply

ENVIRONMENTAL CLEARANCE (EC)

of fresh water for entire operation period is obtained before handing over the flats or before obtaining completion certificate from the competent authority whichever is earlier.

2. The total quantity of treated wastewater generated from the above residential complex is 1281 KLD, out of which 69 KLD will be utilized for greenbelt development (the treated water used for greenbelt development inside the project premises will not pollute the soil/ground water/adjacent canals/lakes/ponds etc), 523 KLD for flushing and 689 KLD of excess treated wastewater disposed through Mambakkam Village Panchayat for developing and maintaining avenue plantation, Park & greenbelt area within the Mambakkam Village Panchayat area for the entire period of operation, after obtaining necessary permission from competent Authority.
3. Committed Rs 12 lakhs as a capital cost & Rs 8 lakhs as a recurring Cost for CSR activities.

The project proponent has furnished project site photo attested by him and authenticated by approved notary public from which it was seen that no construction started at project site.

The project activity is covered in 8(b) of the Schedule and is of 'B' category. It does not require Public Consultation as per Para 7(i) III Stage (3) (d) 'Public Consultation' of EIA Notification, 2006. Based on the application made in Form-1, Form-IA, Conceptual plan, Annexure, EIA Report and the additional clarifications furnished by the proponent, the SEAC in its 55th meeting conducted on 30.04.2014 and the committee decided to recommend the proposal to SEIAA, for the grant of EC after calling for certain details. The details asked were submitted by the proponent to SEIAA vide letter dated 11.06.2014 and 16.06.2014.

The proposal was considered by the SEIAA, Tamil Nadu vide Item No.109-03 in its meeting held on 18.06.2014 and the proposal was discussed in detail and decided to issue EC with usual conditions. SEIAA hereby accords Environmental Clearance to the above project under the provisions of EIA Notification dated 14th September, 2006 as amended, with validity for five years from the date of issue of

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EC, subject to the condition that and strict compliance of the terms and conditions stipulated below:

SPECIFIC CONDITIONS

Construction Phase

- i) "Consent for Establishment" shall be obtained from the Tamil Nadu Pollution Control Board and a copy shall be submitted to the SEIAA, Tamil Nadu before taking up any construction activity at the site.
- ii) Structural stability of proposed building should be approved by Academic /Research Institution before taking up any construction activity at the site.
- iii) The Project Proponent has earmarked 12996.48 m² of the site area for green belt development, which works out to 15% of the total site area of 86319.31 m².
- iv) The entire water requirement during construction phase shall be met from private tankers, as committed.
- v) Provision shall be made for the housing labour within the site with all necessary infrastructures and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- vi) The height and coverage of the constructions shall be in accordance with the existing FSI/FAR norms as per Coastal Regulation Zone Notification, 2011.
- vii) STP design should be approved by Academic /Research Institution before the issue of CTE by TNPCB.
- viii) The approval of the competent authority shall be obtained for structural safety of the buildings due to earthquake, adequacy of fire fighting equipments, etc as per National Building Code including protection measures from lightning etc.
- ix) All required sanitary and hygienic measures should be in place before starting construction activities and they have to be maintained throughout the construction phase.

ENVIRONMENTAL CLEARANCE (EC)

- x) A First Aid Room shall be provided in the project site during the entire construction phase of the project.
- xi) Adequate drinking water and sanitary facilities should be provided for construction workers at the site. The safe disposal of waste water and solid wastes generated during the construction phase should be ensured.
- xii) All the labourers to be engaged for construction should be screened for health and adequately treated before and during their employment on the work at the site.
- xiii) The solid waste in the form of excavated earth excluding the top soil generated from the project activity shall be scientifically utilized for construction of approach roads and peripheral roads, as reported.
- xiv) All the top soil excavated during construction activities should be stored for use in horticulture/ landscape development within the project site.
- xv) Disposal of other construction debris during construction phase should not create any adverse effect on the neighboring communities and be disposed off only in approved sites, with the approval of Competent Authority with necessary precautions for general safety and health aspects of the people.
- xvi) Construction spoils, including bituminous materials and other hazardous materials, must not be allowed to contaminate watercourses. The dump sites for such materials must be secured so that they should not leach into the adjacent land/ lake/ stream etc.
- xvii) Low Sulphur Diesel shall be used for operating diesel generator sets to be used during construction phase. The air and noise emission shall conform to the standards prescribed in the Rules under the Environment (Protection) Act, 1986, and the Rules framed thereon.
- xviii) The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from Chief Controller of Explosives shall be taken.
- xix) Vehicles hired for bringing construction materials to the site should be in good condition and should conform to air and noise emission standards,

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- prescribed by TNPCB/CPCB. The vehicles should be operated only during non-peak hours.
- xx) Ambient air and noise levels should conform to residential standards prescribed by the TNPCB, both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during the construction phase.
 - xxi) Fly- Ash bricks should be used as building material in the construction as per the provision of Fly ash Notification of September, 1999 and amended as on 27th August, 2003.
 - xxii) Ready-mix concrete of high quality should be used in building construction and necessary cub-tests should be conducted to ascertain their quality.
 - xxiii) Storm water control and its re-use shall be as per CGWB and BIS standards for various applications.
 - xxiv) Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices prevalent.
 - xxv) Fixtures for showers, toilet flushing and drinking water should be of low flow type by adopting the use of aerators / pressure reducing devices / sensor based control.
 - xxvi) Use of glass shall be reduced up to 40% to reduce the electricity consumption and load on air conditioning. If necessary, high quality double glass with special reflecting coating shall be used in windows.
 - xxvii) Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material, to fulfill the requirement.
 - xxviii) Adequate measures to reduce air and noise pollution during construction shall be adopted, conforming to norms prescribed by the TNPCB on noise limits.
 - xxix) Opaque wall should meet prescribed requirement as per Energy Conservation Building Code which is mandatory for all air conditioned spaces by use of appropriate thermal insulation material to fulfill the requirement.

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- xxx) The Project proponent is requested to indicate the probable date of commissioning of the project supported with necessary bar charts.
- xxxi) Adequate fire protection equipments and rescue arrangements should be made as per the prescribed standards.
- xxxii) Proper approach road for fire-fighting vehicles and for rescue operations in the event of emergency shall be made.
- xxxiii) Design of buildings should be in conformity with the Seismic Zone Classifications.
- xxxiv) All ECBC norms have to be adopted.
- xxxv) Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects. Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
- xxxvi) Periodical medical examination of the workers engaged in the project shall be carried out and records maintained. For the purpose, schedule of health examination of the workers should be drawn and followed accordingly. The workers shall be provided with personnel protective measures such as masks, gloves, boots etc.
- xxxvii) The amount earmarked by the proponent for Environmental Monitoring Plan [EMP] of Capital cost- Rs. 22.8 Lakhs and Recurring cost- Rs. 22 Lakhs should be used as committed by the proponent.

Operation Phase

- i. The Proponent should be responsible for the maintenance of common facilities including greening, rain water harvesting, sewage disposal, solid waste disposal and environmental monitoring including terrace gardening for a period of 10 years as committed. Within ten year after handing over the flats to all allottees a viable society or an association among the allottees shall be formed to take responsibility of continuous maintenance of all facilities with required agreements for compliance of all conditions furnished in Environment

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Clearance (EC) order issued by the SEIAA-TN or the Proponent himself shall maintain all the above facilities for the entire period.

- ii. The Project proponent shall ensure that the required water supply should be availed from Mambakkam Village Panchayat sources and excess treated sewage should be disposed through Mambakkam Village Panchayat for developing and maintaining avenue plantation, Park & greenbelt area as committed in the Affidavit before handing over of flats to the allottees or before obtaining completion certificate, whichever is earlier.

The Proponent shall avail 971 KLD of fresh water for entire period of operation. Out of 1281 KLD of treated sewage generated, the proponent shall utilize 523 KLD for flushing, 69 KLD for Green Belt/Gardening & 689 KLD of excess treated sewage water shall be disposed through Mambakkam Village Panchayat Avenue Plantation during the entire period of operation.

- iii. There shall be no drawal of ground water.
- iv. The ground water level and its quality should be monitored regularly in consultation with Central Ground Water Authority.
- v. The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA, TN before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled / reused to the maximum extent possible. Treatment of 100 % grey water by decentralized treatment should be done. Discharge of treated effluent shall conform to the norms and standards of the Tamil Nadu State Pollution Control Board. Necessary measures should be made to mitigate the odour and mosquito problem from STP. Explore the less power consuming systems viz. baffle reactor etc. for the treatment of sewage.
- vi. The Proponent shall install STP unit of Bar Screen Chamber, Equalisation Tank, Sequential Batch Reactor, Pre Filtration Tank, Pressure sand filter, Filter press & UV treatment as committed (STP of Capacity of 1350 KLD) and operated continuously to achieve the standards prescribed by the Tamil Nadu Pollution Control Board.

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- vii. The Proponent shall operate STP continuously by providing DG set in case of power failure.
- viii. It is the sole responsibility of the proponent that the treated sewage water disposed for green belt development/ avenue plantation should not pollute the soil/ ground water/ adjacent canals/ lakes/ ponds, etc.
- ix. Adequate measures should be taken to prevent odour emanating from solid waste processing plant and STP.
- x. The Biodegradable solid waste, Non - Biodegradable solid waste, STP sludge, etc generated from the project activity shall be properly collected, segregated and disposed as committed, and as per the provision of Solid Waste (Management and Handling) Rules, 2000.
- xi. The biodegradable municipal solid waste shall be handed over Exnora, throughout the entire period of operation as committed.
- xii. The Plastic wastes shall be segregated and disposed as per the provisions of Plastic Waste (Management & Handling) Rules 2011.
- xiii. The e - waste generated should be collected and disposed to a nearby authorized e-waste centre as per e waste (Management & Handling), Rules 2011.
- xiv. Diesel power generating sets proposed as source of back-up power during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. The location of the DG sets may be decided with the consultation of Tamil Nadu Pollution Control Board.
- xv. The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from the Chief Controller of Explosives shall be taken.
- xvi. The acoustic enclosures shall be installed at all noise generating equipments such as DG sets, air conditioning systems, etc. and the noise level shall be maintained as per MoEF/CPCB/TNPCB guidelines/norms both during day and night time.

ENVIRONMENTAL CLEARANCE (EC)

- xvii. Spent oil from D.G sets should be stored in HDPE drums in an isolated covered facility and disposed as per the Hazardous Wastes (Management, Handling, Transboundary Movement) Rules 2008. Spent oil from D.G sets should be disposed off through registered recyclers.
- xviii. The proponent/Owner of the Flats shall ensure that storm water drain provided at the project site shall be maintained without choking or without causing stagnation and should also ensure that the storm water shall be properly disposed off in the natural drainage / channels without disrupting the adjacent public. Adequate harvesting of the storm water should also be ensured.
- xix. The proponent should also ensure that necessary trenches for openings shall be provided at periodic intervals along the compound wall, so as to let out the storm water during rainy season, without stagnation / ponding.
- xx. The proponent/Owner of the Flats shall ensure that roof rain water run-off collected from the covered roof of the buildings, etc shall be scientifically harvested so as to ensure the maximum beneficiation of rain water harvesting. It shall be stored in a sump of 1 no. of 50 KL capacity each and reused.
- xxi. Rain water harvesting for surface run-off, as per plan submitted should be implemented. Before recharging the surface run off, pre-treatment with screens, settlers etc. must be done to remove suspended matter, oil and grease, etc. The Proponent shall provide 20 nos. of bore wells / percolation pits/ etc. as committed. The bore wells / percolation pits/ etc. for rainwater recharging should be kept at least 5 mts. above the highest ground water table.
- xxii. Application of solar energy should be incorporated for solar lighting shall be provided Street lighting.
- xxiii. A report on the energy conservation measures conforming to energy conservation norms prescribed by the Bureau of Energy Efficiency shall be prepared incorporating details about building materials & technology; R & U factors etc and submitted to the SEIAA in three month's time.

ENVIRONMENTAL CLEARANCE (EC)

- xxiv. Energy conservation measures like installation of Energy efficient Fluorescent lamp with electronic ballasts, dual switching, low loss transformers, VVF drivers for Pumps should be integral part of the project design and should be in place before project commissioning. Used CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the extent possible.
- xxv. Traffic congestion near the entry and exit points from the roads adjoining the proposed project site shall be avoided. Parking shall be fully internalized and no public space should be utilized. Parking plan to be as per MoEF norms.
- xxvi. The proponent shall issue plans showing Separate pipelines marked with different colour with the following details
 - i. Location of STP, compost system, underground sewer line.
 - ii. Pipe Line conveying the treated effluent for green belt development.
 - iii. Pipe Line conveying the treated effluent for toilet flushing
 - iv. Water supply pipeline
 - v. Gas supply pipe line if proposed
 - vi. Telephone cable
 - vii. Power cable
 - viii. Storm water drain
 - ix. Rain water harvesting system

to all the allottees/owners while executing the allotment order/sale deed.

- xxvii. A First Aid Room shall be provided during operation of the project, with necessary equipments and life- saving medicines.
- xxviii. The green belt design along the periphery of the plot shall achieve the attenuation factor conforming to the day and night noise standards prescribed for residential land use. The green belt shall be at the places noted below within the premises, as committed by the proponent.

Sl.No.	Green belt along location		Area (Sq.mt)	Size (L X B) in m
1	Block I	South Side	2515.5	169.36 x 14.853
2	Block R	South Side	1398.00	47.99 x 29.13
3	Block U	South Side	809.58	85.25 x 9.497



ENVIRONMENTAL CLEARANCE (EC)

4	Transformer yard-5 & 6	South-West Side	1861.88	45.623 x 40.81
5	Periphery around Block A & Block B	North Side	774.73	144.81 x 5.35
		West Side	825.12	167.47 x 4.927
6	Block C	South Side	239.00	28.55 x 8.37
7	Periphery around Block O & Block P	North Side	1652.86	40.05 x 41.27
		East Side	294.16	57.23 x 5.14
		West Side	1094.478	212.52 x 5.15
8	Swimming pool	South Side	271.00	44.58 x 6.07
9	Periphery around Block L	South Side	218.111	45.63 x 4.78
		East Side	396.06	46 x 8.61
10	Block M and Q	East Side	646	136.25 x 4.74
TOTAL GREEN BELT AREA (15.06 %)			12996.48 Sq.m	

- xxix. Incremental pollution loads on the ambient air quality, noise and water quality shall be periodically monitored after commissioning of the project.
- xxx. No construction activity of any kind shall be taken up in the OSR area. Consent of the local body concerned should be obtained for using the secondary treated sewage in the OSR area.
- xxxi. The building should have adequate distance between them to allow free movement of fresh air and passage of natural light, air and ventilation. Landscape plan to be revised accordingly.
- xxxii. A terrace garden shall be developed and maintained continuously by the Proponent as committed.
- xxxiii. The amount Rs. 12 Lakhs as a capital cost and Rs. 8 Lakhs as a Recurring cost earmarked by the proponent under CSR activity should be used only for such activities as committed by the proponent..
- xxxiv. The amount earmarked by the proponent for Environmental Monitoring Plan [EMP] of Capital cost- Rs. 261.44 Lakhs and Recurring cost- Rs. 43.45 Lakhs should be used as committed by the proponent.

GENERAL CONDITIONS

- i) The Construction of the structures should be undertaken as per the plans approved by the concerned local authorities/local administration.
- ii) It is mandatory for the Project proponent to furnish to the SEIAA, Half yearly compliance report in Hard and Soft copies on 1st June and 1st December of

ENVIRONMENTAL CLEARANCE (EC)

each calendar year in respect of the conditions stipulated in the prior Environmental Clearance.

- iii) In the case of any change(s) in the scope of the project, a fresh appraisal by the SEAC/SEIAA shall be obtained.
- iv) A copy of the clearance letter shall be sent by the proponent to the Commissioner of Corporation/ municipalities/ executive officers of town panchayat / Block development officers of panchayat union whichever is applicable and the Local NGO, if any, from whom suggestions /representations, if any, have been received while processing the proposal. The clearance letter shall also be put on the website of the Proponent.
- v) The SEIAA reserves the right to add additional safeguard measures subsequently, if non-compliance of any of the EC conditions are found and to take action, including revoking of this Environmental Clearance as the case may be.
- vi) All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire and Rescue Services Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wild Life (Protection) Act, 1972, State / Central Ground Water Authority, Coastal Regulatory Zone Authority, other statutory and other authorities as applicable to the project shall be obtained by project proponent from the concerned competent authorities.
- vii) The project authorities should advertise with basic details at least in two local newspaper widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at website of SEIAA, TN and a copy of the same should be forwarded to the Regional Office of the Ministry of Environment and Forests located at Bangalore.
- viii) Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it is found that Construction of the project has been started without obtaining Environmental Clearance, and for

ENVIRONMENTAL CLEARANCE (EC)

any other action resulting in violation of any condition stipulated in the Environmental Clearance.

- ix) The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, Bengaluru, the respective Zonal Office of CPCB, Bengaluru and the TNPCB. The criteria pollutant levels namely; SPM, RSPM, SO₂, NO_x (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
- x) A copy of the Environmental clearance (EC) letter shall be issued to all the allottees /owners while executing the allotment order / sale deed/ before handing over of the building to allottees.
- xi) A separate environmental management cell with suitable qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
- xii) The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Ministry of Environment and Forests and its Regional Office located at Bangalore. Funds for CSR activity shall be allotted and used for that purpose and separate account shall be maintained.
- xiii) The Regional Office of the Ministry located at Bangalore shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information / monitoring reports.
- xiv) The project proponent shall submit six - monthly reports on the status of compliance of the stipulated environmental clearance conditions including results of monitored data (both in hard copies as well as by e-mail) to the Ministry of Environment and Forests, its Regional Office Bangalore, the respective Zonal Office of Central Pollution Control Board, SEIAA, TN and the State Pollution Control Board.
- xv) The environmental statement for each financial year ending 31st March in

ENVIRONMENTAL CLEARANCE (EC)

Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Regional Office of the Ministry of Environment and Forests, Bangalore by e-mail.

- xvi) This Environmental Clearance does not imply that the other statutory / administrative clearances shall be granted to the project by the concerned authorities. Such authorities would be considering the project on merits and be taking decisions independently of the Environmental Clearance.
- xvii) The SEIAA, TN may alter/modify the above conditions or stipulate any further condition in the interest of environment protection, even during the subsequent period.
- xviii) The Environmental Clearance does not absolve the applicant/proponent of his obligation/requirement to obtain other statutory and administrative clearances from other statutory and administrative authorities.
- xix) The SEIAA, TN may cancel the environmental clearance granted to this project under the provisions of EIA Notification, 2006, if, at any stage of the validity of this environmental clearance, if it is found or if it comes to the knowledge of this SEIAA, TN that the project proponent has deliberately concealed and/or submitted false or misleading information or inadequate data for obtaining the environmental clearance.
- xx) Failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.
- xxi) The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Public Liability Insurance Act, 1991, along with their amendments, draft Minor Mineral Conservation & Development Rules, 2010 framed under MMDR Act 1957, National Commission for protection of Child Right Rules, 2006 and rules made there under and also any other orders passed by the Hon'ble



ENVIRONMENTAL CLEARANCE (EC)

Supreme Court of India/Hon'ble High Court of Madras and any other Courts of Law, including the Hon'ble Natural Green Tribunal relating to the subject matter.

xxii) Environmental clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa foundation Vs. Union of India in Writ petition (Civil) No.460 of 2004 as may be applicable to this project.

xxiii) Any appeal against this environmental clearance shall lie with the Hon'ble National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.


**MEMBER SECRETARY,
SEIAA-TN.**

1. The Principal Secretary to Government, Environment & Forests Dept, Govt. of Tamil Nadu, Fort St. George, Chennai - 9.
2. The Chairman, Central Pollution Control Board, Parivesh Bhavan, CBD Cum-Office Complex, East Arjun Nagar, New Delhi 110032.
3. The Member Secretary, Tamil Nadu Pollution Control Board, 76, Mount Salai, Guindy, Chennai-600 032.
4. The CCF, Regional Office, Ministry of Environment & Forest (SZ), Kendriya Sadan, IV floor, E&F wings, 17th Main Road, Koramangala II Block, Bangalore - 560034.
5. Monitoring Cell, I A Division, Ministry of Environment & Forests, Paryavaran Bhavan, CGO Complex, New Delhi 110003.
6. The Block Development officer, Thiruporur Panchayath union, Kanchipuram District.
7. Stock File.

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(This document contains 7 Pages)



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TAMILNADU POLLUTION CONTROL BOARD

CONSENT ORDER No. 6429, Dated:17.04.2015.

Proceedings No.T 10 /TNPCB/F- 34341/MMN/OL IW/2015, Dated:17.04.2015.

Sub: TNPC Board - Consent for Establishment – M/s. STATE BANK OF INDIA OFFICERS' ASSOCIATION (CHENNAI CIRCLE) – “UNITY ENCLAVE”, S.F. No. 17/2, 17/3, 17/4, 17/5A, 17/5B, 18/1, 18/2A, 18/2B, 18/3, 19/4, 19/5, 20/1, 20/2, 20/3, 21, 22, 23/1, 23/2, 23/3, 24/1, 24/2A, 24/2B, 24/2C, 24/3, 24/4, 25/1, 25/2A, 25/2B, 25/3, 25/4, 33/1A, 33/1B1, 33/2, 33/1B2A, 33/1B2B, 34/1, 34/2, 35, 36/1, 63/2, 63/3, 63/5, 64, 68/1A, 68/1B, 68/3, 69/1A, 69/2, 72/1, 72/2, 73, Mambakkam Village, Thiruporur Taluk, Kancheepuram District – for establishment or take steps to establish the industry under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974, as amended in 1988 (Central Act 53 of 1988).

Ref: 1. Unit's Application through Care Centre Regn.No CC 22017 Dated:14.08.2014.
2. I.R. No. F.MMN2345/OL/DEE/MMN/2014 Dated:22.09.2014.
3. Board's (Technical Sub Committee) Resolution No. 103-4, Dated:17.03.2015.
4. Unit's letter Dated:08.04.2015.

CONSENT to establish or take steps to establish is hereby granted under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974, as amended in 1988 (Central Act 53 of 1988) (hereinafter referred to as 'The Act') and the Rules and Orders made there under to

The President,

**M/s. STATE BANK OF INDIA OFFICERS' ASSOCIATION
(CHENNAI CIRCLE)–“UNITY ENCLAVE”,**

(herein after referred to as 'The Applicant') authorizing him/her/them to establish or take steps to establish the industry in the site mentioned below:

S.F. No. 17/2, 17/3, 17/4, 17/5A,
17/5B, 18/1, 18/2A, 18/2B, 18/3,
19/4, 19/5, 20/1, 20/2, 20/3, 21, 22,
23/1, 23/2, 23/3, 24/1, 24/2A, 24/2B,
24/2C, 24/3, 24/4, 25/1, 25/2A, 25/2B,
25/3, 25/4, 33/1A, 33/1B1, 33/2, 33/1B2A,
33/1B2B, 34/1, 34/2, 35, 36/1, 63/2, 63/3,
63/5, 64, 68/1A, 68/1B, 68/3, 69/1A,
69/2, 72/1, 72/2, 73,
Mambakkam Village,
Thiruporur Taluk,
Kancheepuram District.



TAMILNADU POLLUTION CONTROL BOARD

This Consent to establish is valid for two years, or till the industry obtains consent to operate Section 25 of the Water (Prevention and Control of Pollution) Act, 1974, as amended in 1988 whichever is earlier subject to special and general conditions enclosed.

**K.Skandan
Chairman**

✓ To

The President,

M/s. STATE BANK OF INDIA OFFICERS'

ASSOCIATION (CHENNAI CIRCLE)–“UNITY ENCLAVE”,

State Bank Buildings, 84 Rajaji Salai,

Post Box No. 1992,

Chennai - 600 001.

Copy to:

1. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Nagar.
2. The Commissioner,
Thiruporur Panchayat Union.
Kancheepuram District.
3. BMS.
4. Technical File.

//Forwarded by Order//

[Signature]
For Chairman
22.4.15



TAMILNADU POLLUTION CONTROL BOARD

SPECIAL CONDITIONS

1. This consent to establish is valid for establishing the facility for the manufacture of products/byproducts (Col. 2) at the rate (Col 3) mentioned below. Any change in the product/byproduct and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

Sl. No.	Description	Quantity /Month
1.	Construction of Residential Complex comprising of Block A - Basement + Stilt Floor + 15 floors, Block B - Basement + Stilt Floor + 15 floors, Block C - Basement + Stilt Floor + 15 floors, Block D - Basement + Stilt Floor + 15 floors, Block E - Basement + Stilt Floor + 15 floors, Block F - Basement + Stilt Floor + 15 floors, Block G - 2 Basement + Stilt Floor + 15 floors, Block H- 2Basement + Stilt Floor + 15 floors, Block I - 2 Basement + Stilt Floor + 15 floors, Block J - 2 Basement + Stilt Floor + 15 floors, Block K - 2 Basement + Stilt Floor + 15 floors, Block L - Basement + Stilt Floor + 15 floors, Block M - Basement + Stilt Floor + 15 floors, Block N - 2 Basement + Stilt Floor + 15 floors, Block O - 2 Basement + Stilt Floor + 15 floors, Block P - 2 Basement Stilt Floor + 15 floors, Block Q - 2 Basement + Stilt Floor + 15 floors, Block R - Basement + Stilt Floor + 15 floors, Block S - Basement + Stilt Floor + 15 floors, Block T - Basement + Stilt Floor + 15 floors, Block U - Basement + Stilt Floor + 15 floors and Commercial Block - Basement + Ground Floor + 6 floors + M, Club House - Basement + Ground Floor + 4 floors having total no. of dwellings – 2100 units with total built up area 316187.66 m ² .	



TAMILNADU POLLUTION CONTROL BOARD

2. This consent to establish is valid for establishing the facility with the below mentioned outlets for the discharge of sewage/trade effluent. Any change in the outlets has to be brought to the notice of the Board and fresh consent has to be obtained if necessary.

Outlet No.	Description of Outlet	Maximum daily discharge in KLD	Point of disposal
01.	Sewage 1	1281 KLD	523 KLD – For Toilet flushing 75 KLD – For Gardening/ Green belt development 683 KLD – Through CMWSSB out let.

3. The unit shall provide Sewage Treatment Plant and /or Effluent Treatment Plant as indicated below.

Sl. No.	Name of the treatment unit STP	Dimension in M	No. of units
1.	Bar Screen Chamber	3.4 x 6.3 x4.0	1
2.	Grit Chamber	3.4 x 6.3 x4.0	1
3.	Equalization Tank	11.1 x13.0 x7.0	1
4.	Aeration Tank – SBR	5.76 x 13.0 x7.0	3
5.	Pre filtration and decant water tank	14.0 x10.0 x4.5	1
6.	Sludge Holding Tank	10.0 x3.75 x 4.0	1
7.	Pressure Sand Filter	1.6 dia x 2.1	2
8.	Activated carbon filter	1.6 dia x 2.1	2
9.	UV System	30 m ³ / hr	2
10.	Filter Press	6.0 x 6.0 – 20 Plates	2
11.	Treated Water tank	11.0 x 10.0 x 4.5	1

4. The unit shall provide above ground level STP (1 x 1350 KLD) capacity with UV Disinfection system having 15watts UV Lamp / m³ of treated water and **filter press** of sufficient capacity to handle the STP sludge and shall ensure that the treated sewage shall satisfy the standards prescribed by the Board.



TAMILNADU POLLUTION CONTROL BOARD

5. The unit shall make arrangements to utilize the treated waste water **523 KLD** for Toilet flushing, **75 KLD** for gardening/green belt development within the premises and the remaining **683KLD** of treated sewage shall be disposed into CMWSSB out let.
6. The unit shall provide the EMFMs with automatic recorder and display arrangement at the inlet/outlet of STP and at the disposal points of the treated sewage for gardening, toilet flushing and to CMWSSB out let.
7. The unit shall provide Water flow meters for the raw water supply and it shall be fixed with automatic recorder and display.
8. The unit shall provide Energy meters to the STP.
9. The unit shall not clean the STP tanks manually and it should be carried out only by mechanical system.
10. The unit shall provide continuous monitoring system in the STP area for monitoring the emission of toxic gases such as H₂S, CH₄ etc.,
11. Necessary safety equipments, Testing kits, goggles, aprons, gloves, masks, gas detectors etc., should be made available in STP premises and the same shall be used properly while carrying out the cleaning operations.
12. The unit shall utilize the sludge generated from the STP as manure for gardening.
13. The unit shall ensure that the hazardous waste (used oil, E waste) in the premises are collected properly and disposed only to authorized recyclers registered with SPCB and having valid authorization and consent of TNPCB.
14. The unit shall adopt safe and environment friendly management practices within the premises.
15. The unit shall coordinate with the local police and workout schemes for the regulating of the increased traffic flow in the area due to this project.
16. This consent order does not absolve from obtaining necessary permission/ Clearance from other Authority or under other statutes as applicable.
17. The unit shall ensure that 25% of the total Area (8.6319 hectares x 0.25 = 2.16 Hectares and 2.16 x 400 Trees / Hectares = 864 Trees) to be developed as green belt area and accordingly the unit shall plant and maintain atleast **864 trees** with thick canopy cover in the space to achieve **25%** of the area as Green belt area and shall have the ornamental shrubs in between them.
18. The bio degradable solid waste ,non bio degradable solid waste, STP sludge, etc generated from the project activity shall be properly collected, segregated and disposed as per the provision of Solid waste(Management and Handling)Rules,2000.



TAMILNADU POLLUTION CONTROL BOARD

19. The plastic wastes shall be segregated and disposed as per the provisions of Plastic Waste (Management and Handling) Rules, 2011.
20. The unit shall furnish the soil and ground water sample results to ascertain that there is no threat to ground water quality due to utilization of treated sewage for gardening.
21. The unit shall not draw ground water under any circumstances; it shall be done only after obtaining necessary clearance from competent authority.
22. The unit shall comply with the conditions imposed in the environmental clearance obtained from SEIAA vide Letter No. SEIAA-TN/F – 1687/ EC/8(b)/337/2013 Dt: 25.07.2014.
23. The unit shall furnish STP design approved by Academic /Research Institution before establishment of STP.
24. The unit shall provide organic waste convertor/ bio methanation plant to decompose bio degradable municipal solid waste (4.228 T/day) and STP sludge(0.135 T/day)& the manure shall be used as compost for green belt development.
25. The installation of STP should be certified by an independent expert before commissioning the project.

**K.Skandan
Chairman**

//Forwarder by Order//

[Handwritten Signature]
For Chairman
2.7.2015



TAMILNADU POLLUTION CONTROL BOARD

GENERAL CONDITIONS

1. The above consent to establish cannot be construed as consent to operate and the unit shall not commence the operation without obtaining the Consent to operate.
2. The industry shall make a request for grant of consent to operate at least thirty days before the commissioning of trial production.
3. The unit shall construct compound wall around the boundary of the unit.
4. Samples of water from the wells or any other nearby water sources have to be taken by the unit and get them analyzed by the Board Laboratory to develop base line data to assess the existing water quality.
5. The unit shall provide an alternate power source along with separate energy meter for the Effluent Treatment Plant to ensure continuous operation of the Effluent Treatment Plant.
6. The consent does not authorize or approve the construction of any physical structures or facilities, or the undertaking of any work in any natural watercourse.
7. Any change in the details furnished in the conditions has to be brought to the notice of the Board and got approved by the Board, before obtaining consent to operate under the said Act.
8. The unit has to comply with the provisions of Public Liability Insurance Act, 1991 to provide immediate relief in the event of any hazard to human beings, other living creatures/plants and properties while handling and storage of hazardous substances (if applicable).
9. Consent to operate will not be issued unless the unit complies with all the conditions of consent to establish.
10. In case there is any change in the management, the unit shall inform the change with relevant documents immediately.

**K.Skandan
Chairman**

//Forwarder by Order//

[Signature]
For Chairman
22/11/15



TAMILNADU POLLUTION CONTROL BOARD

POLLUTION PREVENTION PAYS

அகம் தூய்மை வாய்மைக்கு! புறம் தூய்மை வாழ்வுக்கு!

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TAMILNADU POLLUTION CONTROL BOARD

CONSENT ORDER No.6368, Dated: 17.04.2015.

Proceedings No.T 10 /TNPCB/F- 34341/MMN/OL /A/2015,Dated:17.04.2015.

Sub: TNPC Board - Consent for Establishment – M/s. STATE BANK OF INDIA OFFICERS' ASSOCIATION (CHENNAI CIRCLE) – “UNITY ENCLAVE”, S.F. No. 17/2, 17/3, 17/4, 17/5A, 17/5B, 18/1, 18/2A, 18/2B, 18/3, 19/4, 19/5, 20/1, 20/2, 20/3, 21, 22, 23/1, 23/2, 23/3, 24/1, 24/2A, 24/2B, 24/2C, 24/3, 24/4, 25/1, 25/2A, 25/2B, 25/3, 25/4, 33/1A, 33/1B1, 33/2, 33/1B2A, 33/1B2B, 34/1, 34/2, 35, 36/1, 63/2, 63/3, 63/5, 64, 68/1A, 68/1B, 68/3, 69/1A, 69/2, 72/1, 72/2, 73, Mambakkam Village, Thiruporur Taluk, Kancheepuram District – for the establishment or take steps to establish the industry under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended in 1987.

Ref: 1. Unit's Application through Care Centre Regn.No CC 22017
Dated:14.08.2014.
2. I.R. No. F.MMN2345/OL/DEE/MMN/2014 Dated:22.09.2014.
3. Board's (Technical Sub Committee) Resolution No. 103-4, Dated:17.03.2015.
4. Unit's letter Dated:08.04.2015.

CONSENT to establish or take steps to establish is hereby granted under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended in 1987 and the Rules and Orders made there under to

The President,
**M/s. STATE BANK OF INDIA OFFICERS' ASSOCIATION
(CHENNAI CIRCLE)–“UNITY ENCLAVE”,**

(hereinafter referred to as 'The Applicant') authorizing him/her/them to establish or take steps to establish the industry in the site mentioned below:

S.F. No. 17/2, 17/3, 17/4, 17/5A, 17/5B, 18/1, 18/2A, 18/2B, 18/3, 19/4, 19/5, 20/1, 20/2, 20/3, 21, 22, 23/1, 23/2, 23/3, 24/1, 24/2A, 24/2B, 24/2C, 24/3, 24/4, 25/1, 25/2A, 25/2B, 25/3, 25/4, 33/1A, 33/1B1, 33/2, 33/1B2A, 33/1B2B, 34/1, 34/2, 35, 36/1, 63/2, 63/3, 63/5, 64, 68/1A, 68/1B, 68/3, 69/1A, 69/2, 72/1, 72/2, 73,
Mambakkam Village,
Thiruporur Taluk,
Kancheepuram District.



TAMILNADU POLLUTION CONTROL BOARD

This Consent to establish is valid for two years, or till the industry obtains consent to operate under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, as amended in 1987 whichever is earlier subject to special and general conditions enclosed.

**K.Skandan
Chairman**

To

✓ The President,

M/s. STATE BANK OF INDIA OFFICERS'

ASSOCIATION (CHENNAI CIRCLE)–“UNITY ENCLAVE”,

State Bank Buildings, 84 Rajaji Salai,

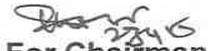
Post Box No. 1992,

Chennai - 600 001.

Copy to:

1. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Nagar.
2. The Commissioner,
Thiruporur Panchayat Union.
Kancheepuram District.
3. BMS.
4. Technical File.

//Forwarded by Order//


For Chairman
S.P.
22.4.15



TAMILNADU POLLUTION CONTROL BOARD

SPECIAL CONDITIONS

1. This consent to establish is valid for establishing the facility for the manufacture of products/byproducts (Col. 2) at the rate (Col 3) mentioned below. Any change in the product/byproduct and its quantity has to be brought to the notice of the Board and fresh consent has to be obtained.

Sl. No.	Description	Quantity /Month
1.	Construction of Residential Complex comprising of Block A - Basement + Stilt Floor + 15 floors, Block B - Basement + Stilt Floor + 15 floors, Block C - Basement + Stilt Floor + 15 floors, Block D - Basement + Stilt Floor + 15 floors, Block E - Basement + Stilt Floor + 15 floors, Block F - Basement + Stilt Floor + 15 floors, Block G - 2 Basement + Stilt Floor + 15 floors, Block H- 2Basement + Stilt Floor + 15 floors, Block I - 2 Basement + Stilt Floor + 15 floors, Block J - 2 Basement + Stilt Floor + 15 floors, Block K - 2 Basement + Stilt Floor + 15 floors, Block L - Basement + Stilt Floor + 15 floors, Block M - Basement + Stilt Floor + 15 floors, Block N - 2 Basement + Stilt Floor + 15 floors, Block O - 2 Basement + Stilt Floor + 15 floors, Block P - 2 Basement Stilt Floor + 15 floors, Block Q - 2 Basement + Stilt Floor + 15 floors, Block R - Basement + Stilt Floor + 15 floors, Block S - Basement + Stilt Floor + 15 floors, Block T - Basement + Stilt Floor + 15 floors, Block U - Basement + Stilt Floor + 15 floors and Commercial Block - Basement + Ground Floor + 6 floors + M, Club House - Basement + Ground Floor + 4 floors having total no. of dwellings – 2100 units with total built up area 316187.66 m ² .	

2. This consent to establish is valid for establishing the facility with the below mentioned emission/noise sources along with the control measures and/or stack .Any change in the emission source/control measures/change in stack height has to be brought to the notice of the Board and fresh consent has to be obtained if necessary.

Sl. No	Source of emission	Air pollution Control measures	Stack height in m	Additional facilities to be provided	Maximum discharge in m ³ /Hr
1-3	DG set 750 KVA – 3Nos	Stack	7.6 each	--	--
4-5	DG set 500 KVA -2 Nos	Stack	6.75 each	--	--



TAMILNADU POLLUTION CONTROL BOARD

3. The unit shall ensure that the emission from DG set shall satisfy the Ambient Air Quality/emission/ANL standards prescribed by the Board.
4. The unit shall provide Acoustic enclosures with stack of adequate height for discharge of emissions from the diesel generator set and ensure that the emissions let out shall satisfy the standards prescribed by the Board.
5. The unit shall adopt safe and environment friendly management practices within the premises.
6. The unit shall coordinate with the local police and workout schemes for the regulating of the increased traffic flow in the area due to this project.
7. This consent order does not absolve from obtaining necessary permission/ Clearance from other Authority or under other statutes as applicable.
8. The unit shall ensure that 25% of the total Area (8.6319 hectares x 0.25 = 2.16 Hectares and 2.16 x 400 Trees / Hectares = 864 Trees) to be developed as green belt area and accordingly the unit shall plant and maintain atleast **864 trees** with thick canopy cover in the space to achieve **25%** of the area as Green belt area and shall have the ornamental shrubs in between them.
9. The unit shall comply with the conditions imposed in the environmental clearance obtained from SEIAA vide Letter No. SEIAA-TN/F – 1687/ EC/8(b)/337/2013 Dated:25.07.2014.

**K.Skandan
Chairman**

//Forwarded by Order//

[Handwritten Signature]
For Chairman

22.4.15



TAMILNADU POLLUTION CONTROL BOARD

GENERAL CONDITIONS

1. The above consent to establish cannot be construed as consent to operate and the unit shall not commence the operation without obtaining the Consent to operate.
2. The applicant shall make a request for grant of consent to operate atleast thirty days, before the commissioning of trial production.
3. Any Change in the details furnished in the conditions has to be brought to the notice of the Board and got approved by the Board, before obtaining consent to operate under the said Act.
4. The unit has to comply with the provisions of Public Liability Insurance Act, 1991 to provide immediate relief in the event of any hazard to human beings, other living creatures/plants and properties while handling and storage of hazardous substances (wherever applicable).
5. Consent to operate will not be issued unless the unit complies with the conditions of consent to establish.
6. The unit shall provide adequate water sprinklers for the control of dust emission during the loading and unloading of construction material so as to minimize the dust emission.
7. The unit shall provide water sprinklers along the temporary roads inside the premises to avoid fugitive dust emission during the vehicle movements.
8. The unit shall develop green belt of adequate width around the premises
9. In case there is any change in the management, the unit shall inform the change with relevant documents immediately.

K.Skandan
Chairman

//Forwarded by Order//

[Handwritten Signature]
For Chairman
2.12.2015



TAMILNADU POLLUTION CONTROL BOARD

POLLUTION PREVENTION PAYS

அகம் தூய்மை வாய்மைக்கு! புறம் தூய்மை வாழ்வுக்கு!



CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY

Thalamuthu Natarajan Building, No.1, Gandhi Irwin Road,

Egmore, Chennai - 600 008

Phone : 28414855 Fax: 91-044-28548416

E-mail: mcmda@tn.gov.in, Web site:

www.cmdachennai.gov.in

Letter No. EC/S-II/11687/2023 dated:08.05.2023

To

Ms.S.Vennila,
No.6, 2nd Floor, Chennai House Building,
Esplanade Road,
Chennai - 600 108.

Sir / Madam,

Sub: CMDA - Enforcement Cell (South-II) – Construction of 2nd level basement combining Block -G to K, Block – N to Q & 1st Level basement combining Block – A to U, Commercial block & Club House, Block – A to U – Stilt + 15 floors, Commercial block – GF + 6 floors + Mezz. Club House – GF + 4 floors at Medavakkam – Mambakkam road, S.No.17/2,3,4,5A,5B, 18/1,2A,2B,3, 19/4,5, 20/1,2,3, 21,22, 23/1,2,3, 24/1,2A,2B,2C,3,4, 24/4, 25/1,2A,2B,3,4, 33/1A,1B1,1B2A,1B2B,2, 34/1,2, 35, 36/1, 63/2, 3,5, 64, 68/1A, 1B,3, 69/1A,2,, 72/1,2, 73 of Mambakkam village within the limits of DTCP – pre-contempt Notice forwarded to DTCP - intimation - Reg.

- Ref:
1. DTCP Planning Permission No.20/2014 vide letter R.C.No.1985/2013 dated 16.02.2014.
 2. The Hon'ble High Court of Madras Order dated 28.02.2023 in W.P.No.5932/2023 filed by Smt.Sivakamasundari Rajendran.
 3. A copy of pre-contempt Notice, dt.27.04.2023 on W.P.No.5932/2023 received from you.
 4. This office letter even No. dated 08.05.2023 addressed to the Director, Directorate of Town and Country Planning, Koyambedu with a copy marked to the Regional Assistant Director, Chengalpattu Region, DTCP.

With reference to the 2nd cited the site was inspected by CMDA officials on 15.03.2023 and 31.03.2023. Further it is informed that, the building in the site under reference falls under DTCP Jurisdiction and planning permission accorded by DTCP in the reference 1st cited. Hence a copy of an inspection report has been forwarded to DTCP in the reference 4th cited for taking necessary enforcement action.

Yours faithfully

Encl: Ref. 4th cited.

 08/05/2023

for MEMBER – SECRETARY

 8/5/23



CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY

Thalamuthu Natarajan Building, No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008

Phone : 28414855 Fax: 91-044-28548416

E-mail: mcmda@tn.gov.in, Web site:

www.cmdachennai.gov.in

Letter No. EC/S-II/11687/2023 dated:08.05.2023

To

The Director,
Directorate of Town and Country Planning,
CMDA Tower – III, Koyambedu,
Chennai - 600 107.

Sir / Madam,

Sub: CMDA - Enforcement Cell (South-II) – Construction of 2nd level basement combining Block -G to K, Block – N to Q & 1st Level basement combining Block – A to U, Commercial block & Club House, Block – A to U – Stilt + 15 floors, Commercial block – GF + 6 floors + Mezz. Club House – GF + 4 floors at Medavakkam – Mambakkam road, S.No.17/2,3,4,5A,5B, 18/1,2A,2B,3, 19/4,5, 20/1,2,3, 21,22, 23/1,2,3, 24/1,2A,2B,2C,3,4, 24/4, 25/1,2A,2B,3,4, 33/1A,1B1,1B2A,1B2B,2, 34/1,2, 35, 36/1, 63/2, 3,5, 64, 68/1A, 1B,3, 69/1A,2,, 72/1,2, 73 of Mambakkam village within the limits of DTCP – Hon'ble High Court order dated 28.02.2023 – forwarded for necessary enforcement action - requested - Reg.

- Ref:
1. DTCP Planning Permission No.20/2014 vide letter R.C.No.1985/2013 dated 16.02.2014.
 2. The Hon'ble High Court of Madras Order dated 28.02.2023 in W.P.No.5932/2023 filed by Smt.Sivakamasundari Rajendran.
 3. Letter received from Siva & Sesu association - CMDA's Panel Advocate, dated 28.02.2023.
 4. This office letter No.C3(S)/6294/2023, dated 31.03.2023 addressed to SBI Officers Association, Chennai Circle (SBIOACC) and Smt.Sivakamasundari Rajendran.
 5. Site inspection made on 15.03.2023 & 31.03.2023.
 6. A pre-contempt Notice, dt.27.04.2023 on W.P.No.5932/2023 received from S.Vennila, Advocate.

Kind attention is invited to the references cited.

On receipt of Hon'ble High Court Order dated 28.02.2023 received in the reference 2nd cited, the building under reference was inspected by CMDA officials on 15.03.2023 and 31.03.2023 with the presence of DTCP officials, Thiru.A.Anbumozhi, Deputy General Secretary, SBIOACC, Chennai Circle, the Petitioner Tmt.R.Sivakamasundari and 4 others.

The following are the observations made during site inspection:

- i) The site u/r gains access through 19.85m wide passage; which connects to 15.85m wide Medavakkam – Mambakkam Road.

ii) *As per the approved plan, the width of the passage mentioned as 29.49m, whereas at the site, the width measured as 15.85m. The remaining are constructed with GF+3 floors commercial building, as shown in the inspection plan.*

iii) *The EWS blocks – S, T & U have been modified to 2.5 bed room flats. As per the approved plan, there was 10 dwelling units and now it has been modified to 5 dwelling in each floor. This is the major deviation & violation.*

iv) *The landscape area shown in the approved plan is now grown with bushes.*

v) *The area reserved for Solid Waste Disposal is kept vacant and it is not used for 'Solid Waste Disposal' point.*

vi) *The area reserved for Generator yard is kept vacant. One open DG is provided on the northern side of the Commercial block and another open DG provided on the southern side of block-S.*

vii) *The STP shown on the North West corner of the Block-A replaced by WTP. The provision of STP is located on southern side of Q-block and Eastern side of the M-block. As per the approved plan, 4 Nos. of STP provisions are given. But only one STP provisions are given at the site u/r.*

viii) *Open transformer and a structure for Gas Bank are additionally constructed in the setback space, without affecting drive way. The locations are incorporated in the inspection plan.*

ix) *The landscape areas shown in the approved plan are maintained as per the approved plan.*

x) *The open car parking shown in the approved plan, on the western side of R-block and southern side of U & T block are not earmarked as per the approved plan, whereas 27 Nos. of car parking have been provided along the compound wall, as indicated in the inspection plan.*

xi) *Additional areas have been included within the site under reference, as indicated in the inspection plan. One area is vacant and another parcel of land is used for Children's Park.*

xii) *The OSR area shown on the south west corner of the R-block has not been demarcated with proper fencing / compound wall. There are few structures /sheds exist in the OSR area.*

xiii) *Few solar voltaic panels have been provided in the terrace floor of each block, but these are all not working/functioning.*

xiv) *The club House building has been completed in all respect, but it is not put in to use. The maintenance persons at site have informed that the finishing works are under progress. The open Swimming Pool shown adjacent to Club House is put in to use.*

xv) *The Commercial building has been completed in all respect. The part of 1st floor is used for SBI and the remaining floors are kept vacant. The car parking shown in the ground floor has been converted to usable area. The location of ramp is changed.*

xvi) Visitors parking has not been reserved or allotted at site.

Floor	Usage
Ground floor	Lift & Staircase core, the size of the building are remains same. The car parking shown in the ground floor has been converted to usable area. The location of ramp is changed.
First floor	Partly vacant and partly used for Bank purpose- SBI.
Second floor	Partitioned with glazing and kept vacant.
Third floor	Partitioned with glazing and kept vacant.
Fourth floor	Hall- kept vacant.
Fifth floor	Dining & Kitchen- kept vacant.
Sixth floor	Hall
Mezz. floor	Visitors lobby

Based on the Hon'ble High court of Madras order dated 28.02.2023, the CMDA has been directed to inspect the building after issuing notice to the petitioner as well as 5th respondent – SBI Officer's Association Chennai Circle within a period of two weeks from the date of receipt of a copy of this order and if there is any unauthorized construction found, take appropriate action immediately within four weeks' time thereafter. In compliance of Hon'ble High court of Madras order the said site was re-inspected on 31.03.2023 by CMDA officials.

From the above inspection report, it is observed that the following are the additional construction and violations.

1. Additional constructions:

- (i) As per the approved plan, the width of the passage mentioned as 29.49m, whereas at the site, the width measured as 15.85m. The remaining portion is constructed with GF+3 floors commercial building.
- (ii) One open DG is provided on the northern side of the Commercial block and another open DG provided on the southern side of block-S.
- (iii) Open transformer and a structure for Gas Bank are additionally constructed in the setback space.
- (iv) The open car parking shown in the approved plan, on the western side of R-block and southern side of U & T block are not earmarked as per the approved plan, whereas 27 Nos. of car parking have been provided along the compound wall, as indicated in the inspection plan.

2. Violations observed:

(i) The **EWS blocks – S, T & U** have been modified from 1 BHK to 2.5 BHK. As per the approved plan, there was 10 dwelling units and now it has been modified to 5 dwelling in each floor. This is the major deviation & violation.

(ii) As per the approved plan, the provision of solid waste disposal point is shown. But, this area along with other areas has been transferred to TNEB for providing substation, as per the petitioner's statement.

(iii) The OSR area shown on the south west corner of the R-block has not been demarcated with proper fencing / compound wall. There are few structures /sheds exist in the OSR area.

(iv) The STP shown on the north west corner of the Block-A replaced by WTP. As per the approved plan, 4 Nos. of STP provisions are given. But only one STP provisions are given at the site u/r.

As per Sections 56 & 57 of TNT&CP Act, 1971, the appropriate planning Authority may serve notice on the owner as specified in the said Act and Rules for taking enforcement action. The site falls within the jurisdiction of DTCP and the approval for the building was also issued by DTCP.

Hence further enforcement action may be taken by the appropriate planning authority i.e., DTCP under Sections 56 & 57 of the TNT&CP Act, 1971, and the inspection report is forwarded with a copy marked to the Regional Assistant Director, Chengalpattu Region, DTCP along with your back file (already received from DTCP office) for taking further enforcement action to comply the court order. Further you are requested to furnish action taken report to The Hon'ble High Court of Madras on the said judgement.

The details of action taken may kindly be intimated to the petitioner's advocate.

Yours faithfully

Encl: Ref. 2nd & 6th cited.

 08/05/2023

for MEMBER – SECRETARY

Copy to:

The Regional Assistant Director,
Directorate Town and Country Planning,
No.124, G.S.T Road,
Periyar Shopping Complex,
Chengalpattu – 603 001. (along with DTCP File No.D.Dis.1985/2013)

 8/5/23



TAMIL NADU POLLUTION CONTROL BOARD



BY RPAD

From:

Dr. S. Rajan, M.E., Ph.D.,
Appellate Authority /
Additional Chief Environmental Engineer – I
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai – 600 032.

To:

✓
Thiru. D. Rakeshkumar,
Flat No – M 105 Block –M,
SBIOA Unity Enclave,
Mambakkam,
Chennai – 600 127

Letter No: TNPCB/RTIA/026018/A- 130/2023, dt. 14.12.2023

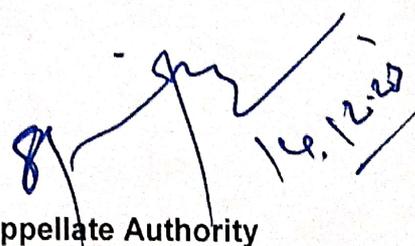
Sub: TNPCB – RTI Act 2005 – Seeking Information under
RTI Act – Information Furnished – Reg.

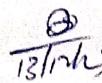
Ref: Thiru. D. Rakeshkumar, Chennai – 600 127, Appeal
Petition Dated: 16.11.2023 received on 20.11.2023

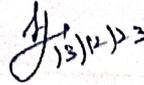
With reference to your Appeal Petition cited above, you have sought certain information under RTI Act 2005. In this connection, I am to inform that the information is annexed to this letter.

Encl: As above.

[6 Pages]


Appellate Authority


13/12/23


13/12/23

14.12.23
3/3





TAMIL NADU POLLUTION CONTROL BOARD

From

Er. K. Udayakumar, B.E., M.Tech.,
Public Information Officer,
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Adigalar Street,
Maraimalai Nagar,
Chengalpattu District-603 209.

To

The Appellate Authority (RTI),
Tamil Nadu Pollution Control Board,
76, Mount Salai,
Guindy,
Chennai -600 032.

Letter No. DEE/TNPCB/MMN/F- 2596/RTIA/2023 Dt. 11.12.2023

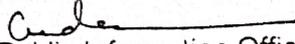
Sir,

Sub: O/o. DEE - TNPCB – MIMIN – Information for the RTIA Appeal petition --
Submitted – Regarding.

Ref: 1. RTI Petition of Thiru. D. Rakeshkumar, Mambakkam dated: 10.10.2023
received in this office on 12.10.2023
2. T.O Letter No. DEE/TNPCB/MMN/F- 2596/RTIA/2023 Dt. 08.11.2023
3. Board's Memo No. TNPCB/RTIA/026018/A.No. 130/2023, Dated
30.11.2023 received in this office on 01.12.2023
4. Lr. No. DEE/TNPCB/MMN/F.1277/RL/2023-1 dated: 03/11/2023
5. Lr. No. DEE/TNPCB/MMN/F.1277/RL/2023 dated: 03/11/2023

With reference to the Board's memo cited. I submit to inform that the unit M/s. SBIOA
Unity Enclave., located at SF No. 17/2, 17/3 etc., Mambakkam village, Tiruporur Taluk,
Chengalpattu District – 600 127 was inspected by the Assistant Engineer, Tamil Nadu
Pollution Control Board, Maraimalai Nagar on 21.09.2023 and the copy of the letter
submitted to the Board vide reference 4th cited and letter addressed to the unit M/s. SBIOA
Unity Enclave., located at SF No. 17/2, 17/3 etc., Mambakkam village, Tiruporur Taluk,
Chengalpattu District – 600 127 vide reference 5th cited is enclosed.

This is submitted for kind information and necessary action please.


Public Information Officer,
District Environmental Engineer,
Tamilnadu Pollution Control Board,
Maraimalai Nagar

Encl: Annexure





TAMIL NADU POLLUTION CONTROL BOARD

From
Er. K. Udayakumar, B.E., M.Tech.,
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Adigalar Street,
Maraimalai Nagar,
Chengalpattu District - 603 209.

To
The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Salai,
Guindy,
Chennai - 600 032.

Lr.No.DEE/TNPCB/MMN/F.1277/RL/2023-1 dated: 03/11/2023

Sir,

Sub: TNPCB - Industries - Repeated complaint received regarding operation of the Sewage Treatment plant & DG sets installed at M/s. SBIOA Unity Enclave located at Mambakkam, Tiruporur Taluk, Chengalpattu District-600127- Instruction issued to the unit-Report submitted- Regarding.

- Ref: 1. Complaint received through email dated 22/09/2023
2. DTCP, Chengalpattu District letter dated 22/05/2023
3. Inspection of the unit by the Assistant Engineer, TNPCB on 21/09/2023
4. Board Memo No.TNPCB/T2/F.018533/RTIA/2023 dated 07/09/2023
5. Lr.No.DEE/TNPCB/MMN/F.1277/RL/2023 dated: 03/11/2023

Based on the repeated complaint received against the operation of the Sewage Treatment Plant & Non installation of the approved DG sets at SBIOA Unity Enclave, Board has requested to inspect the unit and verify the complaint and furnish the remarks and recommendations on the petitioners complaint.

In this connection, the unit was inspected on 21/09/2023 and the details of the unit is submitted as follows;

1. The unit of M/s. SBIOA Unity Enclave., located at S F No 17/2,17/3., etc.. Mambakkam village, Tiruporur Taluk, Chengalpattu District 600127 has obtained Environmental clearance from SEIAA for the construction of Residential Complex comprising of Block A-F (Combined Basement + Stilt +15 floors), Block G-K (Combined 2 Basements + Stilt+15 floors), Block L-M (Basements + Stilt+15 floors), Block N-Q (2 Basements + Stilt+15 floors), Block R-U (Basement + Stilt+15 floors), Commercial Block (Basement + GF + 6 floors + Mezzanine floor), Club House (Basement + GF + 4 floors) having 2100 dwelling units with total Built up area of 3,16,187.66 Sq.m. The unit has also obtained planning permission from DTCP vide letter No.12333/131, dt.20.12.2013 & Building Plan approval from the President, Mambakkam Panchayat vide letter No.13, dt.03.03.2014.
2. The unit was issued with Consent to Establish vide Proc No.T10/TNPCB/F-34341/MMN/OL/W/A/2015 dated 17/04/2015 valid for two years for the construction of Residential Complex with 2100 units with total built up area of 316187.66 sq.m and to discharge the sewage of 1281 KLD (523 KLD for Toilet flushing, 75 KLD for gardening green belt development and 683 KLD through CMWSSB out let and to provide DG set of 750 KVA -3 Nos and 500 KVA-2 Nos.



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Subject to one of the conditions that the unit shall provide above ground level STP(1x1350 KLD) capacity with UV Disinfection system having 15 watts UV lamp/Cu.m of treated water filter press of sufficient capacity to handle the STP sludge and shall ensure that the treated sewage shall satisfy the standards prescribed by the Board.

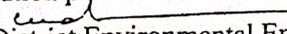
3. A complaint has been received against the operation of the Sewage Treatment Plant & non installation of the approved DG sets at SBIOA Unity Enclave vide reference 1st cited and non compliance of the planning permission issued by the DTCP.
4. The unit has installed the STP of capacity 1350 KLD- 1No and during inspection it is in operation.
5. It was informed that the Solid waste generated from the unit is disposed through local body.
6. The unit has installed the DG set of 1000 KVA-2 Nos provided with acoustic enclosures attached with stack.
7. Treated sewage is being utilized for the gardening, flushing and the excess is discharged in to the nearby open land belongs to the Developer.

In this regard, the SBIOA Unity Enclave Owners' Welfare Association/Promoter SBIOA Unity Enclave Mambakkam has been instructed to furnish the followings details vide reference 5th cited;

- a) The unit shall furnish six months compliance report for the conditions of the Environmental Clearance issued.
- b) The unit shall furnish the adequacy report prepared and approved by the accredited educational institution for the capacity of the Sewage Treatment plant provided .
- c) The unit shall provide the compliance of the planning permission obtained from the DTCP.
- d) The unit shall submit the EMFM recordings of the sewage inlet and outlet for the last one month.
- e) The unit shall furnish the details of the operation of the Organic waste converter provided for the disposal of Bio degradable waste generated.
- f) The unit shall submit the copy of the Building plan approval and approval for the source of water supply and details of the disposal of excess treated sewage.
- g) The unit shall enclose the details of the area allotted for the OSR and area provided for the green belt for the disposal of consented treated sewage .
- h) The Project proponent/Welfare Association shall apply for the consent of the Board under the Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 as amended as per the B P No 65 dated 27/11/2019.

Further, during inspection of the unit, the sewage sample (Treated/Untreated) were collected and the Report of analysis shows that the parameters are within the standards prescribed. Copy enclosed.

This is submitted for kind perusal and information please.


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Mangalalai Nagar



TAMIL NADU POLLUTION CONTROL BOARD

From
Er. K. Udayakumar, B.E., M.Tech.,
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Adigalar Street,
Maraimalai Nagar,
Chengalpattu District – 603 209.

To
1. The State Bank of India Officer's Association
Represented by its General Secretary,
Promoter SBIOA Unity Enclave Mambakkam,
(Chengalpattu District)
No.84 Rajaji Salai, Parys Corner, Chennai 600001

2. The President
M/s. SBIOA Unity Enclave Owner's Welfare
Association, Mambakkam,
Tiruporur Taluk,
Chengalpattu District-600127

Lr.No.DEE/TNPCB/MMN/F.1277/RL/2023 dated: 03/11/2023

Sir,

Sub: TNPCB – Industries – Repeated complaint has been received regarding operation of the Sewage Treatment plant & DG sets installed at M/s. SBIOA Unity Enclave Owners' Welfare Association located at Mambakkam, Chengalpattu District-600127-
Instruction issued - Regarding.

Ref: 1. Complaint received through email dated 22/09/2023
2. DTCP, Chengalpattu District letter dated 22/05/2023
3. Inspection of the unit by the Assistant Engineer, TNPCB on 21/09/2023

The unit of M/s. State bank of India Officer's Association (Chennai Circle)- Unity Enclave., located at S F No 17/2,17/3., etc., Mambakkam village, Tiruporur Taluk, Chengalpattu district was issued with Consent to Establish vide Proc dated 17/04/2015 valid for two years for the construction of Residential Complex with 2100 units with total built up area of 316187.66 sq.m and to discharge the sewage of 1281 KLD (523 KLD for Toilet flushing, 75 KLD for gardening green belt development and 683 KLD through CMWSSB out let and to provide DG set of 750 KVA -3 Nos and 500 KVA-2 Nos.

Whereas, a complaint has been received against the operation of the Sewage Treatment Plant & non installation of the approved DG sets at SBIOA Unity Enclave vide reference 1st cited and non compliance of the planning permission issued by the DTCP.

In this regard, the unit was already inspected on 21/09/2023 and the SBIOA Unity Enclave Owners' Welfare Association/Promoter SBIOA Unity Enclave Mambakkam is hereby instructed to furnish the followings.

1. The unit shall furnish six months compliance report for the conditions of the Environmental Clearance issued.
2. The unit shall furnish the adequacy report prepared and approved by the accredited educational institution for the capacity of the Sewage Treatment plant provided .
3. The unit shall provide the compliance of the planning permission obtained from the DTCP.

4. The unit shall submit the EMFM recordings of the sewage inlet and outlet for the last one month.

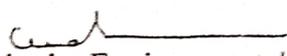
5. The unit shall furnish the details of the disposal of Solid waste generated from the premises.

6. The unit shall submit the copy of the Building plan approval and approval for the source of water supply and details of the disposal of excess treated sewage.

7. The unit shall enclose the details of the area allotted for the OSR and area provided for the green belt for the disposal of consented treated sewage .

8. The Project proponent/Welfare Association shall apply for the consent of the Board under the Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 as amended as per the B P No 65 dated 27/11/2019.

In this view of the above, the Residential Complex and Association/Promoter SBIOA Unity Enclave Mambakkam is instructed to submit the report within 15 days time .Failing which a legal action will be initiated against the unit under Air & Water Act.


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Nagar.

Copy to

1. Thiru.D.Rakesh Kumar,
Flat No 105 Block M
SBIOA Unity Enclave,
Mambakkam, Chennai -600127
2. Tmt.Sivakamasundari,
Flat No M-105, Block M
SBIOA Unity Enclave,
Mambakkam, Chennai -600127



IR No. : DEE/TNPGB/MMN/F.NA/RL/2023 dated 01/04/2023

Tamil Nadu Pollution Control Board
Inspection Report

1	a	Name of the Inspecting Officer		Er.S.Sindhanal Selvan, AE.	
	b	Designation		Maraimalai Nagar	
	c	District office		01/04/2024	
2	Date of Inspection		M/s. State bank of India Officer's Association		
3	a	Name of the Industry		(Chennai Circle)	
	b	Factory address: S.F.No. 17/2,17/3, etc., Mambakkam village, Tiruporur Taluk, Chengalpattu District			
4	a	Category	Classification	RED	Large
	b	Type of the Industry		1063-Building and construction project more than 20,000 sq.m built up area and having waste water generation 100 KLD and above	
5	Name of the Occupier of the unit present during inspection.		1. Thiru.Mohan, President, Owner's Welfare Association 2. Thiru.Sivakumar, Vice-President, Owner's Welfare Association and other members		
6	Products manufactured:				
	a	Main Products manufactured:		Quantity	Unit
		Main Product			Actual production
		Construction of Residential complex comprising of: Block A - Basement+ Stilt Floor + 15 Floor, Block B - Basement+ Stilt Floor + 15 Floor, Block C - Basement+ Stilt Floor + 15 Floor, Block D - Basement+ Stilt Floor + 15 Floor, Block E - Basement+ Stilt Floor + 15 Floor, Block F - Basement+ Stilt Floor + 15 Floor, Block G - 2 Basement+ Stilt Floor + 15 Floor, Block H - 2 Basement+ Stilt Floor + 15 Floor, Block I - 2 Basement+ Stilt Floor + 15 Floor, Block J - 2 Basement+ Stilt Floor + 15 Floor, Block K - 2 Basement+ Stilt Floor + 15 Floor, Block L - Basement+ Stilt Floor + 15 Floor, Block M - Basement+ Stilt Floor + 15 Floor, Block N - 2 Basement+ Stilt Floor + 15 Floor, Block O - 2 Basement+ Stilt Floor + 15 Floor, Block P - 2 Basement+ Stilt Floor + 15 Floor, Block Q - 2 Basement+ Stilt Floor + 15 Floor, Block R - Basement+ Stilt Floor + 15 Floor, Block S - Basement+ Stilt Floor + 15 Floor, Block T - Basement+ Stilt Floor + 15 Floor, Block U - Basement+ Stilt Floor + 15 Floor, and Commercial Block - Basement Ground Floor + 6 floors + M, club House - Basement + Ground floor + 4 floor having total no. of dwelling - 2100 units with total build up area 316187 m ²		316187.66	Sq.Mtr.
	b	By/Intermediate products manufactured:			
		By / Intermediate Product	Quantity	Unit	Actual production
7	a	Quantity of effluent in KLD:		1281 KLD	
	i)	Sewage			
	ii)	Trade effluent			

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8 Performance of Effluent Treatment Plant:

Nature of Effluent	Sl. No.	Components of STP	Nos.	Dimensions (in metres)	Status of functioning
(1)	(2)	(2)	(3)	(4)	(5)
Sewage	1	Bar screen chamber	1		Not in operation
	2	Grit chamber	1		Not in operation
	3	Equalization tank	1		Not in operation
	4	Aeration tank	3		Operational
	5	Pre filtration and decant water tank.	1		Decant water tank - operational
	6	Sludge holding tank	1		Not in operation
	7	Pressure sand filter	2		Not in operation
	8	Activated carbon filter.	2		Not in operation
	9	UV system	2		Not in operation
	10	Filter press	2		Not in operation
	11	Treated water tank	1		Operational
Trade Effluent - Type of ETP :-					
Trade Effluent	1	-	-	-	-

9 Sources of Emission and Air Pollution Control Measures provided:

Sl. No.	Source of Emission	APC measures provided	Stack top dimension (in metres)	Stack ht. above ground (in metres)	Status of functioning
1.	DG sets 500 KVA - 3Nos	stack			

10 Remarks on the maintenance of Log Books, Records and separate energy meter for Effluent Treatment Plant.
 Log book not maintained. EMFM not provided

11 Remarks on the Disposal of Solid Wastes / Hazardous Wastes :
 No records

12 Remarks on Waste minimization, Inplant measures and House Keeping.
 Nil

13 Details of Complaints if any:
 1. Complaint petition dated 18/08/2023 addressed to The Chairman, TNPCB
 2. Complaint received through email dated 22/09/2023

14 Violation of conditions stipulated in the Consent Orders / directions issued under Water/Air Act, if any:

- The construction of the residential apartment was completed and the same was maintained by the SBIOA Unity Enclave Owner's Welfare Association, Mambakkam without obtaining consent to operate from the Board.
- Instructions were issued to M/s. SBIOA Unity Enclave Owners' Welfare Association vide this Office letter dated 03/11/2023

15 Violation of conditions stipulated in the authorisation issued under the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2016 if any:

16 Details of Samples collected, if any and Date/Time of collection and point of collection:
 Outlet from STP was collected

17. Any other special information if any (May include observations/suggestions made during inspection on the performance of ETP/APC Measures).

The unit of M/s. State bank of India Officer's Association (Chennai Circle)- Unity Enclave., located at S F No 17/2,17/3., etc., Mambakkam village, Tiruporur Taluk, Chengalpattu district was issued with Consent to Establish vide Proceedings dated 17/04/2015 valid for two years for the construction of Residential Complex with 2100 units with total built up area of 316187.66 sq.m and to discharge the sewage of 1281 KLD (523 KLD for Toilet flushing, 75 KLD for gardening green belt development and 683 KLD through CMWSSB out let and to provide DG set of 750 KVA -3 Nos and 500 KVA-2 Nos.
 Based on the complaint petition received from Thiru. D. Rakesh Kumar and Tmt. Sivakamasundari regarding the violations in operation of the Sewage Treatment plant &

DG sets installed at M/s. SBIOA Unity Enclave Owners' Welfare Association located at Mambakkam, Chengalpattu District, the unit was already inspected by Assistant Engineer, TNPCB on 21/09/2023, and the following instructions were issued to M/s. SBIOA Unity Enclave Owners' Welfare Association and informed to furnish report within 15 days.

1. The unit shall furnish six months compliance report for the conditions of the Environmental Clearance issued.
2. The unit shall furnish the adequacy report prepared and approved by the accredited educational institution for the capacity of the Sewage Treatment plant provided.
3. The unit shall provide the compliance of the planning permission obtained from the DTCP.
4. The unit shall submit the EMFM recordings of the sewage inlet and outlet for the last one month.
5. The unit shall furnish the details of the operation of the Organic waste converter provided for the disposal of Bio degradable waste generated.
6. The unit shall submit the copy of the Building plan approval and approval for the source of water supply and details of the disposal of excess treated sewage.
7. The unit shall enclose the details of the area allotted for the OSR and area provided for the green belt for the disposal of consented treated sewage.
8. The Project proponent/Welfare Association shall apply for the consent of the Board under the Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 as amended as per the B P No 65 dated 27/11/2019.

The residential apartment was again inspected on 01/04/2024 and the following were observed.

1. The construction of the residential apartment was completed and the same was maintained by the SBIOA Unity Enclave Owner's Welfare Association, Mambakkam without obtaining consent to operate from the Board.
2. The STP provided was below the ground level and out of the 8 Air Blowers installed in the STP only 2 are in operation (CTE was issued to the unit with a condition that the unit shall provide above ground level STP (1 x 1350KLD) capacity.
3. Aeration and settling tank were in operation. Other components such as Pressure sand filter, Activated carbon filter, UV disinfection, and Filter Press are not in operation.
4. The log book was not properly maintained for the operation of the sewage treatment plant.
5. The sewage after settling tank is discharged through pipe line into adjoining open land of Sports Area (3.95 acres approximately) owned by SBIOA Unity Enclave Owner's Welfare Association without treatment. The STP outlet water sample was collected at the time of inspection and sent to TNPCB Lab for analysis.
6. During inspection, the SBIOA Unity Enclave Owner's Welfare Association members have reported that STP was affected during the Michaung cyclone and the revamping of STP will be carried out shortly.
7. It was ascertained that the filter press provided for the removal of excess sludge was not in operation.
8. The proponent has not provided flow meters at the inlet and outlet of STP. Hence, the quantity of sewage treated in the STP was not ascertained.
9. The unit has installed 3 Diesel Generator set of 500 KVA capacity with acoustic enclosure. (Consent to Establish was issued to the unit for DG set of 750 KVA -3 Nos and

DG order 500 KVA-2 Nos)

CTE was issued to the unit of M/s. State bank of India Officer's Association (Chennai Circle) - Unity Enclave with conditions stating that

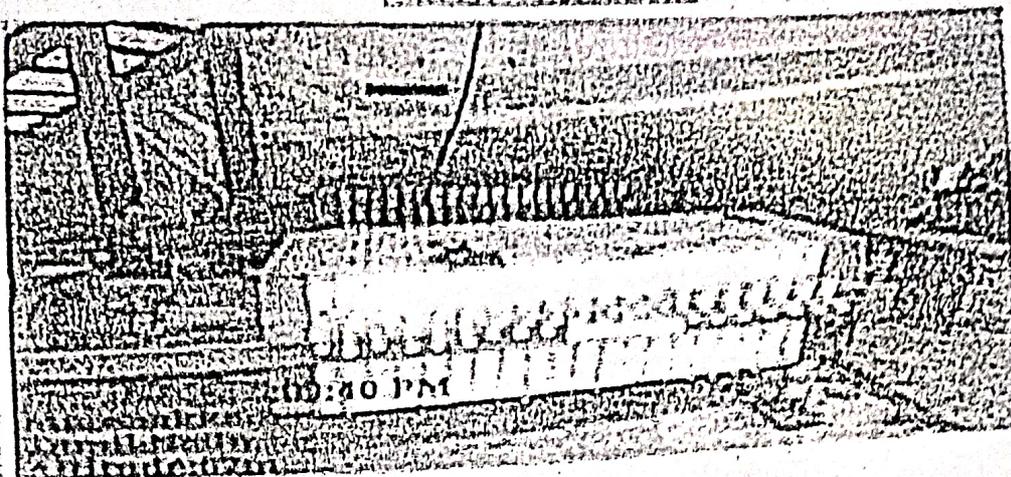
- The unit shall provide the EMFMs with automatic recorder and display arrangement at the inlet/outlet of STP and at the disposal points of the treated sewage for gardening, toilet flushing and to CMWSSB out let.
- The unit shall provide above ground level STP (1 x 1350 KLD) capacity with UV Disinfection system having 15 watts UV lamp/m³ of treated water and filter press of sufficient capacity to handle the STP sludge and shall ensure that the treated sewage shall satisfy the standards prescribed by the Board.

During inspection, it was noticed that the unit has provided STP below the ground level and the STP was not operated properly & the untreated sewage is being discharged into open land owned by SBIOA Unity Enclave Owner's Welfare Association through pipe line. As the unit has violated the conditions in CTE and repeated complaints received against the unit, it is submitted that the following directions may be recommended to the Board to be issued to the unit of M/s. SBIOA Unity Enclave Owners' Welfare Association under Section 33A of the Water (P&CP) Act, 1974 as amended and under Section 31A of the Air (P&CP) Act, 1981:

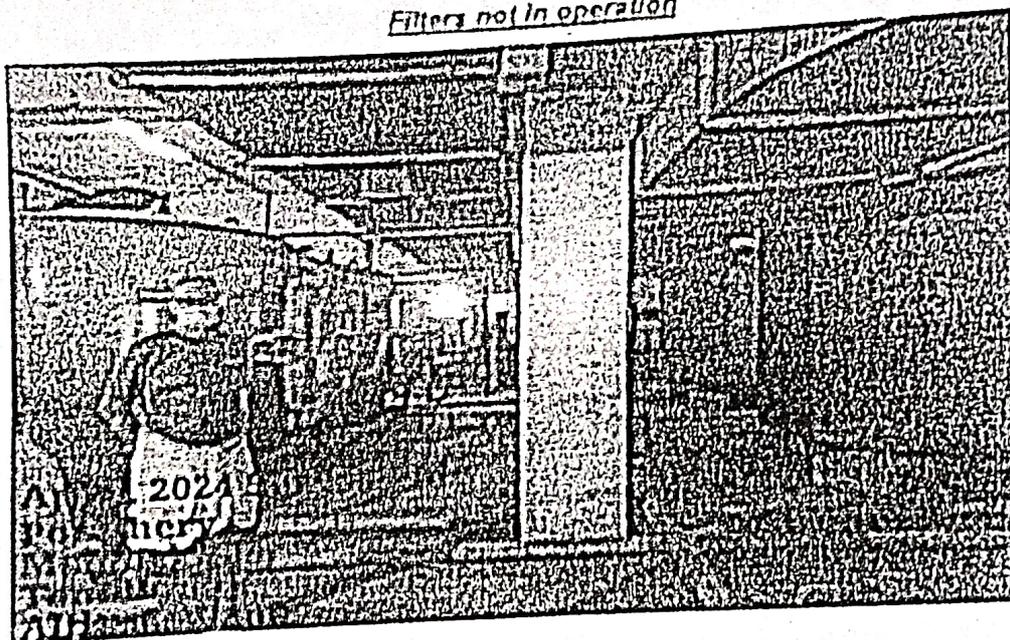
1. The Project proponent/Welfare Association shall apply and obtain consent to operate of the Board under the Water (P&CP) Act, 1974 as amended and Air (P&CP) Act, 1981 as amended immediately and stop the discharge of untreated sewage in to the nearby land owned by SBIOA Unity Enclave Owner's Welfare Association immediately.
2. The Project proponent/Welfare Association shall maintain and operate the STP efficiently and continuously so that the quality of the treated sewage shall meet the standards prescribed by the Board.
3. The Project proponent/Welfare Association shall make necessary arrangements to utilize the treated waste water 523 KLD for Toilet flushing, 75 KLD for gardening/green belt development and 683 KLD through CMWSSB out let as per the consent of TNPC Board and shall not let out treated/untreated sewage from the premises at any point of time.
4. The Project proponent/Welfare Association shall provide electromagnetic flow meters at the Inlet and outlet of STP.
5. The Project proponent/Welfare Association shall maintain proper log book for the operations of the STP.
6. The Project proponent/Welfare Association shall furnish the green belt area provided for utilizing the treated sewage.

Photographs taken during the time of inspection

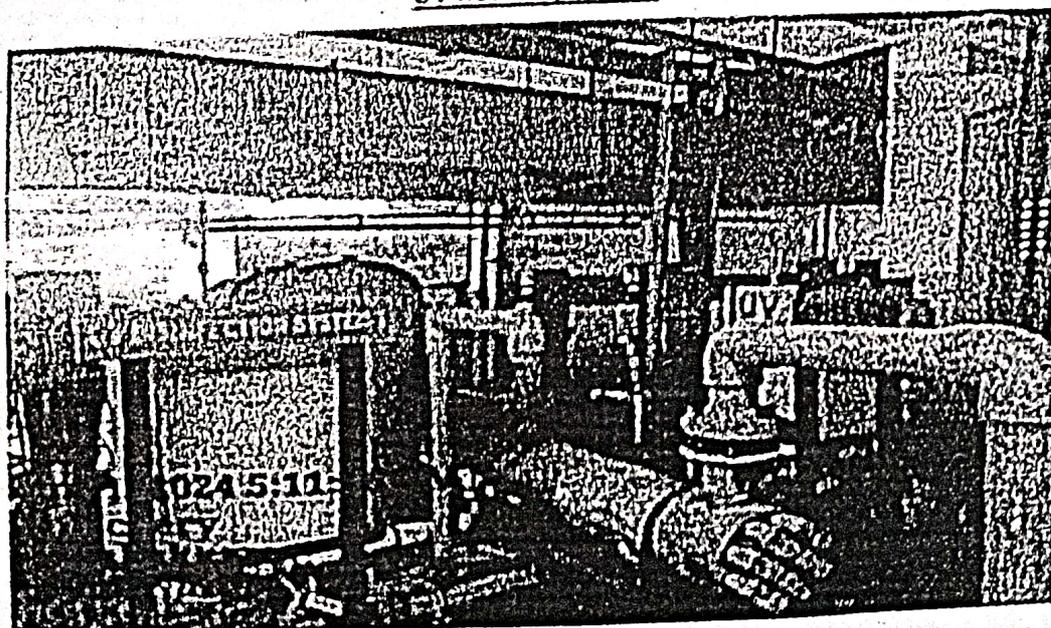
Filters have been replaced



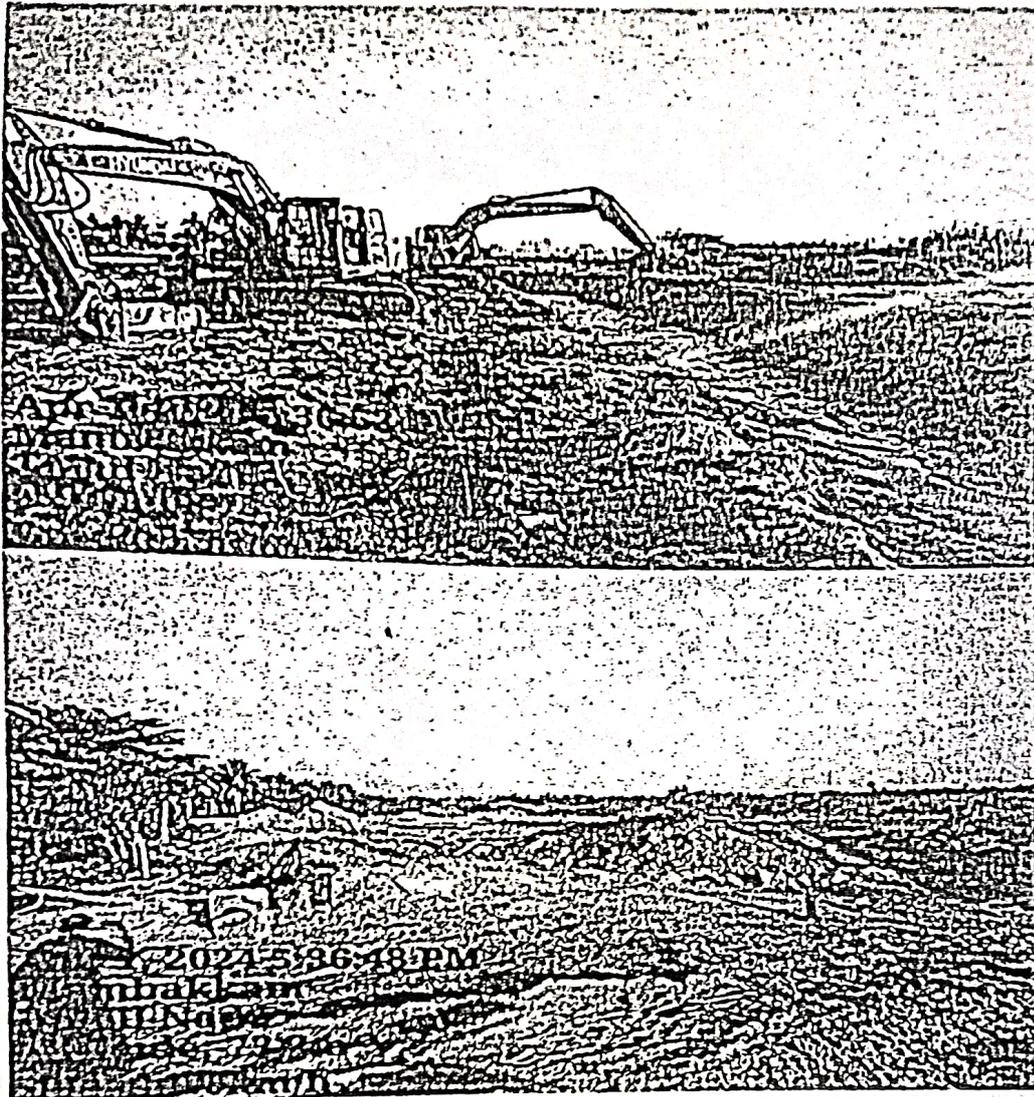
Filters not in operation



UV not in operation



Sewage from the outlet of STP let into open land of Sports Area (3.95 acres approximately) owned by SBIOA Unlty Enclave Owner's Welfare Assciation



G. Srinivasan
Assistant Engineer,
TNPCC/Maraimalai Nagar

DEE's Remarks:

pl put up letter.

[Signature]
District Environmental Engineer,
TNPCC/Maraimalai Nagar



Tamil Nadu Pollution Control Board

From Dr. Vanitha Murugaiyan, M.E., Ph.D., Environmental Engineer (Flying Squad) Tamil Nadu Pollution Control Board 3rd Floor, 950/1, Poonamallee High Road Arumbakkam, Chennai-600 106	To The District Environmental Engineer Tamil Nadu Pollution Control Board Maraimalai Adigalar Street Maraimalai Nagar Chennai-603 209
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Lr.No:EE(FS)/TNPCB/CHN/COMPLAINT/2024Dt:10.04.2024

Sir,

Sub: TNPCB - O/o. EE(FS), Chennai –Complaint against Illegal discharge of Sewage into the nearby vacant land by M/s State Bank of India Officers Association - "SBIOA Unity Enclave" (Multi-Storey Residential Building), Mambakkam Village and Chengalpattu District - Investigation report-Submitted- Regarding.

- Ref: 1. WhatsApp message received from JCEE(M)/Chengalpattu on 05.04.2024 regarding a complaint on illegal discharge of sewage into the nearby vacant land by M/s. M/s State Bank of India Officers Association - "SBIOA Unity Enclave"
2. Inspection of the site by AE(FS)/CHN on 08.04.2024

I am to inform that a message was received from the JCEE(M)/Chengalpattu regarding the illegal discharge of sewage into the nearby vacant land by the M/s State Bank of India Officers Association - "SBIOA Unity Enclave" vide ref.1st cited. Based on this, the site was inspected on 08.04.2024. During inspection, it was noticed that it is a multi-storey residential building complex located at Mambakkam Village, Chengalpattu District and reportedly comprising 1600 apartments and fully occupied. The unit has installed a Sewage Treatment Plant (STP) with a capacity of about 1350 KLD (1 No.) in the basement for the treatment of sewage generated from the dwellings.

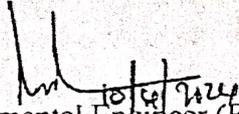
During the time of inspection, it was noticed that none of components of the STP was in operation and the association has not maintained any Log books/ records for the operation of STP and no flow meter was found to assess the quantity of treated or untreated sewage disposed outside. However, it was noticed that the unit was bypassing the untreated sewage through a pipeline arrangement into the nearby vacant land, which was found stagnated outside the premises at the GPS location at latitude: 12.835184° and longitude: 80.171999°. It was also ascertained the unit has obtained consent to Establishment order under Water and Air Act from TNPCB vide Proc.dt: 17.04.2015 and the unit has not furnished any copies of Consent to operate.

In this regard, it is informed that the unit may be inspected to verify the compliance of the consent order conditions issued to this unit, if any, under the Water (Prevention and Control

of Pollution) Act, 1974, as amended, and the Air (Prevention and Control of Pollution) Act, 1981, as amended, for taking further action.

The action taken report may be informed to this office at the earliest.

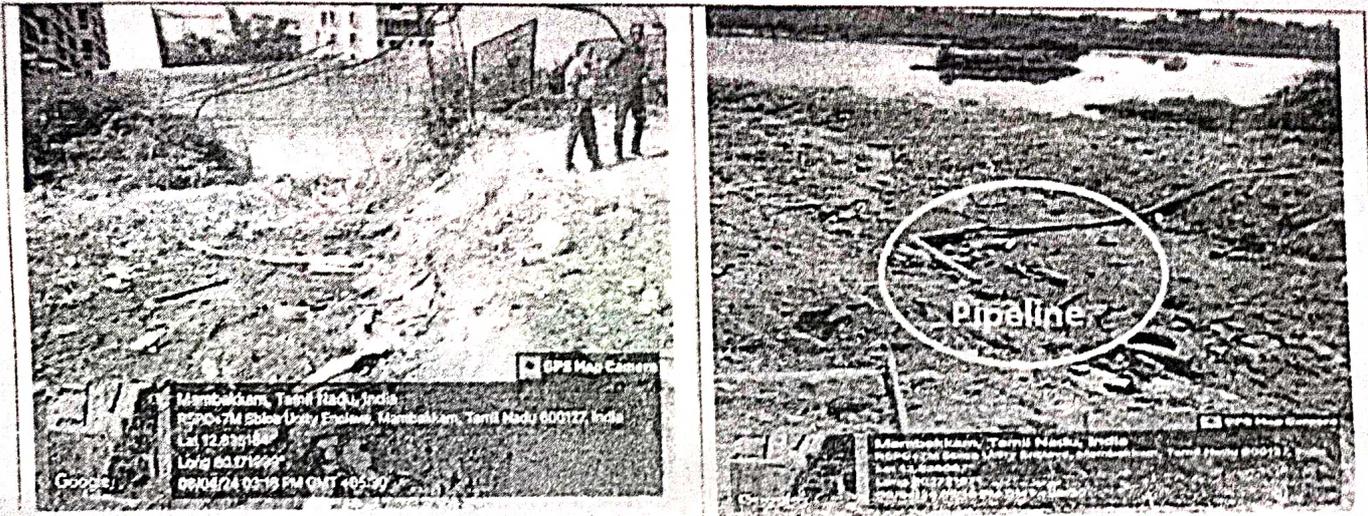
Encl: Photographs taken during inspection


Environmental Engineer (Flying Squad)
Tamil Nadu Pollution Control Board
Chennai
10/04/2024

Copy Submitted to:

The Joint Chief Environmental Engineer (M), TNPCB, Chengalpattu

Photographs taken during inspection on 08.04.2024



Photographs taken outside the premises showing pipeline laid by the unit for discharging the treated/ untreated water on the nearby land.

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

Original Application No.148 of 2024 (SZ)

[Earlier O.A. No. 73 of 2024 (LP) (PB)]

IN THE MATTER OF:

Rakesh Kumar. D.

...Applicant(s)

Versus

The Chairman,
Tamil Nadu Pollution Control Board,
Chennai and Others.

...Respondents

INDEX

S.No	Description	Page No.
1.	INSPECTION REPORT OF THE JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NGT (PB) NEW DELHI IN RESPECT OF O.A No.73 of 2024 FILED BY THIRU. D.RAKESH KUMAR.	1 – 13



**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

INSPECTION REPORT OF THE JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (PRINCIPAL BENCH) NEW DELHI IN RESPECT OF O.A No.73 of 2024 FILED BY THIRU. D.RAKESH KUMAR.

The Hon'ble National Green Tribunal (NGT), Pricipal Bench (PB) New Delhi in its order dated 21.03.2024 in Original Application No.73 of 2024 in the matter of Thiru.Rakesh Kumar has stated the following:

- "Para 4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Member Secretary, Tamil Nadu State Pollution Control Board, Commissioner, Municipal Corporation, Chennai and the District Magistrate, Chennai and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The Tamil Nadu Pollution Control Board will be the nodal agency for coordination and compliance.*
- 5. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Southern Zone Bench of this Tribunal at Chennai, we are of the considered view that it will be appropriate if the case is further heard by the Southern Zone Bench of this Tribunal at Chennai.*
- 6. Accordingly, the Registry is directed to list the matter before the Southern Zone Bench of this Tribunal at Chennai on 30.05.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.*
- 7. Report of the Joint Committee be filed within two months before the Southern Zone Bench of this Tribunal at Chennai".*

In due compliance to the said Hon'ble National Green Tribunal (PB) order, the joint committee as constituted by the Hon'ble NGT(PB)

- i. District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Nagar.
- ii. The Revenue Divisional Officer,
RDO Office, Tambaram.

iii. The Block Development Officer,
Tiruporur Panchayat Union.

has inspected the unit of M/s. SBIOA Unity Enclave Owners' Welfare Association located at Mambakkam, Chengalpattu District on 14.05.2024 and the report is submitted as follows

It is respectfully submitted that Environmental clearance was issued to the unit of of M/s. State bank of India Officer's Association (Chennai Circle)- Unity Enclave., located at S F No 17/2,17/3,17/4 etc., Mambakkam village, Tiruporur Taluk, Kancheepuram District (now Chengalpattu District) by State Level Environment Impact Assessment Authority, Chennai, Tamil Nadu vide its Letter No.SEIAA-TN/F-1687/EC/8(b)/337/2013 Dated: 25/07/2014 valid up to five years from the date issue of EC ie up to 24.07.2019 for the construction of residential apartment complex with total built up area of 316187.66 m² with 2100 Dwelling units.

Subsequently, unit of M/s. State bank of India Officer's Association (Chennai Circle)- Unity Enclave., located at S F No 17/2,17/3., etc., Mambakkam village, Tiruporur Taluk, Kancheepuram District (now Chengalpattu district) has obtained consent for establishment under the Water (P&CP) Act, 1974 and the Air (P&CP) Act, 1981 for the construction of Residential complex comprising of

Block A – Basement+ Stilt Floor + 15 Floor,
 Block B – Basement+ Stilt Floor + 15 Floor,
 Block C – Basement+ Stilt Floor + 15 Floor,
 Block D – Basement+ Stilt Floor + 15 Floor,
 Block E – Basement+ Stilt Floor + 15 Floor,
 Block F – Basement+ Stilt Floor + 15 Floor,
 Block G – 2 Basement+ Stilt Floor + 15 Floor,
 Block H – 2 Basement+ Stilt Floor + 15 Floor,
 Block I – 2 Basement+ Stilt Floor + 15 Floor,
 Block J – 2 Basement+ Stilt Floor + 15 Floor,
 Block K – 2 Basement+ Stilt Floor + 15 Floor,
 Block L – Basement+ Stilt Floor + 15 Floor,
 Block M – Basement+ Stilt Floor + 15 Floor
 Block N – 2 Basement+ Stilt Floor + 15 Floor,
 Block O– 2 Basement+ Stilt Floor + 15 Floor,
 Block P – 2 Basement+ Stilt Floor + 15 Floor,

Block Q – 2 Basement+ Stilt Floor + 15 Floor,

Block R – Basement+ Stilt Floor + 15 Floor,

Block S – Basement+ Stilt Floor + 15 Floor,

Block T – Basement+ Stilt Floor + 15 Floor,

Block U – Basement+ Stilt Floor + 15 Floor, and

Commercial Block – Basement Ground Floor + 6 floors + M, club House – Basement + Ground floor + 4 floor having total no. of dwelling – 2100 units with total build up area 316187.66 m² and to discharge 1281 KLD sewage (523 KLD for Toilet flushing, 75 KLD for gardening / Green belt development and 683 KLD through CMWSSB out let and to discharge emission through DG set of 750 KVA -3 Nos and 500 KVA-2 Nos, was issued vide Board's Proceedings No. T 10/TNPCB/F-34341/MMN/OL/A&W/2015 Dated: 17/04/2015 with validity for two years.

Based on the complaint received on 19/09/2023 regarding the violations in operation of the Sewage Treatment plant & DG sets installed at M/s. SBIOA Unity Enclave Owners' Welfare Association located at Mambakkam, Chengalpattu District, the unit was inspected by Assistant Engineer, TNPCB on 21/09/2023, and the following instructions were issued to M/s. SBIOA Unity Enclave Owners' Welfare Association to furnish the details within 15 days vide this office letter dated 03/11/2023.

1. The unit shall furnish six months compliance report for the conditions of the Environmental Clearance issued.
2. The unit shall furnish the adequacy report prepared and approved by the accredited educational institution for the capacity of the Sewage Treatment plant provided.
3. The unit shall provide the compliance of the planning permission obtained from the DTCP.
4. The unit shall submit the EMFM recordings of the sewage inlet and outlet for the last one month.
5. The unit shall furnish the details of the disposal of Solid Waste generated from the premises.
6. The unit shall submit the copy of the Building plan approval and approval for the source of water supply and details of the disposal of excess treated sewage.
7. The unit shall enclose the details of the area allotted for the OSR and area provided for the green belt for the disposal of consented treated sewage.
8. The Project proponent/Welfare Association shall apply for the consent of the Board under the Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 as amended as per the B P No 65 dated 27/11/2019.

The residential apartment was again inspected by Assistant Engineer, TNPCB on 01/04/2024 and the following were observed.

1. The construction of the residential apartment was completed and the same was maintained by the SBIOA Unity Enclave Owner's Welfare Association, Mambakkam without obtaining consent to operate from the Board.
2. The STP provided was below the ground level and out of the 8 Air Blowers installed in the STP only 2 are in operation (CTE was issued to the unit with a condition that the unit shall provide above ground level STP (1 x 1350KLD) capacity).
3. Aeration and settling tank were in operation. Other components such as Pressure sand filter, Activated carbon filter, UV disinfection, and Filter Press are not in operation.
4. The log book was not properly maintained for the operation of the sewage treatment plant.
5. The sewage after settling tank is discharged through pipe line into adjoining open land of Sports Area (3.95 acres approximately) owned by SBIOA Unity Enclave Owner's Welfare Association without treatment. The STP outlet water sample was collected at the time of inspection and sent to TNPCB Lab for analysis.
6. During inspection, the SBIOA Unity Enclave Owner's Welfare Association members have reported that STP was affected during the Michaung cyclone and the revamping of STP will be carried out shortly.
7. It was ascertained that the filter press provided for the removal of excess sludge was not in operation.
8. The proponent has not provided flow meters at the inlet and outlet of STP. Hence, the quantity of sewage treated in the STP was not ascertained.
9. The unit has installed 3 Diesel Generator set of 500 kVA capacity with acoustic enclosure. (Consent to Establish was issued to the unit for DG set of 750 KVA -3 Nos and DG sets 500 KVA-2 Nos)

The SBIOA Unity Enclave Owner's Welfare Association in its letter dated 08.04.2024 has reported that all the STP works will be completed by the end of September 2024.

CTE was issued to the unit of M/s. State bank of India Officer's Association (Chennai Circle) - Unity Enclave with conditions stating that

- The unit shall provide the EMFMs with automatic recorder and display arrangement at the inlet/outlet of STP and at the disposal points of the treated sewage for gardening, toilet flushing and to CMWSSB out let.

- The unit shall provide above ground level STP (1 x 1350 KLD) capacity with UV Disinfection system having 15 watts UV lamp/m³ of treated water and filter press of sufficient capacity to handle the STP sludge and shall ensure that the treated sewage shall satisfy the standards prescribed by the Board.

During inspection, it was noticed that the unit has provided STP below the ground level and the STP was not operated properly & the untreated sewage is being discharged into open land owned by SBIOA Unity Enclave Owner's Welfare Association through pipe line. As the unit has violated the conditions in CTE and repeated complaints received against the unit, it was recommended to the Board to issue following directions to the unit of M/s. SBIOA Unity Enclave Owners' Welfare Association under Section 33A of the Water (P&CP) Act, 1974 as amended and under Section 31A of the Air (P&CP) Act, 1981 vide this office letter dated 17/04/2024:

1. The Project proponent/Welfare Association shall apply and obtain consent to operate of the Board under the Water (P&CP) Act, 1974 as amended and Air (P&CP) Act, 1981 as amended immediately and stop the discharge of untreated sewage in to the nearby land owned by SBIOA Unity Enclave Owner's Welfare Association immediately.
2. The Project proponent/Welfare Association shall maintain and operate the STP efficiently and continuously so that the quality of the treated sewage shall meet the standards prescribed by the Board.
3. The Project proponent/Welfare Association shall make necessary arrangements to utilize the treated waste water 523 KLD for Toilet flushing, 75 KLD for gardening/green belt development and 683 KLD through CMWSSB out let as per the consent of TNPC Board and shall not let out treated/untreated sewage from the premises at any point of time.
4. The Project proponent/Welfare Association shall provide electromagnetic flow meters at the inlet and outlet of STP.
5. The Project proponent/Welfare Association shall maintain proper log book for the operations of the STP.
6. The Project proponent/Welfare Association shall furnish the green belt area provided for utilizing the treated sewage.

Observations of the joint committee made during the time of inspection

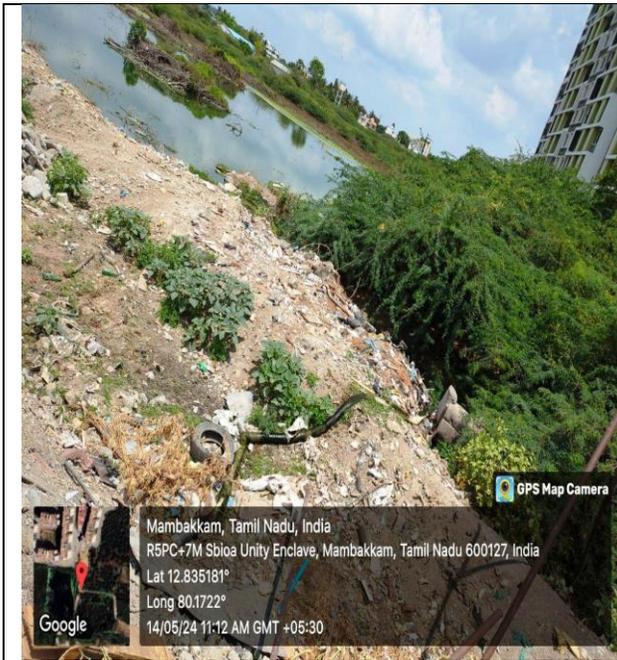
During inspection the following were present

1. Thiru. D. Rakesh Kumar - Petitioner
2. Thiru. S. Jayakumar
3. Thiru. R. Sritheran, Secretary, SBIOA Unity Enclave Owner's Welfare Association
4. Thiru. R. Prasad, Vice President, SBIOA Unity Enclave Owner's Welfare Association

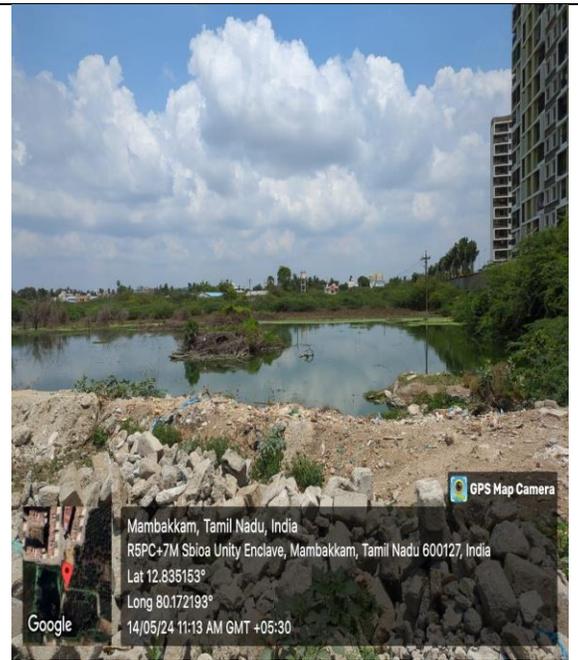
The unit of M/s. State bank of India Officer's Association (Chennai Circle)- Unity Enclave., located at S.F.No 17/2,17/3., etc., Mambakkam village, Tiruporur Taluk, Kancheepuram District (now Chengalpattu district) for construction of residential complex as with total built up area of 316187.66 sqm with 2100 Dwelling units for which the unit has obtained Environmental Clearance from SEIAA, Chennai and Consent to establish under the Water(P&CP) Act, 1974 and the Air(P&CP) Act, 1981 from the TNPC Board vide proceedings dated 17.04.2015 valid for two years.

- i. The construction of the residential apartment was completed and the same was maintained by the SBIOA Unity Enclave Owner's Welfare Association, Mambakkam without obtaining consent to operate from the Board.
- ii. Sewage Treatment Plant comprises of Bar Screen Chamber, Grit Chamber, Equalization Tank, Aeration Tank – Sequential Batch Reactor-3 Nos., Pre filtration and decant water tank, Sludge Holding Tank, Pressure Sand Filter-2 Nos., Activated Carbon Filter-2 Nos., UV System (Not provided), Filter Press-2 Nos., Treated Water Tank.
- iii. The STP provided was below the ground level (basement of block M) and out of the 8 Air Blowers installed in the STP only 3 are in operation (CTE was issued to the unit with a condition that the unit shall provide above ground level STP (1 x 1350KLD) capacity.
- iv. The raw sewage from the residential apartment is collected in the collection tank. Raw sewage from the collection tank is pumped into Sequencing Batch Reactor Tank 1, 2 &3. It was noticed that the pipe line from collection tank to Sequencing Batch Reactor Tank 1 is damaged.
- v. The sewage from the Sequencing Batch Reactor Tank is pumped into the decant water tank and further it is sent to Filter Feed Tank. Other components such as Pressure sand filter (2 Nos.), Activated carbon filter (2 Nos.), and Filter Press (2 Nos) are not in operation.

- vi. The partially treated water from the filter feed tank is being utilized for toilet flushing and remaining water is being discharged into adjoining open land (Temple land as reported by revenue department) outside the unit premises through pipe line.
- vii. The log book was not properly maintained for the operation of the sewage treatment plant.
- viii. The proponent has not provided flow meters at the inlet and outlet of STP. Hence, the quantity of sewage treated and utilized/disposed in the STP was not ascertained.
- ix. The proponent has not provided separate energy meters for STP.
- x. The samples were collected from the following points
 - 1. Inlet to STP
 - 2. Outlet from STP
 - 3. Toilet flush water,
 - 4. Open well water
 - 5. Stagnated water outside the premises and sent to District Environmental Lab, Tamilnadu Pollution Control Board, Maraimalai Nagar for analysis of pH, BOD,TSS.
- xi. The sample collected from stagnation water on open land outside the unit premises and open well water are sent to Advanced Environmental Laboratory, Tamilnadu Pollution Control Board Guindy for analysis of Bacteriological parameters.
- xii. The unit has installed Diesel Generator set of 500 kVA capacity – 3 Nos. with acoustic enclosure for the residential apartment and Diesel Generator set of 500 kVA capacity – 2 Nos. for Commercial building. (Consent to Establish was issued to the unit for DG set of 750 KVA -3 Nos and DG sets 500 KVA-2 Nos).
- xiii. During the time of inspection odour was felt by the members of the committee in the STP area.



Partially treated sewage is being discharged into adjoining open land outside the unit premises through pipeline.



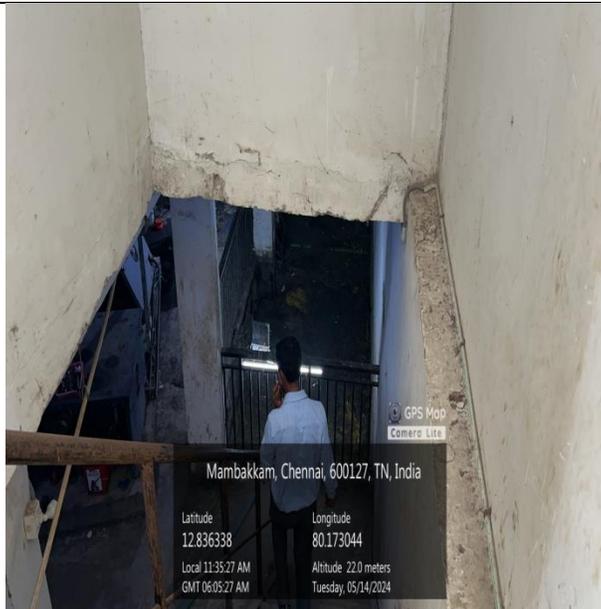
Stagnation of STP Water noticed in the open land outside the premises



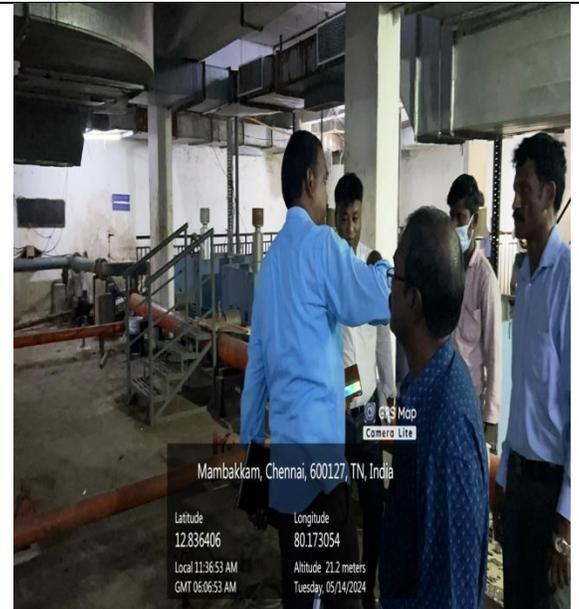
Stagnation of STP Water noticed in the open land outside the premises



Stagnated water sample collected outside the unit premises



STP located at below ground level



Inspection of the STP by the Joint Committee



Damaged pipeline from collection tank to SBR.



DG Set of 500 KVA Capacity – 2 Nos for commercial building.

Environmental Compensation levied to the said unit

In view of the above, it is respectfully submitted that environmental compensation for the above said violations by the unit of M/s. SBIOA Unity Enclave Owners' Welfare Association located at S F No 17/2,17/3,17/4, etc., Mambakkam village, Tiruporur Taluk, Chengalpattu District may be levied and is calculated as below

Calculation of Environmental Compensation based on the CPCB Guidelines:

Environmental Compensation Formula

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

Where

EC-Environmental compensation

PI-Pollution index of industry sector

N-Number days of violation took place

R-A factor in Rs for EC

S-Factor for scale of operation

LF-Location Factor

Note:

- i) The industrial sectors have been categorized into Red, Orange and Green based on their pollution index in the range of 60-100, 41-59 and 21-40 respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental compensation for Red, Orange and Green Categories of industries respectively
- ii) N, number of days for which violation took place is the period between the day of violation observed due date of directions compliance and the day of compliance verified by PCB/SPCB/CPCB
- iii) R, is a factor in rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the Environmental Compensation in cases of Violation
- iv) S could be based on small/medium/large industries categorization which may be 0.5 for micro or small, I for medium and 1.5 for large units
- v) LF, could be based on the population of the city/town and location of the industrial unit. For the industrial unit located within municipal boundary or upto 10 Km distance from the municipal boundary of the city/town, following factors (LF) may be used

S.No.	Population (Million)	Location Factor (LF)
1.	Less than 1	1.0
2.	1 to <5	1.25
3.	5 to <10	1.5
4.	10 and above	2.0

Environmental Compensation to the unit of M/s. SBIOA Unity Enclave Owners' Welfare Association located at S F No 17/2,17/3,17/4, etc., Mambakkam village, Tiruporur Taluk, Chengalpattu District is calculated as follows

The Date of violation observed: 21.09.2023

Pollution Index for Red category industries as per CPCB Guidelines - 80

Number of days-239 (from the date of violation noticed to till the date, 16.05.2024)

R as per CPCB Guidelines-250

S as per CPCB Guidelines-1.5

LF as per CPCB Guidelines -1.0

Environmental compensation (EC) = $PI \times N \times R \times S \times LF$

$$= 80 \times 239 \times 250 \times 1.5 \times 1.0 - \text{Rs. } 71,70,000/-$$

Environmental compensation (EC) for the unit: Rs. 71,70,000/- (Rupees Seventy One Lakhs and Seventy Thousand only)

Recommendations of the Joint Committee:

The Joint Committee has suggested the following recommendations in the above said subject matter before the Hon'ble National Green Tribunal

1. The proponent/association shall apply and obtain consent to operate of the Board under the Water (P&CP) Act, 1974 as amended and Air (P&CP) Act, 1981 as amended immediately and stop the discharge of untreated sewage in to the nearby land immediately.
2. The proponent/association shall operate and maintain the STP components continuously & efficiently so as to achieve the treated sewage standards prescribed by the Board.
3. The proponent/association shall make necessary arrangements to utilize the treated waste water 523 KLD for Toilet flushing, 75 KLD for gardening/green belt development and 683 KLD through CMWSSB out let as per the consent of TNPC Board and shall not let out treated/untreated sewage from the premises at any point of time.
4. The proponent/association shall provide the EMFMs with automatic recorder and display arrangement at the inlet/outlet of STP and at the disposal points of the treated sewage for gardening, toilet flushing and to CMWSSB outlet.
5. The unit shall provide water flow meters for the raw water supply and it shall be fixed with automatic recorder and display.
6. The proponent/association shall provide separate energy metre for STP Operation and maintain logbook for the operation of the STPs and to assess the quantity of energy consumption.
7. The unit shall not clean the STP tanks manually and it should be carried out only by mechanical system.
8. The unit shall utilize the sludge generated from the STP as manure for gardening.
9. The proponent/association shall provide full fledged mechanical ventilation arrangement in the STP.
10. The proponent/association shall make all provisions for avoiding the entry of storm water into STPs which hampers the regular and efficient operation of the treatment system.
11. The analysis of treated sewage shall be done periodically to assess the performance of the STP.
12. The unit shall provide continuous monitoring system in the STP area for monitoring the emission of toxic gases such as H₂S, CH₄, etc.

13. The proponent/association shall ensure that the blower arrangement to suck & release the odorous gas if any generated from collection cum equalization tank provided.
14. The proponent shall remit the Environmental Compensation of Rs. 71,70,000/- for the above said violations.
15. The unit shall relocate the STP to the above ground level 1350 KLD capacity with UV Disinfection system having 15 watts UV Lamp / m³ of treated water as per the condition stipulated in the Consent to Establish order dated:17.04.2015.
16. The unit shall provide D.G sets of capacity as mentioned in the Consent to Establish order dated:17.04.2015. .


District Environmental Engineer
Tamil Nadu Pollution Control Board,
Maraimalai Nagar.


Block Development Officer
BLOCK DEVELOPMENT OFFICE (V.P)
Thiruporur Panchayat Union
THIRUPORUR PANCHAYAT UNION


Revenue Divisional Officer
Tambaram

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

Original Application No.148 of 2024 (SZ)

[Earlier O.A. No. 73 of 2024 (LP) (PB)]

IN THE MATTER OF:

Rakesh Kumar. D.

...Applicant(s)

Versus

The Chairman,
Tamil Nadu Pollution Control Board,
Chennai and Others.

...Respondents

**INSPECTION REPORT OF THE JOINT
COMMITTEE CONSTITUTED BY THE
HON'BLE NGT (PB) NEW DELHI IN
RESPECT OF O.A No.73 of 2024 FILED
BY THIRU. D.RAKESH KUMAR.**

**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date: 29.08.2024

Date of hearing on: 30.08.2024

செல் : 8072914947
9789970530**சோனலூர் ஊராட்சி மன்றம்**

திருப்போரூர் ஊராட்சி ஒன்றியம், செங்கல்பட்டு மாவட்டம்

நெ. 1/83, பிள்ளையார் கோயில் தெரு, சோனலூர், சென்னை - 600 127.

த்குமத். கல்பனா கோடீஸ்வரன், M.Sc.

சோனலூர் ஊராட்சி மன்ற தலைவர்

தேதி : 19/7/24

மாண்புமிகு மாவட்ட ஆட்சி தலைவர் அவர்கள்,
மாவட்ட ஆட்சியர் அலுவலகம்,
செங்கல்பட்டு.

அப்பயா வணக்கம்,

பொருள்: செங்கல்பட்டு மாவட்டம், திருப்போரூர் ஒன்றியம், வண்டலூர் வட்டம், சோனலூர் கிராமத்தில், மாம்பாக்கம் கிராமத்தில் அமைந்துள்ள எஸ்பி.ஓ.ஏ. குடியிருப்பு வளாகத்தில் இருந்து குடியிருப்பு வளாகத்தில் இருந்து கழிவு நீரை சுத்திகரிக்காமல் வெளியேற்றி விவசாய விளை நிலங்களில் விடுவதை தடுக்க ஆவணம் செய்யுமாறு (disposable of Sewage).

வணக்கம்

செங்கல்பட்டு மாவட்டம், திருப்போரூர் ஒன்றியம், வண்டலூர் வட்டம், சோனலூர் கிராமத்தில், மாம்பாக்கம் கிராமத்தில் அமைந்துள்ள எஸ்பி.ஓ.ஏ. குடியிருப்பு வளாகத்தில் இருந்து முறையாக சுத்திகரிக்கப்படாத (SEWAGE WATER) கழிவு நீரை வரன்முறை இல்லாமல் தினந்தோறும் எங்கள் ஊராட்சியில் உள்ள விளை நிலங்களில் அவர்கள் குடியேறிய காலத்தில் இருந்து வெகுகாலங்களாக வெளியேற்றி வருகின்றார்கள் மேற்படி சுத்திகரிக்கப்படாத கழிவு நீர் சம்பந்தமாக நாங்கள் பதவி ஏற்று கடந்த 2021-ம் ஆண்டு அக்டோபர் மாதம் முதல் பல முறை எஸ்பி.ஓ.ஏ. குடியிருப்பு நலசங்கம் அலுவலகத்திற்கே நேரிடையாக சென்றும், நோட்டீஸ் வாயிலாகவும் பலமுறை அறிவுறுத்தினோம். எங்கள் அறிவிப்பிற்கு அவர்கள் எங்களிடம் மார்ச்-2022 வரை கால அவகாசம் தரும்படியும் கழிவு நீரை வெளியேற்ற மாற்று ஏற்பாடு செய்து வருவதாகவும் அதன் பிறகு நாங்கள் கழிவு நீரை வெளியேற்றமாட்டோம் என்றும் வாக்குறுதி அளித்தார்கள். ஆனால் அவர்கள் வாக்குறுதி அளித்தவாறு இன்று வரை நடந்துகொள்ளவில்லை.

சுமார் (2000) குடியிருப்புகளை கொண்ட எஸ்பி.ஓ.ஏ. அடுக்கு மாடி குடியிருப்பின் கழிவு நீரை சோனலூர் கிராமம் பட்டா- எண்-448ல் அடங்கிய சர்வே எண்கள் 17/4, 18/1, 18/2, 19, 20/1, 20/2, 21/10, 21/3, 21/5, உள்ளடக்கிய 1.60 ஹெக்டேர்ஸ் சுமார் 3.95 ஏக்கர் நிலத்தில் கடந்த மூன்று வருடங்களாக சுத்திகரிக்கப்படாத கழிவு நீரை குளம் போல் தேக்கி வைத்துள்ளார்கள்.

செல் : 8072914947
9789970530**சோனலூர் ஊராட்சி மன்றம்**

திருப்போரூர் ஊராட்சி ஒன்றியம், செங்கல்பட்டு மாவட்டம்

நெ. 1/83, பிள்ளையார் கோயில் தெரு, சோனலூர், சென்னை - 600 127.

த்குமத். கல்பனா கோடீஸ்வரன், M.Sc.

சோனலூர் ஊராட்சி மன்ற தலைவர்

தேதி : 19/7/24



மேற்படி சுத்திகரிக்கப்படாத கழிவு நீரால் எங்கள் கிராமத்தின் நிலத்தடி நீர் முழுவதும்

செல் : 8072914947
9789970530

சோனலூர் ஊராட்சி மன்றம்

திருப்போரூர் ஊராட்சி ஒன்றியம், செங்கல்பட்டு மாவட்டம்

நெ. 1/63, பிள்ளையார் கோயில் தெரு, சோனலூர், சென்னை - 600 127.



தி.வ.க. சீயானா கோட்டீஸ்வரன், M.Sc.
சோனலூர் ஊராட்சி மன்ற தலைவர்

தேதி : 19/07/24

மேற்படி சுத்திகரிக்கப்படாத கழிவு நீரால் எங்கள் கிராமத்தின் நிலத்தடி நீர் முழுவதும் ஏற்கனவே பாழடைந்து விவசாய கிணற்றில் உள்ள தண்ணீர் கை கால் கூட கழுவ முடியாத அளவிற்கு முழுவதுமாக பாழடைந்து விட்டது. இதே நிலை தொடர்ந்தால் எங்கள் கிராமத்தின் நிலத்தடி நீரின் தன்மை கேள்வி குறியாகிவிடும்.

அது மட்டும் இல்லாமல் இந்த கழிவு நீரால் கொசு உற்பத்தி அதிகமாகி நோய் தோற்று ஏற்படும் அபாயமும், கால்நடைகள் இந்த நீரை அப்படியே அருந்துவதால் கால்நடைகள் அடிக்கடி இறக்கும் நிலையும் நடந்தேறிவருகிறது. இந்த முறையற்ற அவர்களுடைய சுயநலமிக்க அநாகரீக செயலால் எதிர்கால சந்ததியினரும் பாதிப்பிற்குள்ளாக நேரிடும். இது சம்பந்தமாக நாங்கள் பலமுறை அவர்களுக்கு அறிவுறுத்தியும் நோட்டீஸ் அனுப்பியும் தண்ணீர் விடாமல் நிறுத்த எந்த வித ஏற்பாடும் அவர்கள் செய்யவில்லை.

ஏற்கனவே நிலத்தடி நீர் மாசடைந்துள்ள நிலையில், இனிவரும் நாட்களில் கழிவு நீரை வெளியேற்றுவதை உடனடியாக நிறுத்தவும் கழிவு நீரை வெளியேற்ற குடியிருப்பு சங்கத்தினருக்கு மாற்று வழியை அறிவுறுத்தியும் குடியிருப்பு சங்கம் மீது மேல்நடவடிக்கை எடுக்குமாறு தங்களை பணிவன்புடன் கேட்டுக்கொள்கிறேன்.

இப்படிக்கு,
ஊராட்சி மன்ற தலைவர்

Sayanana .L
தலைவர்
நெ.6, சோனலூர் ஊராட்சி

To,

TRANSLATED VERSION

The Honorable District Collector,
District Collector's Office,
Chengalpattu.

Sir,

Date: 19/7/24

Subject: Request to prevent the discharge of untreated sewage water from the SBIOA housing complex in Mambakkam village, Sonalur, in the Thiruporur Union, Chengalpattu District, into agricultural fields.

Sir,

Greetings,

In the Sonalur village of the Thiruporur Union, Chengalpattu District, untreated sewage water is being discharged daily into the agricultural fields of our Panchayat from the SBIOA housing complex in Mambakkam village, without proper treatment. This practice has been going on for many years, even since the residents first settled. We have raised the issue multiple times, directly visiting the SBIOA Housing Welfare Association's office and sending notices since October 2021. In response, they assured us by March 2022 that they would stop discharging sewage water and would make alternative arrangements, but they have failed to honor their commitment.

The SBIOA housing complex, which consists of approximately 2,000 residential units, has been discharging untreated sewage water onto 1.60 hectares (approximately 3.95 acres) of land in the survey numbers 1744, 18/1, 18/2, 19, 20/1, 20/2, 21/10, 21/3, and 21/5, in Sonalur village (Patta No. 448), for the past three years. This untreated sewage water has accumulated like a pond. As a result, the groundwater in our village has already been severely contaminated, and the water in the agricultural wells has deteriorated to the extent that it is not even suitable for basic washing. If this situation continues, the quality of groundwater in our village will be severely compromised.

Moreover, this untreated sewage water has led to an increase in mosquito breeding, raising the risk of diseases, and livestock are drinking this contaminated water, which has resulted in frequent deaths of animals. Due to this irresponsible and selfish behavior, future generations will also suffer from the consequences.

Despite repeated warnings and notices, the SBIOA Housing Association has not taken any action to stop the discharge of wastewater. Given that the groundwater is already contaminated, I kindly request that you immediately intervene to stop the discharge of untreated sewage water. I also request that you direct the housing association to make alternative arrangements for wastewater disposal and take necessary action against them.

Yours sincerely,

Panchayat President

No. 6, Sonalur Panchayat

பொன்மார் முதல்நிலை ஊராட்சி

திருப்போளூர் ஊராட்சி ஒன்றியம் செங்கல்பட்டு மாவட்டம்.

S. நாராயணன்

தலைவர் பொன்மார்- போலச்சேரி முதல்நிலை ஊராட்சி

தேதி: 21/09/2024.....

பெறுநர்,

உயர்திரு ஆய்வாளர் அவர்கள்,
தாழம்பூர் காவல் நிலையம்,
தாழம்பூர்,
செங்கல்பட்டு மாவட்டம்.

பொருள்: பொன்மார் ஊராட்சியில் போலச்சேரி பகுதியில்
SBIOA குடியிருப்பின் மூலம் கழிவுநீர் விடுவதை
தடுத்து நிறுத்த கோருவது குறித்து.

அய்யா,

வணக்கம்! செங்கல்பட்டு மாவட்டம், திருப்போளூர் ஒன்றியத்தில் அடங்கிய பொன்மார் ஊராட்சியில் **SBIOA** குடியிருப்பில் இருந்து கழிவுநீர் ஒரு நாளைக்கு சுமார் 45 லோடுகள் ஒப்பந்ததாரர் மூலமாக லாரிகளில் எடுத்து இரவு நேரங்களில் போலச்சேரி பகுதியில் உள்ள பெரிய ஏரி, தாங்கல் பொன்மார் சித்தேரியில் கலந்து விடுகிறார்கள் மேற்படி ஏரிகளின் அருகில் குடிநீர் கிணறு உள்ளதால் மேற்படி கிணற்றில் கழிவுநீர் கலப்பதால் பொதுமக்களுக்கு விநியோகம் செய்யும் குடிநீரின் தன்மை மாறிவிட்டதால் பொது மக்களுக்கு சுகதார கேடு உண்டாகின்றது. மேற்படி குடியிருப்பில் பலமுறை தகவல் கொடுத்தும் கழிவுநீர் வெளியே விடுவதை நிறுத்தவில்லை எனவே தங்களின் துறை மூலம் நடவடிக்கை எடுக்க வேண்டுமாய் தங்களை கனிவுடன் கேட்டுக் கொள்கிறேன்.

S. N. 21/09/24
தலைவர்

பொன்மார் முதல்நிலை ஊராட்சி
திருப்போளூர் ஊராட்சி ஒன்றியம்
செங்கல்பட்டு மாவட்டம்

**Ponmar Primary Village Panchayat
Thiruporur Panchayat Union, Chengalpattu District.**

**S. Narayanan
President, Ponmar - Polacheri Primary Village Panchayat**

**Recipient,
Cos: 21109/2024..... Date:**

**The Honorable Inspector,
Thazampur Police Station,
Thazampur,
Chengalpattu District.**

**Subject:
Request to stop the discharge of wastewater from SBIOA housing in the Polacheri area of
Ponmar Panchayat.**

**Sir,
Greetings!**

In the Ponmar Panchayat, which is part of the Thiruporur Union in Chengalpattu District, wastewater from the SBIOA housing is being discharged by contractors into large trucks, approximately 45 loads per day. During the night, the wastewater is being released into the large lake near Polacheri, close to Thangal Ponmar Sitheri. Since there is a drinking water well near these lakes, the contamination of the well with wastewater has resulted in a change in the quality of the drinking water supplied to the public, causing harm to the health of the citizens. Despite several complaints to the housing authorities, the discharge of wastewater continues. Therefore, I kindly request you to take necessary action through your department.

**President
Ponmar Primary Village Panchayat
Thiruporur Panchayat Union
Chengalpattu District**





TAMIL NADU POLLUTION CONTROL BOARD

From
Er.G. Kesavamoorthy,M.Tech.,
District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Adigalar Street,
Maraimalai Nagar.
Chengalpattu District – 603 209.

To
Thiru. S.Jayakumaar,
Owner of Flat No.144,
Block-N, SBIOA Unity Enclave,
Mambakkam,
Chennai-600127.

Lr.No./DEE/TNPCB/MMN/2025 dated:25.07.2025

Sir,

Sub : DEE - TNPC Board -Maraimalainagar- Complaint against the M/s.SBIOA Unity Enclave Owners' Welfare Association, Mambakkam, Chennai regarding Violation of the Solid Waste Management Rules, 2016 – Regarding.

Ref : Complaint received through e-mail on 16.07.2025.

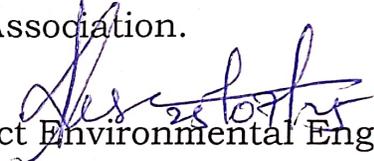
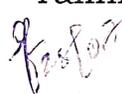
With reference to the above, it is hereby informed that based on the complaint already received against the M/s.SBIOA Enclave Owners' Welfare Association. The following direction issued to the developer/project proponent of M/s. SBIOA Unity Enclave and M/s.SBIOA Unity Enclave Welfare Association.

I) Directions to the developer/project proponent M/s. SBIOACC (Chennai Circle) of M/s. SBIOA Unity Enclave, S.No. 17/2 etc, Mambakkam Village, Thiruporur Taluk, Chengalpattu District to pay the amount of Rs.71,70,000/- (Seventy One Lakhs Seventy Thousand only) towards recovery of Interim Environmental Compensation to Tamil Nadu Pollution Control Board within a month vide. Proc. No.: 12 /INPCB/F.019084/MMN/ Direction/ 2024-1 dated: 14.10.2024.

II) Direction under Section 31A of the Air (P&CP) Act 1981 as amended and under Section 33 A of the Water (P&CP) Act, 1974 as amended vide Proc. No.: T2 /INPCB/F.019084/MMN/ Direction/ 2024-2 dated: 14.10.2024 to the developer/project proponent M/s. SBIOACC (Chennai Circle) of M/s. SBIOA Unity Enclave, S.No. 17/2 etc, Mambakkam Village, Thiruporur Taluk, Chengalpattu District.

III) Direction under Section 31A of the Air (P&CP) Act 1981 as amended and under Section 33 A of the Water (P&CP) Act, 1974 as amended vide. Proc. No.: T2/TNPCB/F.019084/MMN/ Direction/ 2024-3 dated: 14.10.2024 to the SBIOA Unity Enclave Welfare Association of M/s. SBIOA Unity Enclave, S.No. 17/2 etc, Mambakkam Village, Vandalur Taluk, Chengalpattu District.

Further it is informed that the case has been pending before the Hon'ble National Green Tribunal(SZ) in OA.No.115 of 2024 & 148 of 2024 filed by Thiru.D.Rakeshkumar against the M/s.SBIOA Unity Enclave. Based on the judgement received from the Hon'ble National Green Tribunal the appropriate action will be initiated against the developer/project proponent of M/s. SBIOA Unity Enclave and M/s.SBIOA Unity Enclave Welfare Association.


District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Nagar.




**BEFORE THE TAMIL NADU REAL ESTATE
REGULATORY AUTHORITY (TNRERA)
(Tamil Nadu, Andaman & Nicobar Islands)
at Egmore, Chennai – 600 008**

[Under the Real Estate (Regulation and Development) Act, 2016]

C.No.004 to 015 of 2020

5th day of November, 2020

**Coram : Thiru K. Gnanadesikan, I.A.S.(Retired), Chairperson
Er. S. Manohar, Member
Adv. V. Jeyakumar, Member**

Thiru G. Rajendra Kumar & 11 Others	...	Complainants
S/o Late Shri D.Ganapathi,		
D-10-5, SBIOA Unity Enclave,		
Mambakkam-Medavakkam Road,		
Mambakkam,		
Chengalpattu District – Pincode:600 127		

Versus

a) State Bank of India Officers Association	R1]	
Chennai Circle (SBIOACC)]	
Rep. by General Secretary]	
Shri R. Balaji, S/o Shri V.Ramamurthy]	Respondents
b) Shri M. Mohan	R2]	
Ex-Chairman of Housing Committee of]	
SBIOACC]	

These Complaints came up for final hearing before the Authority in the presence of M/s. D.Sudhakar, L.Senthil Kumar, S.Shyamkumar, V.Krishnamurthy, R.Arunkumar, K.M.Prakash – Counsel for Complainants

and of M/s. Sarvabhauman Associates and S. Mukunth Sam Jayaraj Houston – Counsel for 1st Respondent and of M/s. S.Siva Shanmugam, P.Ravi Shankar – Counsel for 2nd Respondent and upon hearing the arguments of all the parties, this Authority pass the following order:

FINAL ORDER

The Complainant Thiru G.Rajendra Kumar and 11 others are allottees of flats in the Real Estate project called "SBIOA Unity Enclave", Medavakkam Road, Mambakkam village developed by State Bank of India Officers' Association Chennai Circle (SBIOACC) (hereinafter will be referred as "Promoter").

2. The Complainants have complained the delay in construction and completion of the project, failure to execute and register the sale deed for the undivided share of the land as per the agreement for sale, non allotment of the required number of car park to all the allottees, discrepancy in the Unit Number of the flat mentioned in the sale deed and DTCP approved plan, non completion of amenities such as Club House, etc. as per the Construction Agreement, non rectification of the deficiencies in the construction, registration of 2 flats in "U" Block in the name of the Respondent without paying any consideration, retention of 16 flats in "R" Block stating that the same is earmarked for old age home, non registration of commercial complex under construction in favour of the Welfare Association (Association of Allottees), not obtaining permanent electricity connection, etc.

3. The Complainants have sought the following reliefs:

- i. Direct the Respondents, SBIOACC, the builder, to register the project with TNRERA;
- ii. Direct the Respondents to furnish the valid reason for the delay of 10 months in handing over of the flat to the Complainant;
- iii. Direct the Respondents to execute a sale deed in favour of the Complainants for the remaining extent of 104.68 sq.ft. of undivided share of land out of the entire land measuring 4.525 acres in Sonalur & Mambakkam villages, as per the Agreement for sale;
- iv. Direct the Respondents to hand over the car parking areas by way of proper allotment;
- v. Direct the Respondents to issue fresh allotment letter linking the variation in unit number mentioned in the sale deed and DTCP approved plan, in default direct the Respondents to submit an affidavit indemnify the Complainant from any loss caused to him on account of discrepancies in the allotment of unit number for the flat in violation of the approved plan in future or to execute and register a ratification deed to correct unit number;
- vi. Direct the Respondents to complete and hand over the Commercial Complex, Club House, other amenities as per the construction agreement;

- vii. Direct the Respondents to extend the Defect Liability Period for 5 years from the date of actual completion of the project in full;
- viii. Direct the Respondents to change the defective and substandard materials such as electrical fittings, doors, plumbing, paintings, drainage pipes, etc;
- ix. Direct the Respondents to provide the piped gas service to the flat owners and to obtain necessary approval from the appropriate authority;
- x. Direct the Respondents to sell the 2 flats to the members in "U" Block retained for their use without paying any consideration and without the consent of the members/flat buyers and credit the proceedings to the Welfare Association Corpus Fund;
- xi. Direct the Respondents to sell the 16 flats to the members in "R" Block earmarked for Old Age Home without paying any consideration and without the consent of the members/flat buyers and credit the proceedings to the Welfare Association Corpus Fund;
- xii. Direct the Respondents to complete the construction of the Commercial Complex in full and register the land and building of the Commercial Complex in the name of the Welfare Association;
- xiii. Direct the Respondents to publish the financials of the Project since January, 2014 to all its members immediately;

- xiv. Direct the Respondents to complete the project in full and obtain HT (High Tension) Power connection for residential blocks from the TANGEDCO, so as to reduce the burden on the Welfare Association.
- xv. Direct the Respondents to deliver the Completion Certificate and Occupancy Certificate by the Statute Authorities to the Complainants and other flat owners; and
- xvi. Direct the Respondents to be responsible and liable for all cost and consequences in respect of all levies of tax, penalty and charges, etc., by the appropriate Government Authorities.

4. The Complainants have filed a Common Affidavit stating that the 2nd Respondent Thiru M. Mohan was impleaded as 2nd Respondent since he was the Chairman of the Housing Committee of SBIOA Unity Enclave Project from August, 2014 to 28.01.2019, in-charge of the Construction and handing over of the flats to the allottees. He is the key person and who had the full knowledge and involvement in all the transactions of the Project and hence he has been impleaded as 2nd Respondent in this Complaint as necessary party.

5. The Complainants have also stated that the 2nd Respondent's duties and responsibilities as Chairman of the Housing Committee of the 1st Respondent are as follows:

- a) Selection of buyers
- b) Allotment of flats
- c) Changing of flats

- d) Charging of late payment penalty
- e) Choosing of contractors
- f) Choosing of vendors
- g) Payment of Bills to the contractors
- h) Payment of Bills to the vendors
- i) Approval of Basic Rate items, Vendor Driven items and Client Supply items, etc.
- j) Maintenance of accounts
- k) Signing of Agreements with the contractors
- l) Signing of agreements with the vendors
- m) Signing of Virtual Completion Certificate
- n) Maintaining the vacancy position of flats
- o) Permitting deviation in allotment of flats
- p) Monitoring the progress of the Project
- q) Managing the Khembhavi Architects/SAI Consulting – Project Management Consultant / Engineers
- r) According approval of commercial and technical specifications
- s) Approving the recommendations of the Purchase Committee
- t) Liaison with Governmental Authorities viz. Panchayat, TNEB, DTCP, ST/Service Tax, etc.
- u) Issuance of circulars to the information of the members
- v) Submission of accounts to the Executive Committee of SBIOACC
- w) Allotment of flats to the outsiders.

6. The Complainants have also stated that the 2nd Respondent is all-in-all as far as this project is concerned. He was handling the entire

project costing more than Rs.650 crores (apporx.) and he is liable and responsible for all activities carried out in this project.

7. Complainants have further stated that though the 2nd Respondent retired on 31.05.2018 from the SBI services, he continued to be the Chairman of Housing Committee till 28.01.2019. Also the 2nd Respondent was holding the post of President of the Welfare Association concurrently since November, 2015 until he became the Secretary of Welfare Association with effect from 27.10.2019. Thus both the powers as Builder (as Chairman of Housing Committee) and President of Welfare Association (Association of Allottees) were vested with him. This is a clear case of conflict of interests.

8. The Complainants have further stated that the Allottees were not allowed to inspect the flat before the keys were handed over to them at a function. Before getting electricity connection and also without any alternative arrangement for water supply, sanitary arrangements, security, housekeeping services, keys of the flats were handed over to the buyers by the 2nd Respondent. The Commercial complex and the Club House are not completed even today.

9. The Complainants have also stated that the 2nd Respondent with ulterior motives registered "Sports Academy" to transfer the lands of an extent of 4.525 acres rightly belonging to the Allottees which has resulted in shortfall in UDS registered to the Allottees ranging from 49 – 106 sq.ft. The 2nd Respondent has paid the entire property tax amounting to Rs.23.00 lakhs to the Panchayat of Mambakkam for 2017-18 with a view to avoiding registration with TNRERA to show this project has been assessed for property tax already. This property tax has also not been recovered

from the home buyers whereas the property tax for 2018-19 has been recovered from the flat owners. This project was not at all completed by 31.03.2018, then how could the property tax be assessed? The Bank's authorized valuer one Thiru Kuber in his valuation report dated 23.01.2018 pertaining to flat No.O-152 has stated that the flat is under construction which is an ample proof that the project is an on-going project at the time of handing over in June, 2018.

10. Therefore, the Complainants have concluded that the 2nd Respondent has to be impleaded for the commissions and omissions in this Project.

11. In the Counter Affidavit, the 1st Respondent has stated that the Complainants, the Secretary of the 1st Respondent and the 2nd Respondent are members of the 1st Respondent union. The 1st Respondent has purchased 24.33 acres at Mambakkam village, Chengalpattu Taluk to develop the housing project on a no profit and no loss basis. The Project was named as "Unity Enclave". Only the members/spouses of the 1st Respondent Association are eligible to buy the apartments. UDS can be registered in the name of the members or their spouses/children's name jointly. This is a mega project consisting of 21 Blocks having 15 floors plus basement and Stilt with car parking. It has Club House with 5 floors and a commercial complex having 7 floors. The total construction area is 35.66 lakhs sq.ft.

12. The 1st Respondent has further stated that the Executive Committee of the 1st Respondent had formed a Housing Committee to carry out and monitor the project.

13. The 1st Respondent has attributed the delay due to incessant rain and floods in 2015, the new Government norms regarding installation of mega sized exhaust fans in the year 2015 and installation of level 2 transformers which were the first of their kind to be installed. The progress of the project was as per schedule upto October, 2015. The works were coordinated with experts who will be the proper person to answer the delay. Despite the odds, the Respondent has managed to deliver the project without any compromise in quality by the Complainants with no profit and no loss basis.

14. The Respondent has denied the averments regarding the shortage in UDS. The constructed area would be 21.33 acres and each Allottee has a share in the vacant area measuring 4.56 acres earmarked for sports facility (sports academy).

15. Regarding the car parking, the 1st Respondent has submitted that huge exhaust fans fitted as per the Government stipulations had occupied huge space provided for car parking and hence a shortfall in car parking has arisen. The 1st Respondent has stated that this issue will be addressed and the allottees not provided with car parking will be re-allotted in some other space with car parking once the construction of commercial complex is completed.

16. The Respondent has stated that the construction of club house and commercial complex is almost complete and only installation of HVAC (Heating, Ventilation and Air Conditioning) alone is pending.

17. Regarding registration of this Project with TNRERA, the Respondent has stated that it is a representative of the members/home buyers who had entered into an agreement with the Builder/Contractor

M/s.Simplex Infrastructure for the construction of the project. Hence the Respondent cannot be directed to register the project. Moreover, the project would not come under the purview of the RERA since it was structurally completed and assessed to tax before the commencement of RERA Act.

18. Regarding sale of 2 flats in "U" Block and 16 flats in "R" Block, the 1st Respondent has stated that the 2 flats are left vacant for use of members and in case of contingency of funds the flats will be sold to meet the needs of the project. Further, the 16 flats in "R" Block are reserved for old age home for the benefit of the members whose kith and kin are working abroad and are living away. These will be sold in case of shortage in funds in completing the project.

19. Regarding discrepancy in Unit number being different in sale deed and DTCP approval, a linking letter would be provided by the 1st Respondent to the home buyers/members.

20. Regarding the defect liability period, the 1st Respondent has stated that as per agreement with the contractor, the defect liability period would be 07.08.2019 and cannot be extended as it involves costs. However, the Respondent would facilitate to rectify any defects pointed out by the Complainants in co-operation with the construction company / consultant firm and the Architects.

21. Regarding obtaining Completion Certificate, the 1st Respondent has stated that the project area falls outside the purview of CMDA. Also the property has been assessed to tax based on the Completion Certificate from the Architect.

22. Regarding piped gas connection, high tension power supply, the 1st Respondent has stated that the piped gas connection has been completed and the Owners Association (Association of Allottees) has to complete the formalities with the Gas Agency/Oil Company for commissioning of piped gas connection to the households.

23. Also the 1st Respondent has stated that the Owners Association has to give representation to TNEB for obtaining High Tension power connection.

24. The Respondent has denied the allegation of use of sub standard materials in the project site.

25. Finally, the 1st Respondent has concluded that this Authority has no jurisdiction to entertain this Complaint since the construction of the project has been completed as early as in 2017; the keys have also been handed over to the Allottees during May, 2018 and is exempted from registration under Section-3(2)(b) of the Real Estate (Regulation and Development) Act, 2016 and is structurally complete as per Rule-2(h)(iii) of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017.

26. The 1st Respondent is not a Builder, but only a representative of Members/Complainants who had entered into agreements with experts for construction of the project and hence the present Complaints are not maintainable against the Respondents.

27. The 2nd Respondent Thiru M.Mohan in his Counter Affidavit has stated that inclusion of his name by citing his former designation is mischievous and filed only with an intention to harass him. He has further stated that the 1st Respondent SBIOA Chennai Circle (SBIOACC) is a trade union formed and registered under the Trade Union Act. The 1st

Respondent issued a circular in 2010 with an intention to make it easier to Members to own a good house without going through the painful process of locating a suitable site and constructing it.

28. The 2nd Respondent has further stated that the 1st Respondent formed a small committee consisting of Executive Committee Members/Members of the 1st Respondent to deal with the housing project. This Committee is called Housing Committee consisting of 18 members. This Housing Committee reports to the Executive Committee all its activities. The Executive Committee is the Authority that directs and approves the actions of the Housing Committee. The entire project was done in actual cost mode without any profit and without any loss.

29. The 2nd Respondent has stated that he became the Chairman of the Housing Committee of the 1st Respondent during August, 2014 and held the post till 31.05.2018 (date of his superannuation). Even prior to his assumption of office, the previous Chairman, Thiru D.Sureshkumar and the Housing Committee of the 1st Respondent had conducted boomi pooja and finalized the builder, architect and obtained all approvals and construction had also started. After his assumption of office, the construction has gained momentum. The project consists of 1875 High Rise residential apartments. He also stated that the apartments were constructed as per specifications and 1838 apartments were registered to the Members. On his superannuation, he has demitted the office of Chairman of the Housing Committee. As of now, there are more than 800 families are residing in the project. At present he is no way connected with the 1st Respondent.

30. The 2nd Respondent has also stated that majority of the Complainants had contested in the election of the newly formed Owners Welfare Association and lost the election. Due to election rivalry and due to personal enmity they have preferred the present Complaint against him.

31. In the Common Rejoinder filed by the Complainants to the Counter Affidavit filed by the 1st Respondent, they have drawn attention to the agreement to sell wherein the 1st Respondent is referred to as "Developer" and empowered to promote housing projects as per the objective "q" of its registered Bye-laws and Rules. In the Sale Deed, SBIOACC has been referred to as "Vendor" and the Complainants as "Purchaser".

32. The Complainants have further stated that the entire land was purchased in the name of the 1st Respondent out of members' contribution and the total extent of land purchased was 28.10 acres whereas the 1st Respondent has stated that total land purchased was 24.33 acres. They have also stated that the 1st Respondent has misrepresented by stating that substantial materials and goods were damaged and washed away. In fact the "Unity Enclave" project was not at all affected by the floods which is evidenced by the 1st Respondent's Circular No.56/69/2015 dated 31.12.2015 (enclosure – D of this Common Rejoinder) wherein it is clearly mentioned that *"Despite the inundation in many localities in Mambakkam, even at the existing ground level there is no stagnation of water in our site, hence the "Unity Enclave" occupants need not worry about the rain and flood"*. This proves that the project site was not at all affected in any manner due to heavy rains in 2015.

33. Regarding the shortfall in execution of UDS, the Complainants have cited an example that in respect of Complaint No.12, the sale agreement was executed in October, 2014 for 580 sq.ft. as UDS and when he verified the sale deed which was executed and registered in his favour on 04.05.2016, it was observed that the UDS has been mentioned as 470.10 sq.ft. resulting in shortfall of 109.90 sq.ft.

34. Regarding shortfall in car parking, the Complainants have stated that the 1st Respondent has admitted to the shortfall and non completion of the project, since the 1st Respondent has submitted that the issue of car parking will be addressed and members those not having car parks will be re-allotted in another space once the construction of Commercial Complex is completed.

35. They have also stated that the 1st Respondent has admitted to the non completion of commercial Complex and Club House. Moreover, the High Tension Commercial power connection for Commercial Complex and Club House are not yet obtained. They have also submitted that there are 1875 flats and presently 900 flats are occupied and around 1000 flats are yet to be occupied. Allotment of car parking, construction of commercial Complex and Club House with amenities are not yet completed.

36. Further, the Complainants have stated that the construction activity in the project has been commenced in 2014 and not completed even as on date as evidenced by photographs (STP, Commercial Building, Club House and Block L & M) published by the Promoter through their website on 24.06.2017 (Enclosure-L of this Rejoinder).

37. In the Common Rejoinder filed by the Complainant in response to the counter Filed by the 2nd Respondent, the Complainants have stated that the 2nd Respondent is all-in-all as far as the construction of "Unity Enclave" Project is concerned and he is the responsible person for all the activities carried out in the project.

38. The Complainants have disputed the statement of the 2nd Respondent that he held the post of Chairman, Housing Committee of SBIOACC from August, 2014 till 31.05.2018 (date of superannuation) and stated that he continued as Chairman of Housing Committee upto 21.08.2019 which is evidenced by the Circular of the 1st Respondent vide Circular No.56/04/2019 dated 02.02.2019 which states that their President Mr. R. Balaji (1st Respondent) has been assigned to look after the works related to the Unity Enclave Housing Project from 29.01.2019 onwards. They have also cited various circulars including e-mails from Mr. M.Mohan which can be seen from the enclosures "Q", "T", "U" and "V" (enclosed in this common rejoinder filed by the Complainants).

39. In the written submissions of the arguments, the Complainants have reiterated their earlier submissions regarding shortfall in UDS, delay in construction and completion of the project, etc.

40. The Complainants have cited the letter sent by the 2nd Respondent in the capacity of Unity Enclave Welfare Association to the General Secretary of the 1st Respondent vide letter No.OWA/21 dated 06.12.2019 (Page 102 - 103 of Complaint Booklet) as an evidence in this regard.

41. In the written submission of the arguments, the 1st Respondent has reiterated its earlier submission and stated that the 1st Respondent has completed the project without compromising the quality and the apartments have been handed over in May, 2018.

42. Regarding shortfall in UDS, the 1st Respondent has stated that each allottee has share in the vacant area measuring 4.525 acres earmarked for sports activities and therefore, the claim of shortfall of UDS does not arise.

43. The Respondent has also assured that after completing the pending works in the Commercial Complex and Club house, they will be handing over to the Owners' Association.

44. The 1st Respondent is only facilitator and has developed the Project on behalf of its members. The 1st Respondent has also assured that out of the total extent of 28.10 acres of land purchased, UDS has been registered for 21.33 acres and the remaining lands other than 21.33 acres will be transferred to Owners' Welfare Association and this has been committed to the members.

45. The 1st Respondent has also submitted the approved plans, hard copies of all the certificates obtained including parent documents and other connected approvals have been given in the form of CD and 5 volumes of hard copies at the time of handing over the keys to the owners.

46. The 2nd Respondent in his written arguments has reiterated his earlier submissions.

47. This Authority has examined the Complaint, Counter Affidavit of 1st Respondent and 2nd Respondent, Rejoinder filed by the Complainant in

respect of Counter Affidavit filed by the 1st and 2nd Respondents and arguments by both sides by way of written submissions, carefully.

48. The 1st Respondent namely SBIOACC has contended that it is not a Promoter but has developed the Housing Project only as a representative of its members.

49. The Complainants have drawn attention to the Agreement to sell wherein the 1st Respondent is referred to as "Developer" and empowered to promote housing projects as per the objective "q" of its registered Bye-laws and Rules. In the Sale Deed, SBIOACC has been referred to as "Vendor" and the Complainants as "Purchaser".

50. The Authority notes that the Construction Agreement has been executed by the 1st Respondent with the Complainants wherein the 1st Respondent has stated in para-9 of the Construction Agreement that the 'First Party' shall construct the flats in accordance with the approved Building Plan or any modification thereof. The 1st Respondent is the 'First Party' in this Agreement. Similarly, Para-12 of the Construction Agreement states that the 'First Party' shall endeavour to complete the construction and deliver possession of the flats to the 'Second Party' on or before 43 months i.e. 1st March, 2017 with a grace period of six months, thereafter. Similarly in the Sale Deed, the 1st Respondent is the 'Vendor' who has executed the undivided share in favour of the Allottee Complainants.

- Therefore, the 1st Respondent fulfills the requirements of the definition of the term "Promoter" as per Section-2(zk) of the Real Estate (Regulation and Development) Act, 2016.

- Therefore, the 1st Respondent is the Promoter of this Real Estate Project and in respect of these Complaints filed by the Complainants.

51. The Authority would now proceed to determine whether this Real Estate Project is a completed project or an on-going project as per the Section-3 of the Act.

52. The Complainants have stated that the possession of the apartment was handed over to them without completing the project including all common amenities in all respects. They have also stated that the Club House and the Commercial Complex are not completed even today.

53. The 1st Respondent has admitted that the construction of Club House is still incomplete by stating that it is almost complete and only installation of HVAC (Heating, Ventilation and Air Conditioning) alone is pending. The 1st Respondent has also admitted to the fact that car parks have not been provided in full as per requirement and will be done once the construction of Commercial Complex is completed. Also the High Tension power connection for Commercial Complex and Club House are not yet obtained. The 1st Respondent in their Circular dated 31.05.2018 has stated that water supply, sanitary arrangements, Security, Housekeeping service will be available from 15.06.2018 onwards (Page 97 of the typed set of papers attached with the Complaint).

- It is seen that the keys were handed over only on 06.06.2018 in respect of Complainant Thiru G.Rajendra Kumar (Complaint No.004/2020). (Page 82 of the typed set of papers attached with the Complaint).

- It is also seen that in their Circular dated 31.12.2016, the 1st Respondent has informed that they are planning to hand over all 1875 flats on the same day and the project will be completed in June 2017/July 2017 (Page 84 of the typed set of papers attached with the Complaint). The 1st Respondent has also communicated in their Circular dated 09.05.2018 that STP works are in progress and the Electricity is getting delayed due to administrative reasons (Page 88 of the typed set of papers attached with the Complaint).

54. The 1st Respondent has also issued a certificate that the apartment of the Complainant Thiru G.Rajendra Kumar was completed on 29.03.2018 (Page-104 of the typed set of papers attached with the Complaint).

- In view of these facts admitted by the 1st Respondent in not completing the Club House, Car Parks, etc., the Authority would not accept the property tax assessment for 2017-2018 as documentary evidence for completion of this Project.
- The Authority also perused the photographs showing incomplete construction as on 24.06.2017 and 09.06.2018 (attached in the Rejoinder filed by the Complainants in response to the Counter Affidavit filed by the 1st Respondent).
- Section-3 of the Real Estate (Regulation and Development) Act, 2016 has come into effect from 01.05.2017 which is the crucial date for determining whether a Real Estate Project is an on-going project or not.

- In as much as this Real Estate Project has not been completed in all respects including common amenities as on 01.05.2017, the Authority determines that this Real Estate project is an on-going Project only and not a completed project. Therefore, this Project is not eligible for exemption from registration under Section-3 of the Act.
- Therefore, this Project has to be registered with this Authority and the 1st Respondent shall do so without further loss of time before 31.12.2020 without fail.

55. Now the Authority would proceed passing orders on other reliefs prayed by the Complainants.

56. As there has been delay in completing this Project including common amenities in all respects, the Complainants are at liberty to move the Adjudicating Officer of TNRERA by filing Form-N for interest on delayed construction, compensation, etc.

57. Regarding the complaint of shortfall in undivided share, the Authority notes that the 1st Respondent has assured to vest all the lands in the project other than 21.33 acres covered by sale deed already executed, in favour of SBIOACC Unity Enclave Welfare Owners Association (Association of Allottees).

- Therefore, the land earmarked for Sports Academy measuring 4.525 acres, Commercial Complex and Club House and other parcels of lands purchased with the sale consideration paid by the Allottees shall be conveyed to the SBIOACC Unity Enclave Owners Welfare Association (Association of Allottees) before 31.12.2020 without fail.

- The Authority also directs that all the common amenities including Club House and Commercial Complex shall be completed in all respects and conveyed and handed over to the Association of Allottees before 31.12.2020.

58. Regarding car parks, the 1st Respondent has assured that car parks would be allotted to the remaining eligible allottees after the Commercial Complex is completed. This shall also be done by the 1st Respondent before 31.12.2020.

59. Regarding variation between the number of Apartments in the sale deed / construction agreement and the number mentioned in the DTCP approved plan, the 1st Respondent has already assured that he will issue a linking letter.

- The Authority directs that the 1st Respondent shall do so before 31.12.2020.

60. Regarding the Defect Liability Period for 5 years from the date of actual completion of the project in full for the structural defects, the Authority does not accept the contention of the Promoter that the Defect Liability period provided by the Construction Contractor M/s.Simplex Infrastructure would be upto 07.08.2019 only and cannot be extended as it involves cost.

61. As far as this Real Estate project is concerned, the Promoter is the 1st Respondent who has obligations to the allottees as per Section-14(3) of the Act. Section-14(3) states that *"In case any structural defect or any other defect in workmanship, quality or provision of services or any other obligations of the promoter as per the agreement for sale relating to such development is brought to the notice of the promoter within a period*

of five years by the allottee from the date of handing over possession, it shall be the duty of the promoter to rectify such defects without further charge, within thirty days, and in the event of promoter's failure to rectify such defects within such time, the aggrieved allottees shall be entitled to receive appropriate compensation in the manner as provided under this Act".

- Therefore, the Authority directs that the 1st Respondent Promoter is obliged to discharge his liability as per Section-14(3) of the Act.

62. The Complainants have complained that the 1st Respondent has retained 2 flats in "U" Block without paying any consideration and similarly 16 flats in "R" Block as earmarked for old age home without paying any consideration.

The 1st Respondent has stated that these flats will be sold to meet the shortfall, if any funds required for completing the project.

- The Authority notes that the 1st Respondent has promoted this project on 'no profit no loss' basis and only at cost.
- Therefore, the Authority directs that the Promoter has no right to retain any flats for their use for any purpose without collecting any sale consideration and any surplus in this Project should be credited to the Association of Allottees, as this project is built on 'no profit no loss' basis.

63. The Authority does not accept the contention of the 1st Respondent that the Association of Allottees has to obtain power connection from TANGEDCO. It is the responsibility of the Promoter to

obtain electricity connection for all amenities from TANGEDCO and the Authority directs the 1st Respondent to do so without fail.

64. Regarding the prayer of the Complainants to deliver the Completion Certificate and Occupancy Certificate, issued by the Statutory Authorities, to the Complainants and other flat owners, the Authority notes that this Real Estate project is being developed in Mambakkam which is in the jurisdiction of the Director of Town and Country Planning.

- It is also seen that the DTCP has accorded plan approval on 20.12.2013. As per the G.O.(Ms) No.53, Housing and Urban Development [UD4(3)] Department dated 16.04.2018, the Completion Certificate norms will be made applicable prospectively from the date of issue of this order and will be applicable for all Planning Permissions issued from the date of this order (para-2f of this order). Therefore, the question of Completion Certificate from DTCP for this Project does not arise as the Planning Permission has been obtained in the year 2013.

65. As regards the liability of various taxes such as VAT, Service Tax, GST, etc., Para-4 of the Construction Agreement refers to payment of Rs.41.67 lakhs in respect of Thiru G.Rajendra Kumar (the Allottee Complainant) and this sum is exclusive of any value added tax, works contract tax or such other taxes or levies as may be imposed by the Governmental Authorities from time to time. The 2nd Party shall also bear and pay such other taxes as may be levied by the Government or any of its departments in respect of the Flat. The taxes are the rates prevailing as on the date of this Agreement and any revision to such tax or any other new levy shall be to the cost or benefit as the case may be.

- Therefore, the Authority determines that the 1st Respondent shall collect the applicable taxes actually paid proportionately from the Complainants and other purchasers.
- If the Promoter has paid any additional amount by way of penalty or interest due to default of the Promoter, then that sum shall not be recovered from the Complainants and other purchasers and the 1st Respondent Promoter has to bear such additional payments due to its default from its own funds.

66. The Complainants have impleaded Thiru M.Mohan who was the Chairman of the Housing Committee of the Project designated by the 1st Respondent, as the 2nd Respondent. It is seen that he has been the Chairman of the housing Committee carrying out this project from August, 2014. The Complainants have alleged that he was the Chairman of the Housing Committee till 28.01.2019, whereas the 2nd Respondent has stated that he held the post till 31.05.2018.

Irrespective of whether he held this post till 31.05.2018 or 28.01.2019, it is clear that he has held this post for more than 3½ years. It is also seen that the construction contract has been signed between the Chairman of Housing Committee and the Contractor on 04.03.2015 which is during the tenure of the 2nd Respondent as Chairman of the Housing Committee for a contract price of Rs.547.88 crores (Page 76 of the typed set of papers filed by the 1st Respondent)

- Therefore, the Authority holds that the 1st Respondent and the 2nd Respondents are jointly and severally responsible for the execution of this Real Estate Project and attendant obligations as per law.

67. With these directions, these complaints are disposed of.

Sd/-...05.11.2020 Sd/-...05.11.2020 Sd/-...05.11.2020
MEMBER (M), TNRERA MEMBER (J), TNRERA CHAIRPERSON, TNRERA

/TRUE COPY/FORWARDED/BY ORDER

b/c

N. Anand
5/11/20

ADMINISTRATIVE OFFICER

[Signature]

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 28.02.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and**THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN**

Writ Petition No.5932 of 2023

Sivakamasundari Rajendran

.. Petitioner

Vs.

1.The Commissioner
Directorate Town and Country Planning
No.7, Anna Salai, Chennai-600 002.

2.The Regional Assistant Director
Directorate Town and Country Planning
No.124, GST Road
Periyar Shopping complex
Chengalpattu – 603 001.

3.The President
Mambakkam Panchayat
Mambakkam 600 127, Chengalpattu District.

4.The Chief General Manager
State Bank of India
Local Head Office, 16 College Lane
Nungambakkam, Chennai-600 006.

5.State Bank of India Officer's
Association Chennai Circle (SBIOACC)
(Promoter of Unity Enclave Project)
84, Rajjaji Salai, Chennai-600 001.



6. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
**(R6 suo motu impleaded vide order of
this Court dated 28.02.2023 made in
W.P.No.5932 of 2023)**

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 & 2 to inspect the building construction and to find out any deviation as per the plan approval in Na.Ka.En 1233/2013/CP dated 20.12.2013 and directing the respondents 1 & 2 to file a report before this Court.

For Petitioner : Ms.S.Vennila
For RR1 & 2 : Mr.E.Vijay Anand
Additional Government Pleader
For R3 : Mrs.R.L.Karthika
Government Advocate
For R6 : Mr.R.Shivakumar
(newly impleaded Standing Counsel for CMDA
respondent)

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition for a direction to the respondents 1 & 2 to inspect the building construction, to find out any deviation as per the plan approval in Na.Ka.En 1233/2013/CP dated 20.12.2013 and to file a report before this Court.



2. By consent of both the learned counsel appearing for the petitioner as well as Mr.E.Vijay Anand, learned Additional Government Pleader, who takes notice for the respondents 1 & 2, Mrs.R.L.Karthika, learned Government Advocate, who takes notice for the 3rd respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 & 2, learned Government Advocate appearing for the 3rd respondent and perused the entire materials on record.

4. Learned counsel appearing for the petitioner submitted that petitioner is an Ex-Vice President of the 5th respondent Association. She has entered into an agreement with the 5th respondent to purchase a flat in their project called SBIOA Unity Enclave, Mambakkam and paid the sale consideration. The 5th respondent has handed over the incomplete flats to the petitioner during June 2018 without any basic amenities. As per the building plan approved by the 1st respondent dated 20.12.2013, project had been developed. The 5th respondent has made unauthorised



alterations in some of the blocks and also constructed a shed near R-Block along the compound in the common area violating the terms of approved plan and sold to third parties. In this regard, the petitioner has sent various representations to the respondents 2 & 3 and finally, she has given representation on 06.12.2022 to the respondents 1 to 5. Since they have not taken any action on the said representation, the petitioner has come out with the present Writ Petition for the above stated relief.

5. The learned Additional Government Pleader appearing for the respondents 1 & 2 submitted that CMDA is the competent authority to take action for the unauthorised construction. If there is any unauthorised construction, a direction may be issued to the CMDA to inspect the property and initiate the proceedings in accordance with law.

6. In view of the above submissions, this Court suo motu impleads “*The Member Secretary, Chennai Metropolitan Development Authority, No.1, Gandhi Irwin Road, Egmore, Chennai 600 008*” as 6th respondent in this Writ Petition. Mr.R.Shivakumar, learned Standing Counsel takes notice for the newly impleaded 6th respondent/CMDA.



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7. Considering the above submissions made by the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 & 2 and the learned Government Advocate appearing for the 3rd respondent, the newly impleaded 6th respondent is directed to inspect the building after issuing notice to the petitioner as well as 5th respondent, within a period of two weeks from the date of receipt of a copy of this order and if there is any unauthorised construction found, take appropriate action immediately within four weeks thereafter.

8. With the above directions, the Writ Petition is disposed of. No costs.

(V.M.V., J) (V.L.N., J)
28.02.2023

Index : Yes / No
Neutral Citation : Yes / No

Note : Registry is directed to carry out necessary amendment in the cause title.

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To

1. The Commissioner
Directorate Town and Country Planning
No.7, Anna Salai, Chennai-600 002.



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W.P.No.5932 of 2023

**V.M.VELUMANI,J.
and**

V.LAKSHMINARAYANAN,J.

Kj

2.The Regional Assistant Director
Directorate Town and Country Planning
No.124, GST Road
Periyar Shopping complex
Chengalpattu – 603 001.

3.The President
Mambakkam Panchayat
Mambakkam 600 127
Chengalpattu District.

4.The Chief General Manager
State Bank of India
Local Head Office, 16 College Lane
Nungambakkam, Chennai-600 006.

5.State Bank of India Officer's
Association Chennai Circle (SBIOACC)
(Promoter of Unity Enclave Project)
84, Rajjaji Salai
Chennai-600 001.
2023

W.P.No.5932 of

6.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

28.02.2023



C.M.S.A.Nos.48, 52, 53, 54,55,57,58,
59, 60, 61, 63 and 65 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 06.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

**Civil Miscellaneous Second Appeal Nos.48, 52, 53, 54, 55, 57, 58,
59, 60, 61, 63 and 65 of 2022
and Connected Miscellaneous Petitions**

State Bank of India Officers Association
Chennai Circle (SBIOACC)
Rep. by its General Secretary Shri R.Balaji
No.84, Rajaji Salai, Parrys Corner, Chennai.
No.48 of 2022

...Appellant
in CMSA

Vs

1. Padma Srinivasan
2. M.Mohan,
Ex.Chairman SBIOACC
Q-156, SBIOA Unity Enclave,
Mambakkam-Medavakkam Road,
Mambakkam, Chengalpattu District.
Pincode 600 127.

.... 1st Respondent
in CMSA No.48 of 2022

... 2nd Respondent
in CMSA No.48 of 2022



C.M.S.A.Nos.48, 52, 53, 54,55,57,58,
59, 60, 61, 63 and 65 of 2022

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These Civil Miscellaneous Second Appeals are filed under Section 100 of the Code of Civil Procedure read with Section 58 of TNRERA Act, 2017, to set aside the the common order dated 05.01.2022 in Appeal Nos.22 of 2021 on the file of Appellate Tribunal.

For Appellants : Mr.S.Mukunth, Senior Counsel
for M/s.Sarvabhauman Associates
(in all the petitions)

For 1st Respondent : Mr.R.Sittrarasu, for R1
in CMSA Nos.48, 53, 54, 55, 58,
59, 60, 61, 63 and 65 of 2022

Mrs.Vasudha Thiagarajan, for R1
in CMSA Nos.52 and 57 of 2022

Mr.N.Bhuvaneshwaran,
for R2 in all the petitions

COMMON JUDGMENT

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

Challenge in these Appeals is to the order of the Appellate Authority constituted under the Real Estate (Regulation and Development)



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Act, 2016, hereinafter referred to as “the Act”),

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2. The short background facts that are necessary for the disposal of the Appeals are as follows:

The appellant which is the Chennai Circle to the State Bank of India Officers Association had with an object of benefitting the employees of State Bank of India and their kith and kin promoted a Housing Project. It had purchased vast extent of land by collecting money from its members in its name and has entered into construction agreements with its members and others, who are allowed to purchase flats in the project. Problems arose during the implementation of the construction project and several of the allottees chose to move the Tamil Nadu Real Estate Regulatory Authority complaining that the project has not been completed and there are several lapses on the part of the promoter viz. the appellant in completion of the project.

3. The complaints were resisted by the appellant mainly contending that it cannot be termed as a promoter within the meaning of Section 2(zk) of the Act, since its role is only to facilitate construction on



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behalf of the members and whatever was done by the Association was only

on behalf of the members with the approval of the members. Therefore, it cannot be termed as a promoter strictly within the meaning of the term promoter defined under Section 2(zk) of the Act.

4. The Regulatory Authority rejected the contention and concluded that in view of the wide language in which the definition is couched, the appellant would answer the description as a promoter and therefore, it would be liable to perform the obligations that are statutorily imposed upon a promoter under Section 11 of the Act. Upon such finding, the Authority issued a slew of directions aimed at implementation of the project as envisaged in the agreements. Aggrieved by the directions, the Appeals were preferred by the appellant before the Appellate Authority viz. the Tamil Nadu Real Estate Appellate Tribunal (TNREAT). The Tribunal after examining the rival contentions rejected the claim of the appellant and dismissed the Appeals, hence these Civil Miscellaneous Second Appeals.

5. While admitting the Appeals, the following questions of law were framed.



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1. Whether the Appellate Tribunal is correct in

*directing the Appellant without impleading the 3rd
party contractors who are the actual builders/
promoters as they are proper and necessary parties;*

2. Whether Appellate Tribunal is correct in

*termining the Appellant as a promoter under Section 2 of
the TNRERA Act when the Appellant did not perform in
a commercial nature as a promoter.*

6. We have heard Mr.S.Mukunth, learned Senior Counsel appearing for M/s. Sarvabhauman Associates, for the appellant in all the Appeals, Mrs. Vasudha Thiagarajan, learned counsel appearing for the first respondent in CMSA Nos.52 and 57 of 2022, Mr.Sittrarasu, learned counsel appearing for the first respondent in all the other Appeals and Mr.P.N.Bhuvaneshwaran, learned counsel appearing for the second respondent in all the Appeals.

7. There are two Civil Miscellaneous Petitions in CMP Nos.11214 and 11217 of 2024 for impleading. While CMP No. 11214 of 2024 is by the



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SBIOA Unity Enclave Owners Welfare Association and CMP No.11217 of

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2024 is by an individual owner. The sum and substance of the Appeals lies in very short campus. In view of the limited scope of the questions of law that have been framed in these Appeals, we do not think the proposed parties are either necessary or proper parties to these Appeals. They being third parties to the proceedings before the Tribunal and the Regulatory Authority cannot canvas the correctness of the orders in these Appeals filed by the appellant. Hence these Petitions for impleading are dismissed.

8. The questions of law read as follows:

Whether the Appellate Tribunal is correct in directing the Appellant without impleading the 3rd party contractors who are the actual builders/ promoters as they are proper and necessary parties;

Whether Appellate Tribunal is correct in terming the Appellant as a promoter under Section 2 of the TNRERA Act when the Appellant did not perform in a commercial nature as a promoter.

Since both are interconnected and answer to the first question will be dependent on the answer to the second question both are taken up together.



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9. The only contention of the learned Senior Counsel for the appellant is that it cannot be termed as a promoter as it has acted for on behalf of its members. The term promoter is defined under Section 2(zk) of the Act, which reads as follows:

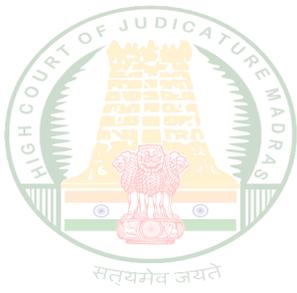
2 (zk) “**promoter**” means,—

(i) a person who constructs or causes to be constructed an independent building or a building consisting of apartments, or converts an existing building or a part thereof into apartments, for the purpose of selling all or some of the apartments to other persons and includes his assignees; or

(ii) a person who develops land into a project, whether or not the person also constructs structures on any of the plots, for the purpose of selling to other persons all or some of the plots in the said project, whether with or without structures thereon; or 8

(iii) any development authority or any other public body in respect of allottees of—

(a) buildings or apartments, as the case may be,



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*constructed by such authority or body on lands owned
by them or placed at their disposal by the Government;*

or

*(b) plots owned by such authority or body or placed at
their disposal by the Government, for the purpose of
selling all or some of the apartments or plots; or*

*(iv) an apex State level co-operative housing finance
society and a primary co-operative housing society
which constructs apartments or buildings for its
Members or in respect of the allottees of such
apartments or buildings; or*

*(v) any other person who acts himself as a builder,
coloniser, contractor, developer, estate developer or by
any other name or claims to be acting as the holder of
a power of attorney from the owner of the land on
which the building or apartment is constructed or plot
is developed for sale; or*

(vi) such other person who constructs any building or



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apartment for sale to the general public.

Explanation.—*For the purposes of this clause, where the person who constructs or converts a building into apartments or develops a plot for sale and the person who sells apartments or plots are different person, both of them shall be deemed to be the promoters and shall be jointly liable as such for the functions and responsibilities specified, under this Act or the rules and regulations made thereunder;*

The definition is so widely worded that it would take in any person who carries out developmental activities in any land either with or without construction for the purposes of sale to others would become a promoter, whether it is done for on behalf of the members of an association which takes up those activities or not is not really material. The profit motive is also not relevant. If it is shown that a person as defined under Section 2(zg) of the Act takes up any development work in respect of any land with an object of developing it and selling it to others then it would automatically become a promoter under Section 2(zk) of the Act.



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59, 60, 61, 63 and 65 of 2022*

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10. The definition of a person in Section 2 (zg) is an inclusive one and Clause (vi) of the said Sub Section includes an Association of persons or a body of individuals whether incorporated or not. It is therefore, crystal clear that an Association of persons which takes up a development work on behalf of its members will also become a promoter. It is seen from the facts that were placed before the Original Authority as well as the Appellate Tribunal that the appellant Association has purchased vast extent of land in its name and had entered into construction agreements with its members as well as others, who are allottees of the flats in the project and has agreed to sell a particular undivided share to each of the allottees. This activity is squarely covered under Sub Clause 1 of Section 2(zk). Therefore, the inescapable conclusion is that the appellant is a promoter within the meaning of Section 2(zk) and it is obliged to perform its duties as enumerated under Section 11 of the Act.

11. Once the second question is answered against the appellant, it automatically follows that the contractors, who are engaged by the appellant, are not promoters they only remain as contractors and they cannot be termed



*C.M.S.A.Nos.48, 52, 53, 54,55,57,58,
59, 60, 61, 63 and 65 of 2022*

as promoters within the meaning of Section 2(zk) of the Act. If they are not promoters within the meaning of Section 2(zk) of the Act, they are wholly unnecessary parties to the proceedings before the Tribunal. It is for the appellant Association to comply with the directions issued by the Regulatory Authority as confirmed by the Appellate Tribunal either through the same contractors or through others.

12. In view of the above, we see no merit in the Appeals, the Appeals are accordingly **dismissed**. Since it is stated that some progress is made towards compliance with the directions of the Original Authority as confirmed by the Tribunal, we desist from imposing costs on the appellant.

**(R.SUBRAMANIAN, J.) (R.SAKTHIVEL, J.)
06.06.2024**

Index: No
Internet: Yes
Speaking order
Neutral Citation: No
jv



*C.M.S.A.Nos.48, 52, 53, 54,55,57,58,
59, 60, 61, 63 and 65 of 2022*



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To

1. The Tamil Nadu Real Estate
Appellate Tribunal (TNREAT)
Chennai.
2. The Tamil Nadu Real Estate
Regulatory Authority (TNRERA)
(Tamil Nadu, Andaman & Nicobar Islands)
Egmore, Chennai 600 008.
3. The Section Officer,
V.R.Section,
Madras High Court.



*C.M.S.A.Nos.48, 52, 53, 54,55,57,58,
59, 60, 61, 63 and 65 of 2022*



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R.SUBRAMANIAN, J.

and

R.SAKTHIVEL, J.

(jv)

**Civil Miscellaneous Second Appeal Nos.48, 52, 53, 54, 55, 57, 58,
59, 60, 61, 63 and 65 of 2022
and Connected Miscellaneous Petitions**

06.06.2024

**Cont.P.No.143 of 2024**

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R.SUBRAMANIAN, J.**and****V.LAKSHMINARAYANAN, J.**

The status report filed Mr.G.Raghul Kumar, Assistant Director/ Member Secretary, Town and Country Planning, Chengalpattu District discloses that there had been innumerable violations, which include encroachment of setback, space conversion of Economically Weaker Section flats into 1 BHK and 2.5 BHK flats, thereby reducing the number of apartments in each floor. The sewage treatment plant has been converted into water treatment plant, instead of four STPs there is only one STP available for 2400 apartments.

2. These are all very serious violations which cannot be condoned. Hence, the Authority is directed to take immediate action as per the provisions of the Town and Country Planning Act and report such action taken within a period of eight weeks from today.

3. Post after eight weeks.

(R.S.M., J.) (V.L.N., J.)

01.08.2024

dsa



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Cont.P.No.143 of 2024

R.SUBRAMANIAN, J.
and
V.LAKSHMINARAYANAN, J.

dsa

Cont.P.No.143 of 2024

01.08.2024

COMPLAINT TO REGULATORY AUTHORITY
Complaint under Section 31 of the Act

For the use of Regulatory Authority(ies) office:

Date of filing	
Date of receipt by post	
Complaint No.	
Signature	
Registrar	

**BEFORE THE HON'BLE TAMIL NADU REAL ESTATE
REGULATORY AUTHORITY, CHENNAI, TAMILNADU**

BETWEEN

(Tmt.)R.Sivakamasundari
Flat No M105, SBIOA Unity Enclave,
Mambakkam-Medavakkam Road,
Mambakkam, Chengalpattu District-Pincode: 600 127
Email: r.ramya@gmail.com
Phone: 9600025418

.....Complainant

AND

State Bank of India Officers' Association, Chennai Circle (SBIOACC)
(The Promoter of SBIOA Unity Enclave Project, Mambakkam,
Chengalpet District, Pin 600127)
No.84, RajajiSalai, Parys Corner
Chennai - 600 001, Ph- 044 25220225
(Represented by its General Secretary,Thiru.A.V.Joseph)
E-mail-unityenclave.sbioacc@gmail.com

..... Respondent

DETAILS OF CLAIM:

1	Particulars of the complainants	
i)	Name of the complainant	Tmt.R.Sivakamasundari
ii)	Address of the existing office/residence of the complainant	Smt.R.Sivakamasundari Flat No M105, Block-M, SBIOA Unity Enclave Mambakkam-Medavakkam Road, Mambakkam.

R. N. K.

		Chengalpattu District: Pin Code: 600 127 Email: r.ramya@gmail.com Phone: 9600025418
iii)	Address for service of all notices	To the address of the Counsel. Thiru A. Sittarasu, Advocate, B-50, KP Tower, No. 301 Arcot Road, Vadapalani, Chennai-26
2.	Particulars of the Respondents	
a)i)	Name of the First Respondent	State Bank of India Officers' Association Chennai Circle (SBIOACC), represented by its General Secretary Mr.A.V.Joseph
ii)	Office Address of the First Respondent	State Bank of India Officers' Association Chennai Circle (SBIOACC) - Builder No.84, Rajaji Salai, Chennai-600 001 Ph- 044 25220225 E-mail :unityenclave.sbioacc@gmail.com/
iii)	Address for service for all notices	Same as above
b)i)	Name of the Second Respondent	--
ii)	Office Address of the 2 nd Respondent	--
iii)	Address for service for all notices	--
3.	Jurisdiction of the Regulatory authority	CHENNAI, Tamil Nadu The complainants declare that the subject matter of the claim falls within the jurisdiction of the Regulatory Authority.

4a. **FACTS OF THE CASE:**

The Complainant purchased the flat M-105 in the "SBIOA Unity Enclave, Mambakkam Project", developed by the Respondent.

Sec 11 Premises
Sec 12 adventure
14 Plan
17 Title

The Complainant was not a party to earlier complaint in Order No.4 to 15/2020 dated 05.11.2020, of Hon'ble Real Estate Regulatory Authority (Encl. No.1) on this Project. The present complaint is on the serious deviations and violations of sanctioned plan, and other issues raised here are not identical of earlier complaint.

About Premises: The Respondent is an Association of persons registered under Indian Trade Union Act, 1926 (Reg No. 2/MDS). The members are Officers of State Bank of India, Chennai Circle. The Respondent

R. N. N. N.

promoted the Housing Project in the name of "SBIOA Unity Enclave Mambakkam Project".

iii) The promotion of "Housing Project" is not an object for the Trade Union as per the provisions of the Act, but the Respondent had included in their Bye Law as an object vide Point No.4(q). Secondly, as per the provisions of the Act, the General Fund of the Trade Union shall not be spent on any other objects than the legitimate Trade Union objects as in the Act, and there is also a limitation in spending of General Fund in each year. Therefore, the promotion of Housing Project does not come within the ambit of the ^① Trade Union Activity as per the

② Act. Hence, the Respondent cannot claim exemption from GST as Registered Union/Club importing doctrine of

Mutuality. Moreover, they had also sold flats to

③ outsiders/public (other than the members) and collected

④ Rs.5000/- as service /administrative charge from each allottees. Therefore, the Show Cause Notice issued by the

Principal Commissioner of GST, for Tax of around Rs.28/- cr was

dropped by an another Principal Commissioner stating the promoter is an Registered Association and applying doctrine of

mutuality, "that one cannot sell to oneself" is not with a

reasoned order which failed to appreciate the facts on the project, and the Respondent, had willfully not revealed the facts

to Principal Commissioner. But in the pretext of club/Registered Association, stating the Hon'ble Supreme Court ruling on State

of West Bengal Vs. Calcutta Club, had brought possible loss to the exchequer. (Exhibit ⁸³ S No.2), as a matter of public importance

hence brought to the notice of the Hon'ble Authority.

iv) The Respondent purchased 28.855 acres (24.33 and 4.525) of

land out of allottees' money as per the Affidavit filed by the Respondent before the Hon'ble Adjudicating officer on

12.05.2022 (Exhibit ⁴ S No.3). The Respondent subjected only 21.33

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acres for the Unity Enclave Housing project and got approval vide DTCP No. 243/2013 dated 03.12.2013 (S No.4), for constructing 21 blocks, 15 floors and each block with 90 flats in A-Q blocks, in 120 flats of One BHK in R Block, and 150 flats each in STU (Economically Weaker Section-EWS) blocks, in all the total units of 2100, and with a Commercial Complex building of 7 floors+Ground floor, Club House building with Ground+4 floors, Stilt and 2 basements for car parking. (S No.21) Page 88

v) The Respondent has conveyed only 20.87 acres out of the 21.33 acres of land (Building constructed in 17.75 acres + Panchayat for roads 0.08 acre + OSR 2.54 acres + TANGEDCO 0.50 acre, leaving 0.46 acre of Commercial Complex land). The residual land 7.985 (7,525 + 0.46) acres of land out of 28,855 acres, had not been, so far, conveyed to the allottees as per the agreements, even after 69 months since the specified date of 01.03.2017 under some ruse or other.

vi) The Project was to be handed over on 01.03.2017, but the Promoter Respondent handed over the flats only in June 2018 that too as an unusable commodity, i.e., without any basic amenities viz, EB power, water, lift, and facilities like Commercial Complex, Club House, Car Parking, no proper disposal of waste water, Solid waste as promised vide Schedule "D" and Schedule "E" of Construction Agreement and as per the sanctioned plan.

4b) DEVIATIONS AND VIOLATIONS IN THE PROJECT:

a) As per the Agreement to Sell dated 21.08.2013, the Respondent promised 575.78 Sq.ft (S No.5) but conveyed only 468.88 Sqft as per Sale Deed dated 25.04.2016 (S No.6).

b) S, T, U Blocks (EWS) are 1BHK flats of 150 each were clubbed into 2.5BHK so, 450 flats into 225 in violation of approved plan, evidenced by the DTCP Notice dated 22.05.2023 (S No.7) as well as the Respondent admission of deviation through their affidavit filed before this Hon'ble Adjudicating officer (S No.8).

Page 69 No. 8) on the Direction of the Hon'ble High Court W.P. Order dated 28.02.2023 (Exhibits No.8). 10

c) Car Parking, the Respondent had filed false affidavit before the Hon'ble Adjudicating officer as "complied with" (Exhibit No.3) but the provisions as per plan, only for flats 1530 plus Visitors car parking 153 and car parking for Commercial Complex 74, total 1757. The Respondent promised vide Construction Agreement (Exhibit No.9) to all 1875 and collected Rs.1.50 lakhs from each allottees as per the valuation Reports. RSTU blocks consist 345 units, had not been provided with car parking in the DTCP's sanctioned plan. (Exhibit No.4) but the Respondent allotted the commercial complex car parking 74 and visitor car parking 153 to individual owners in violation of sanctioned plan.

d) Now the Respondent had admitted through their affidavit before Hon'ble Adjudicating Officer that construction of shed is "Completed" which is in common usage area and in violation of the DTCP plan. And sold the common usage area to individual as car parking slot. Thereby encroaching the common space provided in approved plan. (Exhibit No.7). 9 DTC Notice.

e) Commercial Complex and Club House have not yet been completed, but for the 69 months, the Respondent was reeling out stories one after another even to the extent of misleading the allottees that delay in completion is because of the complaints filed before Hon'ble Tamil Nadu Real Estate Authority. The Commercial Complex and Club House would have generated at least Rs.30 lakhs per month, for 69 months, i.e. Rs.20.70 crores so far, which is an income loss to the owners of this Project. (Exhibit No.3). 11

f) Commercial Complex is within the Project (Single Project) as per DTCP Approval No. 243/2013 (Exhibit No.3), but the Respondent had fraudulently separated the Commercial Complex land (0.46 acres) from the UDS land. The Respondent

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did not convey title of the land & building till date. The Cost of Conveyance of title would be higher due to value of the Building would also be added. Had the land not been separated from UDS, the additional cost would not have arisen. Hence, the Respondent has to bear the cost, as he had done **misdemeanour** with ulterior motive in separating the land (0.46 acres) from UDS land.

Page 148
 Commercial Building
 Restraining order
 for housing loan
 (Page 148)

Page 148
 15.11.2015

g) Establishing a Sports Academy in 4.525 acres of land purchased out of the hard earned money of owners (mostly from Housing Loan proceeds) is yet to be conveyed to the owners as UDS, as the entire project is funded by the Owners, and not a single pie stake is there from the Respondent. This is also in violation of RBI guidelines on Housing Loan, misappropriating the loan proceeds for different purposes than for the purpose the loan was sanctioned. The Respondent has not bothered to bring the entire land of 28.855 acres into the project nor conveyed to the owners which were purchased out of the owners' money, includes housing loan proceeds.

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 15.11.2015

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Valuation 0
 Legal 0

Page 174 } h)
 Page 179 } i)

not valid by TNEB
 Legal before plan
 approval

Actually, in the DTCP Plan, the TANGEDCO has been earmarked for 17 cents only, but the Respondent gifted 49.90 cents to the TANGEDCO. The Respondent is in violation of the sanctioned plan, gifted the land marked for Solid Waste Disposal Yard, Transformer Yard, and Landscaping land to TANGEDCO without providing alternative land for the said purposes and without planning authority approval. Thereby causing environmental pollution. In this regard, the Respondent had gifted 32.90 cents more than the mandatory requirement of 17cents. (F.S.No.10).

i) The Exhauster Fans in I&II basements, as per the stipulations of Government Authorities have not yet been commissioned. (F.S.No.11).

Page 174
 Page 179

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- j) seepage and leakage in the flats and the basements have not yet been rectified but Virtual Completion Certificate was issued to the Construction Contractor with ante date i.e expired on 07.08.2019 before completion of the project in all respects. The Respondent filed appeal to implead the main contractor and now entered into settlement with the same contractor for Rs.11cr against contractors claim of Rs.121 Cr in the pretext of commercial debt. (Exhibit No.3) [↑] without completion.
- k) The Approved Plan as well as in the Construction Agreement, the Respondent had promised 4 STPs, but commissioned only one (1) that too in Basement No.2, as against the Tamil Nadu Pollution Control Board directions to commission the STP above the ground level. (DTCP Report - Exhibit No.7). Now the owners are facing problem of untreated water being supplied for toilet purpose and also let out on open ground around the project.
- l) Two High Tension Power Lines for common area and commercial complex have not yet been obtained by the Respondent, but the Owners' Welfare Association spent money from their Maintenance Fund, obtained one HT power Line. (Exhibit No.3) [↑]
- m) The Tamil Nadu Pollution Control Board conditions were not been complied (Exhibit No.12). ¹³
- n) Common area land has not been conveyed to the Unity Enclave Owners Welfare Association through deed of conveyance as per the Sec.17 of the Act.
- o) The Respondent has refused to hand over the original Title deeds, parent documents and other original agreements relating to the Project. (Exhibit No.13).
- p) The Respondent had sold the flats when the interim stay order by the Hon'ble High Court of Madras, is subsisting. Despite information given to the Sub Registrar of Guduvancheri,

Page 74

(281)

Page 35/161

69 of

Rajam

Page 74

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Page 194

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D. N. S.

reference to
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Page 143

about the Hon'ble ¹⁵²INRERA order on this project as "ongoing project", (~~Exhibit No. 14~~)¹⁵ and the Sub Registrar of Guduvancheri continued to ignore the G.O as well as the Hon'ble RERA Authority's Orders, flats sale were registered without registering the project with the Hon'ble Authority. The sale proceeds of the flats thus sold, have been not credit to the Unity Enclave Owners Welfare Association and not accounted properly which caused loss to the owners apart from mental agony. /

q) Rs.5 Crore was surreptitiously transferred from the Escrow account (Housing Project Escrow account 37779717020) to the SBIOA Credit & Thrift Society of Officers' to enable them to lend Flood Loan to their members.

Page 207 (r)

False Fire NOC obtained from Fire & Rescue Department vide Letter No.R.C.No.793/ C1/2019 dated 30.03.2019 (~~Exhibit No.15~~). But Facts of situation is as per their letter No.9696/A/2023 dated 09.11.2023 (~~Exhibit No.16~~). ¹⁷ (X)

False 215 (X)
Page 210

s) The Construction Agreement was not registered while selling the flats R-118 on 21.08.2017, in the pretext of agreement was entered before 06.09.2013 as against the G.O and Registrar also failed to verify the date of the first payment from the Bank account. Thus, caused loss to the Government. (~~Exhibit No.17~~). ¹⁸

Page 222 (X)
222

t) Gifted OSR land deed was cancelled without DTCP approval, the Respondent purchased the said land, and again the Respondent gifted the said land to Panchayat as OSR land. (~~Exhibit No.18~~) ¹⁹

Page 225
EC-245

u) Landscaping work has not yet been completed, land marked for landscape was gifted to TNGEDCO without approval of DTCP thus violated the plan approval, and estimated number trees were not planted as per the approval

Page 179

v) Approval for digging Borewell has not yet not obtained.

w) Solar Power is not provided to the complainant as provided to other allottees.

R. N. N.

- x) Despite above, the Promoter had sent a letter with defiant note to DTCP dated 23.08.2023 amounting to contempt of Writ Order.

(Exhibit No. 19) 20

Page 2 BD

4(a) Irregularities:

The above 1 to 4 facts of major violations and irregularities, were not appeared in the Order in the Complaint No 4 to 15/2020 dated 05.11.2020. Therefore, this present complaint is filed.

5. RELIEFS SOUGHT: Requester via Promoter

In view of the facts mentioned in paragraph 4 above, the complainant prays the Hon'ble Authority for the following reliefs:

- a) Direct the Respondents to execute a Rectification Sale Deed in favour of the Complainant for the remaining extent of 109.90 Sq ft. undivided share as promised in 4.525 acres and other lands through Sale Agreement. The residual land measuring 3 acres in Sonalur & Mambakkam Villages purchased out of allottees money should also to be conveyed as UDS specifically only to the allottees who contributed for the purchase of land.

- b) Direct the Respondent to complete the construction of the Commercial Complex in full and register the Land & Building as UDS proportionately as it was in the Single project and has single approval at their cost.

- c) The following reliefs may also be directed.

- a. Cancellation of transfer of excess land 32 cents gifted in violation of sanctioned plan to TAGEDCO; so that the solid waste disposal could be done as per the regulation of Pollution Control Board, provide for landscaping and Transformer yard.

- b. Pray for cancellation registration of flats sold to the public against the Bank's Regulations and conditions in their project Approval for loaning.

- ✓ c. The regularization¹⁵⁴ of flats, and initiation of criminal action against the Respondent for having sold unapproved flats in STU blocks while the Hon'ble TNRERA order is subsisting.
- ✓ d. To order for commissioning another 3 STP¹ as in the DTCP plan approval. *as per Approved Plan Guidelines.*

6. **INTERIM ORDER, IF PRAYED FOR:**

Pending final decision on the complaint, the complainant seeks immediate relief of the following:

1. To order to transfer all the remaining lands 7.52 acres as UDS proportionately to the complainant. (only to the allottees invested for the purchase of land)
2. To order to provide 153 visitors car parking and 74 car parking for commercial complex as provided in the sanctioned plan.
3. To order for permanent injunction restraining the Respondent from selling the vacant land, purchased out of allottees money. *sub-section*
- ✓ 4. To Order for conducting Forensic Audit on the Housing Project Account under the supervision of the Hon'ble Authority.

7. **COMPLAINT NOT PENDING WITH ANY OTHER COURT, ETC.**

The Complainant declares that the matter regarding the complaint by other complainants on this project with other issues is pending before;

- a) The Respondent had made Civil Miscellaneous Second Appeal before the Hon'ble Madras High Court in 2022.
- b) Execution Petition filed before Hon'ble TNRERA by the other complainants
- c) N Forms have been filed before Hon'ble TNRERA by other 13 complainants in 2021.

8. **PARTICULARS OF BANK DRAFT IN RESPECT OF THE FEE IN TERMS OF SUB-RULE (1) OF RULE 37:**

- (i) Amount

RS.1,600.00

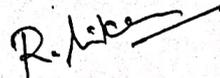
- (ii) Name of the Bank on which drawn :
(iii) Demand Draft number : online mode.

9. **LIST OF ENCLOSURES** : As below

(Specify the details of enclosures with the complaint)

VERIFICATION

I, M.Sivakamasundari, W/oThiru D.Rakesh Kumar aged 42 years the Complainant, do hereby verify that the contents of paragraphs (1 to 9) are true to our personal knowledge and belief and that we have not suppressed any material fact(s).



Signatures of the Complainant

Place:MAMBAKKAM

Date:12.02.2024

Rejoinder
o/c
16/10
kr

**BEFORE THE
HON'BLE TAMIL NADU REAL ESTATE REGULATORY AUTHORITY
CHENNAI**

C. No. 26 of 2024

1. Tmt. R. Sivakamasundari
Flat No. M105 SBIOA Unity Enclave
Mambakkam
Chengalpattu District
Chennai-600127

.... Complainant

Vs

1. State Bank of India Officers' Association Chennai Circle
(Promoter of SBIOA Unity Enclave Project, Mambakkam)
Rep. by its General Secretary
Chengalpattu District, Chennai-600127.

.... Respondent

REJOINDER OF THE COMPLAINANT

Sivakamasundari
COUNSEL FOR COMPLAINANT

**BEFORE THE
HON'BLE TAMIL NADU REAL ESTATE REGULATORY AUTHORITY
CHENNAI**

C. No. 26 of 2024

1. **Tmt. R. Sivakamasundari**

Flat No. M105 SBIOA Unity Enclave

**Mambakkam
Chengalpattu District
Chennai-600127**

.... Complainant

**Vs
1. State Bank of India Officers' Association Chennai Circle**

(Promoter of SBIOA Unity Enclave Project, Mambakkam)

**Rep. by its General Secretary
Chengalpattu District, Chennai-600127**

.... Respondent

REJOINDER OF THE COMPLAINANT

The counter statement filed by the Respondent had no direct answer to the relief sought by the Complainant nor the Respondent had complied terms of Section 43 of the Act. The Respondent had been contumaciously disobeying the Hon'ble Authority Order No.4-15/2020 dated 05.11.2020, whereas the Respondent had been appearing before every forum including this Hon'ble Authority with empty hand and without Registering the Project. Thus, the Respondent continuously violating Section 3, 4.12, 14, 17 & 64 of the Act in the manner of slighting and making majesty of law a mockery which no Court can ignore such conducts, and that has tendency to shake the public confidence in judicial institutions.

30 f.
10/11

Penalty

Fee 11

17 Transfer of title

2. On the top of it, the Respondent, had not only wilfully disobeyed the order of the Hon'ble High Court in Civil Miscellaneous Second Appeal (CMSA) No.48,52,53,54,55,57,58,59,60,61,63 and 65 of 2022, but the Respondent has deliberately and intentionally publishing the act of disobeying of order of Hon'ble High Court dated 06.06.2024 (Annexure-1) through their counter statement amounts to **contempt of Court** and render themselves liable to deal with in accordance with the Act.

3,4, 12 veracity of Advert
14 sanction of plan

R. A. K.

3. The Complainant had sought remedy only to the legal rights as assured in Agreements and for compliance of Public law and sanctioned plan in developing this housing project.

4. The Complainant had invested hard earned money in the flat by availing loan from State Bank of India not for any fictitious assets or future fiction story as averred by the Respondent in a casual manner in their counter statement. The Respondent had no direct answer for any of the relief sought by the Complainant means that the Respondent had no ground to defend their wilful and deliberate violations and deviations from the sanctioned plan and a breach of Agreement. The issues raised and reliefs sought in complaint are as below:

(i) UDS 106.90 SQFT NOT CONVEYED AS PER AGREEMENT:

The Complainant had raised the shortage of UDS 106.90SQFT from Sale Agreement dt. 21.08.2013, the Respondent had promised to convey was 575.78 sqft but conveyed UDS was 468.88 sqft as per sale deed No. 4449/2016 dt. 25.04.2016, Till date, the shortage of UDS had not been rectified, Thus the Respondent has been intentionally evading to execute rectification deed and thus violating Sec. 11(4) (a) of the Act.

UDS SHORTAGE:

b) PART 2:

Sports Land 4.52 acres

c) Undisclosed lands 2.25 acres 7.56 acres

The shortage of UDS is to the extent of 7.56 acres should be conveyed to the allottees/owners as UDS as per RERA Act to the UE Owners Welfare Association.

The Promoter has to execute rectification deed for shortage of Undivided Share (UDS) as promised in the Agreement to Sell and Sale Deed. (Enclosure: 56/53/2014, 56/73/2014, 56/56/2016, Arrangement Letter (Loan sanction letter and RTI reply from SBI Vide letter number RACPC/TBM/RTI/128 Dated 13-09-2023) (Annexure -2) on higher UDS

R. N. K.

and promise to create Equitable Mortgage on Schedule "A" property described in Schedule "B" property in Agreement to Sell;

The Respondent had themselves, in their counter, had brought before the Authority other sham transactions of land, details of which are-

a) The Respondent had a sham transaction in purchasing land measuring 1.78 acres as it was OSR land with the Panchayat. The President, Mambakkam Panchayat, without sanction of DTCP had cancelled the Gift Deed of said land, Doc. No.8291/2010 dt 08.10.2010 and subsequently, the Respondent purchased the said land for this project. Later, the Respondent had gifted certain portion of said land to Panchayat Mambakkam as OSR Land in compliance of sanctioned plan, Doc.No.97/2014 dt 06.01.2014

b) In this connection the Complainant afraid whether any flat had been built on said OSR land, is a big question before us. Therefore, in the larger Public Interest, said public purpose land of 1.78 acre purchased by the Respondent was in violation of public policy, has been a void transaction and the land shall remain with the Panchayat as OSR land.

b) **ii) COMMERCIAL COMPLEX BUILDING NOT COMPLETED AND NOT TRANSFERRED TO ALLOTTEES:**

The Commercial Complex is a part of the Project, single approval obtained vide No.DTCP-243/2013 dt,20.12.2013, but Respondent had alienated land measuring 46.60 cents for Commercial Complex from rest of the land in the project, with an ulterior motive, thus denied UDS in that 46.60 cents(20,240 sq.ft as mentioned in schedule B of the sale Deed). The Respondent had been in violation of Sec.2 (n), Rule 2(i) failed to convey the land in the project as common UDS as well as acted in violation Sec.14 in contravention of the

sanctioned plan by separating the land from the project without prior sanction and approval of Authority. Adding further injury, a heavy cost as to be incurred on transfer of title to the Commercial Complex land and building.

The Commercial Complex has not been completed since June 2018 (Annexure-3) and the Promoter is simply creating an alibi that work is going on. Commercial Complex and club house should have been completed by August/September 2018 itself. The handing over letter of clubhouse by the respondent itself is a proof that was handed over in an incomplete stage

R. N. N.

See later
Page 31-44

As 45 million

without any amenities, equipment's, infra structure promised in schedule E of the construction agreement (Annexure-4) The promoter promised that income from commercial establishment would be apportioned towards Maintenance Charges and the MC will be minimum or NIL, after the Commercial Complex become operational. But for the last 72 months, it is still under construction and the notional loss calculated by Owners' Welfare Association president Mr. M. Mohan's Circular No. OWA 6 dated 12.09.2019 would be Rs.1 lakh per day and the total loss till date is around Rs.21.60 crores for the last 6 years. (Annexure No.5) The amount of income loss should be reimbursed to all the allottees/owners proportionately who had paid the Maintenance Charges in full.

iii) SOLID WASTE DISPOSAL YARD, GENERATOR AND LANDSCAPE YARD MEASURING 32 CENTS GIFTED OUT IN VIOLATION OF PLAN:

Plan Approval was approved by DTCP, Chengalpattu vide No.243/2013 20.12.2013. The Construction Agreement was executed on 06.09.2014 wherein it was stated that the Land for TANGEDCO would be earmarked with 21739.89 sq.ft.(49.49 cents). As per Plan Approval, only 17 cents should be earmarked to TANGEDCO. It is incomprehensible how the Promoter had allocated 49.49 cents of land to the TANGEDCO, said to have been demanded by them in Sept 2014 itself, even when the power requirement for the Unity Enclave Project was not at all finalized. The promoter voluntarily had gifted the land to TANGEDCO as confirmed through an RTI that TANGEDCO had never demanded lands to the extent of 49.90 cents (Annexure 6 RTI reply copy).

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The Respondent had in violation of sanctioned plan, gifted land measuring 49.90 cents, which includes land measuring 32 cents had been earmarked for "a) Solid Waste Disposal Yard, b) Generator Yard and c) Landscape Yard".

(Annexure-7) and the Respondent had not made any alternate site for those purposes in the project. Thus, the allottees were denied of the amenities at the Complex, by gift deed executed on 49.90 cents, (vide Gift Deed Doc.No.12322/2016 dt 04.11.2016 in violation of Sanctioned plan.

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iv) CANCELLATION OF VOID SALE TRANSACTION OF FLATS TO PUBLIC BEYOND THE DELEGATED AUTHORITY IN BYE LAW:

The Respondent had exercised beyond the delegated power granted in the byelaw of the Trade Union by selling flats to non-members and public. As such those transferees had no valid title. Moreover, the act of Respondent had been against SBI Officers' Conduct Rule as well as violative of Sec. 21 IPC, Public Servant indulging in Business Activities.

v) S, T, U BLOCKS- BUILDING REGULARISATION:

The Respondent had lied in their counter submission that "the purchaser of two adjacent flats have made it into one flat by not constructing one wall between two flats" The Sanctioned Plan No.243/2013 dt.20.12.2013 was to construct 2100 flats, of which 450 units of 1BHK were for Economically Weaker Section (EWS) in S,T,U Blocks. The Respondent had modified 450 flats of EWS into 225 units of 2.5BHK. Thus, violated sanctioned plan. This material fact was suppressed and not disclosed to the allottees by the Respondent while booking or at the time of execution of the documents. The MMDTCP had issued enforcement notice on 22.05.2023 for rectification but the Respondent had not complied the notice, but the Respondent had been misleading the flat owners without arranging for regularisation / approval from the appropriate planning Authorities. In this connection, the Respondent to bear the fee and penalty in respect of regularisation of those flats, from Respondent's own sources; not from the allottees fund in the Escrow Account

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No.37779717020 with the Respondent.

vi) FAILED TO COMMISSION 4 SEWAGES TREATMENT PLANT:

The Respondent had intentionally failed to construct 4 STP but constructed only one STP in violation of sanctioned plan. The Respondent had also promised to construct 4 as per construction agreement. The one STP commissioned by the Respondent is also not functioning satisfactorily, and become the cause of concern through emission of bad gaseous smell and the untreated water had been pumped out nearby vacant land, rendering the air, land and ground water in that area as polluted. In cognisance of offence of causing environmental pollution, the Hon'ble National Green Tribunal, Chennai, has registered case against the Respondent as well as the Owners Welfare Association.

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The Respondent had also failed to commission the existing STP in the project **at above the ground level as prescribed by the TNPCB.** In the Consent to Establish (CTE) issued by the TN Pollution Control Board was for only one Sewage Treatment Plant (STP) for 1350KLD, to be commissioned above the **Ground Level.** The Promoter submitted a fabricated Plan (**Annexure 8**) not the Approved plan to the TNPCB, and based on the same, the TNPCB had issued the CTE in 2014 (25.07.2014). In the Approved Plan No. 243/2013 it was clearly mentioned that there were 4 STPs, and 4 WTPs (Water Treatment Plants), but the Promoter commissioned only one STP and only 3 WTPs, in violation of the Plan Approval. (**Annexure 9 Photographs and Interim Order on Contempt Petition No. 143/2024 dated 01.08.2024**)

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vii) RESIDUAL LAND NOT CONVEYED TO ALLOTTEES:

The Respondent had been with mala fide intention withholding the residual land measuring 7.22 from transferring to allottees proportionately. The Respondent has no right to hold the land in their name as it was purchased for Housing Project out of allottees' money. The Respondent had diverted the Housing loan proceeds (public money) to create a **SPORT ACADEMY SOCIETY** in 4.525 acres of land, without the consent of the allottees. The lender SBI had closed their eyes on diversion of Housing loan proceeds to other purposes by their own officers jointly with the Respondent, is nothing but a systemic fraud.

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viii) CAR PARKING ALLOTMENT NOT AS PER PLAN APPROVAL

The Respondent had admitted the violation in plan, in their counter stating that "**Respondent had permitted 1875.**" The Respondent had no right to allot beyond what is approved in the sanctioned plan. And also, wilfully and deliberately submitted in their counter a misleading statement as there was 1757 approved car parking. The fact was, only A-Q blocks having 1530 flats have car parking provision in sanctioned plan; the R, S, T, U (IBHK) consisting 345 had no provision with car parking in plan. Therefore, out of 1757 slots provision in the plan, 1530 slots for A-Q Blocks, remaining 153 for **Visitors Carparking & 74 slots for Commercial Complex Carparking.** (Total 1530+153+74 =1757) as per plan. The allottees had paid money for inclusive of common amenities of Visitors car parking and Commercial complex carparking but the Respondent had denied the rights and violated the sanctioned plan. Thus, the Respondent had been slighting the judicial process

R. Nikan

and Majesty of law made a mockery since 2020 by submitting false statements. The Respondent had no right to take away the common amenities **153 and 74 Car parking slots (Annexure 10)** and sell it for their private gain. Respondent had not only violated the plan and also encroached the common area by constructing shed as admitted by the Respondent.

ix) INITIATING FORENSIC AUDIT ON THE PROJECT AND ITS ACCOUNT

The Respondent had indulged in rampant illegality, violation of sanctioned plan breach of contract, and misappropriating of Housing Loan proceeds.

SBI which had sanctioned more than 400 Cr as Individual Housing loan to this project. The Respondent, themselves had submitted that huge amount had been released to the main Contractor as "settlement". But the Respondent had alleged that the contractor had submitted "lookalike documents" in their COUNTER AFFIDAVIT filed before Hon'ble Madras High Court in Arb. O.P. (Comm. Div) No.311 of 2022 against the Main Contractor. Despite project being incomplete the virtual completion certificate was issued ante date to the contractor. Instead of initiating legal proceeding against the contractor on incompleteness of project work but the Contractor had initiated a suit for 121 Cr, to surprise of every one, issue had said to have been settled for 11 cr. In view of the above circumstances, the interest of allottees, a Court monitored forensic audit would alone bring out truth about all about the Project.

In view of the above, the Hon'ble Authority may be pleased to pass order-

- a) To convey 106.90 SQFT UDS as per the Agreement
- b) To declare the purchase of land OSR measuring 1.78 acres as void.
- c) To complete and transfer the land and building of commercial complex at the cost to be borne by the Respondent.
- d) To declare the gift deed transaction of land measuring 32 cents in violation sanctioned plan as void.
- e) To declare the sale of flats to public, beyond of delegated power, as null and void.
- f) To construct 4 STP plants as per sanctioned plan.

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g) To convey the residual lands specifically only to the allottees who contributed for purchase of lands till then an injunction restraining the

Respondent from selling those lands may please be ordered.

h) To provide common amenities of 153 slots car parking for visitors and 74 slots for commercial complex as per the plan as well as with rules of TNRERA Rules.

i) To initiate Court monitored comprehensive forensic Audit of the project account.

And pass such other or further orders as this Hon'ble Authority may deem fit and proper in the circumstances stated above and thus render justice.

Dated at Chennai the 30th August, 2024

R. Lakshmi

COMPLAINANT

The Respondent had indulged in rampant illegal violation of sanctioned plan and had submitted false documents to the Hon'ble Authority. The Respondent themselves had submitted that huge amount had been released to the main Contractor. The Respondent had alleged that the contractor had submitted "lookalike documents" in their affidavit filed before Hon'ble Madras High Court in Ar. No. 311 of 2022 against the Main Contractor. Despite project being incomplete the virtual completion certificate was issued and date to the contractor. Instead of initiating legal proceeding against the contractor on non-completion of project work but the Contractor had initiated a suit for 121 Cr to surprise of every one. Issue had said to have been settled for 11 cr. In view of the above circumstances, the interest of allottees, a Court monitored forensic audit would alone be bringing out truth about all about the project.

- a) To convey 100.90 SQFT UD2 as per the Agreement
- b) To declare the purchase of land OSR measuring 1.78 acres as void
- c) To complete and transfer the land and building of commercial complex at the cost to be borne by the Respondent
- d) To declare the gift deed transaction of land measuring 37 cents in violation sanctioned plan as void
- e) To declare the sale of flats to public beyond of delegated power as null and void
- f) To construct 4 SLP plans as per sanctioned plan

**BEFORE THE
HON'BLE TAMIL NADU
REAL ESTATE REGULATORY
AUTHORITY ,CHENNAI**

C. No. 26 of 2024

1.Tmt. R.Sivakamasundari
.... Complainant

Vs

1.State Bank of India Officers'
Association Chennai Circle
Rep. by its General Secretary
.... Respondent

**REJOINDER OF THE
COMPLAINANT**

COUNSEL FOR RESPONDENT

A. SITTRARASU

Advocate

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Mobile: 9566267475

E-mail : asittrarasu@gmail.com

**BEFORE THE
HON'BLE TAMIL NADU REAL ESTATE REGULATORY AUTHORITY
CHENNAI
C. No. 26 of 2024**

I.R.Sivakamasundari

Flat No.M105 SBIOA Unity Enclave
Mambakkam
Chengalpattu District
Chennai-600127

.... Complainant

Vs

I.State Bank of India Officers' Association Chennai Circle
(Promoter of SBIOA Unity Enclave Project, Mambakkam)
Rep. by its General Secretary
Chengalpattu District, Chennai-600127

.... Respondent

WRITTEN ARGUMENT OF COMPLAINANT

The Complainant respectfully submits the following facts for the consideration of the Hon'ble Authority in rendering justice-

The first submission is that, the Complainant purchased a flat M-105 in the project called SBIOA Unity Enclave, Mambakkam, Vandalur Taluk Chengalpattu District, promoted by the Respondent. The Respondent is a registered Trade Union of Officers of State Bank of India, Chennai Circle. Trade Union means as defined in Sec.2 (h) of the Trade Union Act,1926. Therefore, Real Estate project development is outside the scope of the Trade Union activity as per the Statute. The Respondent had been disobeying the Hon'ble Authority's Order dated 05.11.2020 in C.4-15/2020 from registering the project.

In respect of complaint, the Respondent, in their counter statement date 06.08.2024, had admitted the facts complained but their defence is neither valid in law nor in equity.

In the counter statement, the Respondent had not touched upon the Service Tax issue for Rs.57 Cr, but conveniently omitted to answer. The Complainant states that, everyone has right to arrange his/her business to avoid tax which is legitimate, but the Respondent had not only evaded the Tax, but had not returned Tax collected to the allottees.

It's said, "Taxes are the price we pay for a civilised society". And, "Good citizens **obey laws, respect others, and pay taxes**". The Respondent had Service Tax liability amounting to Rs.57 Cr, arose on "works contract service" while promoting this project. The activity was neither in exempted category nor in the negative list as per the Finance Act 1994, but the Respondent by **erroneous application of law "the Doctrine of Mutuality"**, had evaded the Tax of Rs.57 Cr.

1. PROMOTER HAD NOT COMPLIED THE TERMS OF AGREEMENT FOR SALE & CONSTRUCTION:

Men enter into an agreement for the protection of their lives and properties and thus society comes into existence, but the Respondent had broken the agreement and caused injury/ loss to Complainant's existence and property. Therefore, the Complainant is standing before the lordship, praying for enforcement of the RULE OF LAW for protection not only of the Complainant's rights but for entire allottees (1875) which is necessary condition for personal existence.

Admittedly, the Respondent had not conveyed 575.78 Sq. ft UDS as promised in the Agreement for Sale dated 21.08.2013, but conveyed in Sale Deed dated 25.04.2016 UDS of 468.88 Sq ft only. Thus, Respondent had violated the provisions of the Real Estate (Regulation & Development) Act, 2016 as well as committed fraud and criminal breach trust punishable under IPC.

In this connection, the Respondent had stated in their counter statement that they had executed the Gift Deed and handed over to the Owners Welfare Association on 01.02.2024.

The Complainant refutes the statement of the Respondent. Had the Respondent acted as stated above, it would be an unilateral decision of Respondent and contrary to terms of the Sale Agreement, a void transaction. Therefore, the act of Respondent will not bind the Complainant.

Secondly, Had the Respondent really executed the transfer deed for 3.94 acres, (instead of 4.5 acres in Agreement) Respondent would have produced the registered document or at least the Document Number, before the Hon'ble Authority. Therefore, in the absence such documentary evidence, the Respondent's submission is a false one.

2. Admittedly, the Respondent had separated land measuring 45 cents marked for Commercial Complex in the plan with mala fide intention. In the counter statement the Respondent had not addressed the issue with direct answer before the Hon'ble Authority. The said land had not been conveyed to the allottees nor the building of the Commercial Complex had been completed since 2018. Consequent of which, the amount of loss on default had been huge.

The Complainant brings to the notice of the Hon'ble Authority that the above of separation of land was an act of conspiracy hatched to conceal the commission of fraud by the Respondent with aid and abetment of the Officers of State Bank of India, by abusing public office while discharging legal duty.

The fraud had been established through the act of the Respondent executing two different Construction Agreements. One Agreement dated 06.09.2013 was with "term, providing facility of Commercial Complex and Club House" , for allottees, and another Construction Agreement dated 21.08.2013 without the term, Commercial Complex and Club House facilities, for Bank.

The conspiracy was hatched by the Respondent in collusion with SBI officials having loan sanctioning, disbursing power and cheated the allottees as well as subverted the financial system for their private gains. A classic case of Bank Fraud, this complainant prays the Hon'ble Authority to take judicial notice of the criminal conspiracy established through creating two separate construction agreements, followed by separation of land measuring 45 cents from UDS in line with construction agreement for Bank.

The said fraudulent act was conspired and executed by the Respondent's authorized representative Mr. M. Mohan who had also been the Chairman

Housing Project concurrently been public servant i.e., as Branch Manager, State Bank of India, Station Road Branch Egmore, Chennai,

3. PROMOTER HAD NOT ADHERED TO THE SANCTIONED PLAN

It is admitted fact that the Respondent had illegally and unauthorizedly constructed building, converting 450 units of 1BHK (Economically Weaker Section) into 225 units of 2.5BHK. Thus the Respondent had acted in breach of obligation undertaken to erect the building in accordance with building regulation and failure to truthfully inform the allottees before execution of title deeds. And violated Planning Authority's permission. and caused irreparable damage to the allottees, to whom the eviction notice has been served by the DTCP.

In this connection, the Complainant brings to the notice of the Hon'ble Authority on the land mark judgment of Hon'ble Supreme Court, in the case of, "*Rajendrakumar Barjatya & Another Vs. UP Avash Evam Vikas Parishad & ors*" a broad guidelines on dealing with the unauthorised constructions and plan violations.

4. PROMTER HAD NOT ADHERE TO THE PLAN SPECIFICATION:

The Respondent had admitted in their counter on the violation of transfer of land measuring 32 (+17=49) cents specified for Solid Waste Disposal Yard, Landscape and Generator Yard to TANGEDCO without approval of DTCP and without providing alternate site in the project area. The allottees have been denied of the amenities provided in the sanctioned plan and unlawfully disposed the property.

The Respondent had no right to deviate or violate specification in the sanctioned plan. Secondly, the facilities provided in the sanctioned plan is denied to the allottees against the provisions as well as infringement of legal rights of the allottees. The Respondent had committed illegality but attributing hypothetical and baseless reasons. Thus, caused injury to the allottees.

**5. VIOLATION OF PLAN IN CONSTRUCTION OF STP AND WTP
VIOLATION OF CONDITIONS OF TNPCB**

Admittedly, as per approved Plan as well as in the Construction Agreement there had been 4 STP and 4 WTP for this project. But Respondent had commissioned only 1 STP and 3 WTP.

It is a serious matter of concern that the Respondent had committed fraud by submitting forgery plan document with 1STP to Tamil Nadu Pollution Control Board, and obtained Consent to Establish STP, which is punishable offence under IPC.

- (i) The TNPCB had accorded Consent to Establish STP as per the plan submitted to them with the conditions that STP should be constructed above the GROUND LEVEL.
- (ii) Another condition was to obtain the approval of STP design from Academic/ Research Institution.

But the Respondent had constructed 1STP, that too in Basement II and had not obtained the design approval from Academic/Research Institution as against the Tamil Nadu Pollution Control Board's conditions; vide their letter No. DEE/TNPCB/MMN/F/RTI/F 005037/2024 dated 15.11.2024.

The Respondent had, in their counter statement, made false averment that, *"Project has 1350 KLD capacity STP. At present actual inflow to STP is only 700 KLD even though 1800 flats are occupied against 1875"*.

The Complainant refutes the averment stating, the Respondent had commissioned STP with excess capacity. Fact of the matter was that the Respondent had commissioned STP as per their consultant's M/s Prism Consultancy, Bangalore, report dated 18.11.2013, as required for this complex as under:

Cluster-1: Blocks: L, M, N, O, P, Q & CLUB HOUSE	300 KLD
Cluster-2: Blocks: G, H,I, J&K	250 KLD
Cluster-3: Blocks: A, B, C,D, E,&F :	300 KLD
Cluster-4: Blocks: R,S,T&U:	190 KLD
Cluster-5: Commercial Complex Block	50 KLD
Total volume of sewage generated	1090 KLD

The presently all blocks are occupied, except the Commercial Complex Block. In this condition, the present 1 STP could not process the water as per standards, the water said to have been treated being sent to flush is blackish, very often mal-functioning of plant is noticed, process of sewage water is not as per SOP. In this situation, entire blocks are in precarious condition of depending on one plant.

Therefore, the assertion of Respondent that STP capacity is 1350 KLD and current inflow is only 700 KLD despite occupancy is 96% (1800) is far from reality.

Consequent of the above commission and omissions with mala fide intention of the Respondent, the allottees are facing serious problem environmental and health issues. The untreated sewage water has been letting out on open ground around the project, with the result ground water being contaminated, and causing air pollution. Thus, the Respondent had been causing loss /injury to the allottees continuously.

6. CAR PRAKING VIOLATIONS:

The Respondent had admitted the fact of providing car parking to all 1875 units when there had been only 1757 slots in sanctioned plan, of which 153 for visitors' car parking and 74 for commercial complex car parking and the remaining slot was only 1530 for allotment to the allottees. Therefore, it is evident that the Respondent had violated the plan provision by allotting car parking in common area.

Fact of the matter is, the RSTU blocks with 345 units had no provision of carparking in sanctioned plan, but the Respondent had promised car parking in construction agreement to RSTU block of 345 allottees and collected Rs.1.50lacs along with the sale consideration.

In this situation, the Respondent had sold the common property including visitors' car parking of 153 slot, 74 of commercial complex car parking slots and also allotted carparking in unspecified common area by the encroaching

the common area, in violation of sanctioned plan, executed document for non-existent car parking slots with 345 allottees of R, S, T, U. Thus deceived, willfully, misrepresented with intent to defraud the allottees.

The Respondent had admitted in the counter statement about the encroachment of common area by construction of shed for carparking. But in compliance of eviction order of DTCP, the Respondent removed the shed on 24.10.2024.

7. NON COMPLIANCE OF SEC 17 OF THE ACT

The Respondent had implicitly admitted that they had not conveyed the common area of the project through document of deed to the Association of allottees. The non-compliance is evident from their averment, as the Respondent had no idea about "WHAT IS COMMON AREA." Hence Respondent made statement on some other agricultural land which was bought by misappropriating Housing Loan proceeds.

8. PROMOTER HAD NOT COMPLIED THE OBLIGATION AS PER THE CIRCULAR/ NOTICE/ PROSPECTS

It is admitted fact that land measuring 4.50 acres to establish Sport Academy, 24 1BHK as Old Age Home, and 2 Guest Houses in 2.5BHK, no maintenance or nominal maintenance, thus caused loss/ damages to the allottees by false statement and cheated the allottees.

9. UNIT NUMBER DIFFERENT IN SALE DEED AND DTCP ALLOTTED

It is admitted fact that flat number mentioned in the document is not as in the sanctioned plan. Instead of executing rectification document in compliance with the provisions of Registration Act, 1908, the Respondent had issued "Simple letter linking the two numbers,

As per the Section 17 of the Act, registration of property document is

Therefore, any rectification, correction, supplementary deed, deed of confirmation, amendment deed in the registered deed, shall be done through subsequent registered document.

10. EXHAUSTER FAN NOT COMMISSIONED

The Respondent had not commissioned the Exhauster Fans in I&II basements, as per the stipulations of Government Authorities.

11. HT POWER LINE NOT OBTAINED FOR COMMERCIAL PURPOSES

The Respondent had obtained power connection only for individual flats. For the common area HT power line was obtained by the Owners Welfare Association, and for the Commercial purposes had not been obtained. Therefore, the Respondent had failed to comply their legal obligation.

12. PIPED GAS NOT COMMISSIONED

The Respondent had not commissioned piped gas connection as promised in the agreement. The vendor had abandoned the project of commissioning stating the risk aspect as the installed pipes were corroded.

13. DEFECTS, SEEPAGE AND LEAKAGES WERE NOT RECTIFIED

The Respondent had submitted false & fraudulent statement in their counter statement. The Respondent had not attended the seepage and leakage in the flats and the basements, instead the Respondent had relieved the main contractor by issuing **Virtual Completion Certificate** with ante date i.e **expired on 07.08.2019**, before completion of the project in all respects.

Peculiar situation prevailed in this project was, instead of the Respondent suing the main contractor for incompletion of project, the contractor had sued the Respondent before the Hon'ble Commercial Court demanding payment of Rs.121Cr. Despite the works are incomplete, the Respondent entered into a settlement with contractor for Rs.11cr against the claim of Rs.121 Cr, in the pretext of commercial debt. But the project has not yet seen the light completion.

14. FIRE SERVICE REGULATIONS NOT COMPLIED:

The Respondent had not obtained Fire NOC from Fire & Rescue Department vide Letter No.R.C.No.793/ C1/2019 dated 30.03.2019. But Facts of situation is as per their letter No.9696/A/2023 dated 09.11.2023.

15. CONSENT TO OPERATE STP NOT OBTAINED FROM TNPCB

The Respondent had not obtained CONSENT TO OPERATE the STP since 2018 from the Tamil Nadu Pollution Control Board. There against the TNPCB had imposed penalty of Rs.70 lacs.

16. FRAUDS COMMITTED BY THE RESPONDENT:

i) ABETTING TO EVADE STAMP DUTY BY NON REGISTRATION OF CONSTRUCTION AGREEMENT

The Respondent representative Mr. M. Mohan had abetted in evading registration of Construction Agreement as against the G.O. while selling the flats R-118 on 21.08.2017 in the pretext of agreement was entered on 06.09.2013, ie before relevant date, and the Registrar had also failed in his public duty to verify the date of the first payment from the Bank Accounts of the Respondent. Thus, Respondent and Sub-Registrar are the public servants, caused loss to the Government by violating Sec 17 of Registration Act 1908. Exactitude of evasion would come to know on detailed investigation of the affairs of the Respondent.

ii) SHAM TRANSACTION IN PURCHASE OF LAND FOR PROJECT:

The Respondent had purchased Panchayat land measuring 1.78 acre for the project. The Respondent ought not to have purchased the panchayat land; but purchased land which had no appropriate sanction from Government. The Respondent had in turn gifted a portion of said land to same Panchayat as their contribution as OSR land. The Complainant afraid, whether any building has been built on the disputed land.

Despite being SBI officials, the Respondent had not disclosed to appropriate level in the Bank while the proposal for project approval was sent to the General Manager/Chief General Manager, SBI. Thus, the Respondent had obtained project approval from the BANK by willfully concealing the truth and produced a legal opinion bereft of exact fact.

iii) REGISTERED FLATS WITHOUT REGISTERING PROJECT WITH HON'BLE AUTHORITY

The Respondent had sold the flats when the Hon'ble High Court of Madras stay order against the Authority's order dt. 05-14/2020 was subsisting. Despite Sub Registrar of Guduvancheri was informed about the Hon'ble TNRERA order on the project as "**ongoing project**", the Sub Registrar of Guduvancheri had continued to ignore the G.O as well as the Hon'ble RERA Authority's Orders and registered the sale deed from this project, without insisting the project registration certificate from the Hon'ble Authority.

iv) CRIMINAL MISAPPRPIATION OF PUBLIC MONEY

- a) The Respondent had committed criminal misappropriation of the fund meant for construction of residential flats by diverting the fund to establish Sports Academy in 4.525 acres of land. The fund in the hands of the Respondent was inclusive of Housing loan, proceeds/ public money, from Bank.
- b) The Respondent had diverted Housing Loan proceeds for construction of commercial complex building in collusion with Bank officials against RBI Housing Loan Policy.
- c) The Respondent had diverted Housing Fund/Loan proceeds of Rs.5 Crore from the Escrow account (Housing Project Escrow account 37779717020) to the SBIOA Credit & Thrift Society to enable the society to lend Flood Loan to their members.

The above mentioned offences were committed with criminal intention, in violation of legal duty, violation of guidelines on Housing Loan,

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misappropriating the loan proceeds, public money by the Public Servants, diverted money for the purposes other than the purpose loan was sanctioned in negation of NATION'S LOAN POLICY of RBI.

RELIEFS SOUGHT:

In view of the above the Complainant prays the Hon'ble Authority for the following reliefs:

- i) To order to ensure compliance of order C.No.4-1/2020 to register the project with Hon'ble Authority.
- ii) To order directing the Respondent to complete the construction of the Commercial Complex in full and register its land of 0.45 acre as UDS proportionately as it was Single project and has single approval.
- iii) To order directing the Respondent to obtain approval from Planning Authority for the S,T,U Block of 225 flats at the cost of Respondent's sources, and order to initiate criminal action against the Respondent for having sold unapproved flats in S,T,U blocks by suppression of the fact to the allottees and also the SBI official for sanctioning of loan for un-authorized Building.
- iv) To order to commission of 4 STP & and 4 WTP as per plan.
- v) To order to provide 153 visitors car parking and 74 car parking for commercial complex as per the sanctioned plan.
- vi) To order to adhere to the Rule 2(J) (k) for parking and covered carparking, and order to remove the encroachment by the Respondent on common area, sold the common area as car parking slot other than specified in the approved plan.
- vii) To order to commission Piped Gas connection as per the agreement. (GAS BANK shed constructed in violation of plan was demolished on 24.10.2024 as per enforcement order of DTCP)

- viii) To order to cancel gift deed on 32 cents fraudulently and in violation of sanctioned plan transferred to TAGEDCO.
- ix) To order to execute rectification deed as per the provision of Registration Act, for correcting Unit Numbers in sale deed as in approved plan.
- x) To order to commission Exhaust Fan in basement-I&II
- xi) To order to cancel registration of flats sold to the public without Authority/ exercising power beyond delegated, as in the bye law of Trade Union, all such transactions were void, and would amount to cheating the public. **Therefore, its legal duty of the Respondent to regularize those transaction without inconvenience to buyers/public.**
- xii) To order directing the SBI to initiate criminal proceeding as applicable the against the Bank officials involved in violation of Regulations/ Rules particularly a) legal opinion, b) valuation, how around 8 acres of agri land was omitted to arrive a realistic value of the project and how 8 acres was purchased in Housing loan proceeds, c) vetting the document, d) loan sanction/ disbursement of loan (finance includes non-existent Carparking), e) disbursing before completion of stages f) financing for un-authorized construction, g) disbursed before completion thus aided and abetted the Respondent to misappropriate Public Money while discharging legal duty as public servants as per Sec.21 of IPC and act amounts to corruption as per Section 2 of Prevention of Corruption Act, 1988.
- xiii) To order to transfer the title of land measuring 8 acres to eligible allottees' name as UDS, and mean while an injunction may please be granted, restraining the Respondent from selling the vacant agricultural land purchased out of allottees/public money, by misappropriating Housing Loan proceeds.

- xiv) To order to compensate the loss on account of default on commercial complex incompleteness and club house.
- xv) To order to pay maintenance for unsold flats sold after June 2018 to the Owners' Welfare Association.
- xvi) To order to conduct Forensic Audit on the Housing Project affair and Account, under the supervision of the Hon'ble Authority, with the specific reference to:
- Entire Financial transactions of the Respondent with the main contractor the Simplex Infra Ltd., in respect of settlement of Rs.121 cr claim settled for Rs.11 Cr, without completing the project work, the contractor sued the Respondent, both arrived at an out of court settlement.
 - In respect of waiver of GST Rs.57 Cr. in the promotion of the project.
 - In respect of Waiver of Sales Tax of Rs.18 Cr in the promotion of the project.
 - In respect of GST Tax collected were not remitted nor refunded to allottees.
 - Land purchased transaction.
 - Specific inquiry on sources of buying several flats by the office bearers of Respondent Association.

And pass such other or further orders as the Hon'ble Authority may deem fit and proper in the circumstances above and thus render justice.

Dated at Chennai on this 22nd day of January, 2025


COUNSEL FOR COMPLAINANT

COMPLAINANT