

**BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT SOUTHERN
BENCH**

Application No.53 of 2020

Between

**Olympia Grande Apartment Owners Welfare
Association, Pallavaram Registration No.569/2016,**
Represented by its Secretary Mr.S.Chandrasekar,
No.328, GST Road, Pallavaram,
Chennai – 600 043.
Email ID :ogaowa2016@gmail.com
Phone No. 9381011008

... Applicant

AND

1. M/s.KSM Nirman Private Ltd.,
Represented by its Managing Director,
No.1, SIDCO Industrial Estate, Guindy,
Chennai – 600 032.
Email ID :sales@olympiagroup.in
Phone No. 044 – 4356 3773 and two others.

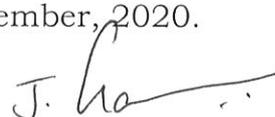
... Respondents

TYPED SET OF PAPERS

SL NO	DATE	DOCUMENTS	PAGE NO
1	01.11.2017	Notice issued by the Municipal Commissioner to 1 st Respondent in Na.Ka.No.2081/2016/E3	01
2	09.11.2020	Order of the Hon'ble Tamil Nadu Real Estate Appellate Tribunal, Chennai	02 – 12
3	27.11.2020	Email sent by the Applicant to Hon'ble Chief Ministers Special cell, 2 nd and 3 rd Respondents and also to other officials	13
4	09.12.2020	Email sent by the Applicant to the District Collector, the Assistant Commissioner of Police and other officials	14 - 19
5	--	Compact Disk (CD) containing copy of videos	20

It is certified that the above mentioned documents are true copy of the original documents.

Dated at Chennai on this 18th day of December, 2020.



Counsel for the Applicant

அறிவிப்பு

பல்லவபுரம் நகராட்சி அலுவலகம்
குரோம்பேட்டை,
சென்னை-44.

ந.க. எண்.2081/2016/இ3

நாள். 01.11.2017

பொருள்: இயற்கை இடர்பாடு - வடகிழக்கு பருவமழை - பல்லவபுரம் நகராட்சி - காஞ்சிபுரம் மாவட்டம் - பல்லாவரம் வட்டம் - தாம்பரம் கோட்டம் - ஈசா பல்லாவரம் கிராமம் - M/s கே.எஸ்.எம். நிர்மான் ஒலிம்பியா டெக் பார்க் பிரைவேட் லிமிடெட் நிறுவனத்தின் - G.S.T சாலையிலுள்ள அடுக்குமாடி குடியிருப்பு கட்டிடத்திலிருந்து மழைநீருடன் கழிவுநீர் அனைத்தும் தேசிய நெடுஞ்சாலையில் வெளியேறுதல் - பொதுமக்களுக்கு மற்றும் போக்குவரத்துக்கு இடையூறு ஏற்படும் வண்ணம் - Crpc சட்டப்பிரிவு 133ன் கீழ் நடவடிக்கை எடுக்க அறிவுறுத்தல் சம்மந்தமாக.

பார்வை: உட்கோட்ட நடுவர் மற்றும் வருவாய் கோட்டாட்சியர், தாம்பரம் அவர்களின் செயல்முறை கடிதம் ந.க.எண்.1151/2017/ஆ, நாள்.31.10.3017.

பார்வையில் காணும் வருவாய் கோட்டாட்சியர், தாம்பரம் அவர்களின் செயல்முறை கடிதத்தில் காஞ்சிபுரம் மாவட்டம், பல்லாவரம் வட்டம், தாம்பரம் கோட்டம், ஈசா பல்லாவரம் கிராமம் M/s கே.எஸ்.எம். நிர்மான் ஒலிம்பியா டெக் பார்க் பிரைவேட் லிமிடெட் நிறுவனத்தின் G.S.T சாலையிலுள்ள 695 குடியிருப்புகள் கொண்ட தங்களுடைய அடுக்குமாடி குடியிருப்பு கட்டிடத்திலிருந்து சுத்திகரிக்கப்படாத கழிவுநீர் தேசிய நெடுஞ்சாலையில் வெளியேறுவதை பார்வையில் கண்ட உத்திரவின்படி கழிவுநீர் வெளியேறுவது தடைசெய்யப்படுகிறது.

இவ்வத்திரவினை கண்டு இனிமேற்கொண்டு மீறும் பட்சத்தில் தங்கள் மீது Crpc சட்டப்பிரிவு 133ன் கீழ் மற்றும் பொது சுகாதார சட்டத்தின் கீழ் நடவடிக்கை மேற்கொள்ளப்படும் என்பதை இதன் மூலம் அறிவிக்கப்படுகிறது.

ஆணையாளர்

பல்லவபுரம் நகராட்சி

பெறுநர்

M/s கே.எஸ்.எம். நிர்மான் ஒலிம்பியா டெக் பார்க் பிரைவேட் லிமிடெட்,
எண்.328, ஜி.எஸ்.டி ரோடு, பல்லாவரம், சென்னை-600 043.

(Email.Id: sales@olympiagroup.in)

நகல்

உட்கோட்ட நடுவர் மற்றும் வருவாய் கோட்டாட்சியர், தாம்பரம்.

நகல் பணிந்து சமர்ப்பிக்கப்படுகிறது

1. மாவட்ட ஆட்சித்தலைவர் காஞ்சிபுரம்.
2. நகராட்சி நிர்வாக மண்டல இயக்குநர், செங்கற்பட்டு (இ) தாம்பரம்.

BEFORE THE TAMIL NADU REAL ESTATE
APPELATE TRIBUNAL (TNREAT)

(Tamil Nadu, Puducherry, Andaman &
Nicobar Island)

(Under the Real Estate Regulation
and Development Act 2016)

Dated : 09.11.2020

Coram : Mr.Justice B.Rajendran, Chairperson
Mr.N.Balasubramanian, Judicial Member
Ms.Leena Nair, Administrative Member

Appeal No.75 of 2019

Olympia Grande Apartment Owner's Welfare
Association, Pallavaram Registration

... Appellant(s)

Vs

M/s.KSM Nirman Private Limited

... Respondent(s)

This appeal was taken on file on 26.11.2019 and came up for final hearing on 13.10.2020 in the presence of M/s. Hari Radhakrishnan, G.Derrick Sam, G.Vijayabalan, N.Ahilandeeswari, J.Ganesh Ram, Advocates for the Appellants. The respondents appeared through M/s.Fox Mandal & Associates, P.Jayaprakash, J.John Zachariah, M.V.V.N. Sivanthy, Vijay R Sekar Advocates. Having heard the arguments of both sides through video conferencing and having stood over for consideration till this day and this Tribunal delivered the following:

ORDER

1. The appellant is the Olympia Grande Apartments Owners' Welfare Association and the respondent is the promoter. The appellant preferred a complaint in C.No.327/2019 before the Regulatory Authority for the relief of handing over of Corpus Fund, documents, direction to rectify anomalies and deviation and damages and also to fulfill the promises and commitments at the time of sale. The respondent/promoter would contend that the completion certificate for the 16 residential flats have been obtained prior to the notification of the RERA. The promoter had completed 16 residential towers and handed over possession in 2016 itself. The 17th tower is a commercial tower consisting of serviced apartments. On the above said contentions the authority came to a

conclusion that all the 16 residential towers have been completed and handed over possession as well as completion certificates for these 16 residential towers obtained prior to the Act coming into force, the complaint is not maintainable and is ordered accordingly. Aggrieved upon that the appellant/allottee association came forward with this appeal.

2. The learned counsel for the appellant would submit that the project includes 17 towers consisting of A (9 towers) B (3 towers) C (1 tower) D (1 tower) E (1 tower) F (2 towers) and planning permit has been applied by the developer and permission granted by CMDA on 26.04.2012. All the 788 owners have paid for the UDS for the total common area and has right and privilege for the use of common area for the common purposes. Olympia Grande by its name and premises plan approval is one and unique and all the 788 allottees have UDS in the total area of the premises and can enjoy the property right of common area and no way it is separated as stand alone. Therefore, there is no relevancy for the 3 partial completion certificates. Further would submit that the partial completion certificate dated 13.05.2015, 6.11.2015 and 15.02.2016 have no legal sanction to issue any partial completion certificate. The promoter has applied for completion certificate on 31.05.2017 in any event on the date of coming into force of RERA Act 2016. The promoter did not have a valid completion certificate. The application for completion certificate was made only on December 2017. Further would submit that on the date of coming into force of Section 3 of the RERA Act 2016 the respondent had not even applied for completion certificate. Therefore the subject project was an ongoing project. Lastly, the appellant's counsel would submit that the 17th tower of the integrated project was converted from residential to commercial in blatant violation of provision of Section 14 (2) (ii) of RERA 2016. Hence, the appellant prayed to setaside the order of the Authority.

3. The learned counsel for the respondent/builder would submit that the project of the promoter commenced in the year 2012, possession handed over in the year 2015 and appellant association itself formed in the year 2016. Hence prima facie the complaint itself is not maintainable. Further would submit that the intention of the developer to take up commercial development has been

incorporated in the contract executed with the allottees. In addition the allottees have also been informed about the project being developed in phases and not at a time vide clause 26 of the construction agreement. On 6.7.2017 itself intimation of handing over of common area maintenance to the Apartments' Owners Welfare Association, even then, they have not taken any steps to take charge of the maintenance. In fact to establish bonafide the developer has deposited the corpus fund with interest in a fixed deposit with the Federal Bank and the copy of the receipt and statement of accounts of the corpus fund were informed to the Appellant. But the Appellant has not produced the register of members to substantiate its claim of being the rightful association. In fact there is a dispute between the apartment owners and there was a complaint before the District Registrar (Administration) cum Registrar of Societies against the appellant on the grounds of mismanagement. Any how the respondent/developer completed the project and handed over the possession before the Act came into force. Hence the complaint itself is not maintainable. So the authority rightly came to a correct conclusion. So there is no chance for interference. Therefore the appeal has to be dismissed.

4. Points for consideration:

1. Whether the complaint is maintainable?
2. Whether the appeal deserves to be allowed or not?

Point No.1:

5. Perused both side contentions. On perusal the Appellant came forward with the complaint for the relief of handing over of corpus fund and documents and for rectification of some defects in construction. The appellant has not prayed for registration of project. The only contention raised by the promoter/respondent is that the apartments have been completed and handed over possession in the year 2015 i.e., before the RERA Act came into force. So the RERA has no jurisdiction to entertain the complaint. The authority has decided the complaint of the appellant as not maintainable since the project has been completed in the year 2015 and handed over possession before the RERA Act came into force.

The Learned Authority has not considered the relief sought for by the appellant and the impugned order is not with regard to maintainability alone. In such circumstances the Learned Authority ought to have decided that the relief sought for by the appellant is, why not maintainable before the RERA Authority and what is the remedy for their grievances have not been discussed. On the side of the appellants they have relied CMDA letter to the appellant regarding deviation from approved plan as a precedent. The appellant has relied the order In Complaint No.35 of 2018 of the RERA, Chennai and also relied the confirmation order for. Appeal No.5 of 2018 by the Division Bench of the Hon'ble Madras High Court in CMA No.2287/2019 and also relied the Order of Haryana RERA Gurugram in Complaint No.7 of 2018 dated 21.8.2018. Before going to discuss the merits of the appeal first of all we have to decide whether the complaint is maintainable or not.

6. The Real Estate (Regulations and Development) Act 2016 published in gazette on 26.03.2016 Section 1 came into force. Section 2, Sections 20 to 39, Sections 41 to 58, Sections 71 to 78, Sections 81 to 92 came into force on 01.05.2016 Section 3 to 19, 40, 59 to 70, 79 and 80 came into force on 01.05.2017. The Real Estate Act Tamil Nadu Rules 2017 came into force on 22.06.2017. Section 3 of the RERA Act dealt with prior registration of Real Estate project with RERA. In this case admittedly the respondent's project was completed and handed over possession in the year 2015 and there is no dispute. On the side of the appellant the only contention is that the Corpus Fund of the project, documents regarding the real estate projects have not been handed over or rectified the deviation and paid damages. These are the reliefs sought for by the Appellant before the Authority. After handing over possession without rectifying the above items, as narrated in the relief, whether the promoter can be relieved from the clutches of the law. This is the main question to be answered first. In this RERA Act there is a specific word for the ouster of civil court jurisdiction contemplated u/s 79 which runs as follows :

79. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Authority or the adjudicating officer or the Appellate Tribunal is empowered by or under

this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

7. According to this provision no civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Real Estate Authority or the Adjudicating Officer or the Appellate Tribunal is empowered under this Act. Under this Act what are the facts to be determined is narrated and emphasized in the background of the Act or preamble of the Act. The Loksabha Standing Committee on Urban Development has filed its report (Thirtieth report of fifteenth Loksabha). In this draft report of the Real Estate (Regulation and Development) Bill 2013 in Chapter 1 the background of the bill is stated as follows:

The real estate sector plays a catalytic role in fulfilling the need and demand for housing and infrastructure in the country. While this sector has grown significantly in recent years, it has been largely unregulated. There is, thus, absence of professionalism and standardization and lack of adequate consumer protection. Though the Consumer Protection Act, 1986 is available as a forum to the buyers in the real estate market, the recourse is only curative and is inadequate to address all the concerns of buyers and promoters in that sector. The lack of standardization has been a constraint to the healthy and orderly growth of industry. Therefore, the need for regulating the sector has been emphasized in various forums. Though availability of loan both through private and public banks have become easier, the high rate of interest and the higher EMI has posed additional financial burden on the people with the largely unregulated Real Estate and Housing Sector. Consequently the consumers are unable to procure complete information or enforce accountability against builders and developers in the absence of an effective mechanism in place. At this juncture the need for the Real Estate (Regulation and Development) Bill is felt badly for establishing an oversight mechanism to enforce accountability of the Real Estate Sector and providing adjudication machinery for speedy dispute redressal.

The above background of the bill emphasized the following:

1. Absence of professionalism
2. Absence of standardization.
3. Lack of adequate consumer protection.
4. Absence of an effective mechanism.
5. To enforce accountability.
6. Providing adjudication machinery for speedy dispute redressal.

7

8. The legislature while enacting the RERA Act they have considered the above said points and carefully worded and incorporated Section 71(1) proviso, Section 79 and 88 which are as follows:

Power to adjudicate:

Section 71. (1) For the purpose of adjudging compensation under sections 12, 14, 18 and section 19, the Authority shall appoint in consultation with the appropriate Government one or more judicial officer as deemed necessary, who is or has been a District Judge to be an adjudicating officer for holding an inquiry in the prescribed manner, after giving any person concerned a reasonable opportunity of being heard:

Provided that any person whose complaint in respect of matters covered under sections 12, 14, 18 and section 19 is pending before the Consumer Disputes Redressal Forum or the Consumer Disputes Redressal Commission or the National Consumer Redressal Commission, established under section 9 of the Consumer Protection Act, 1986, on or before the commencement of this Act, he may, with the permission of such Forum or Commission, as the case may be, withdraw the complaint pending before it and file an application before the adjudicating officer under this Act.

Bar of Jurisdiction:

Section 79. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Authority or the adjudicating officer or the Appellate Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Application of other laws not barred:

Section 88. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

9. Section 71 dealt with power to adjudicate by the adjudicating officer under Sections 12,14,18 and 19 of the RERA Act. In this provision, there is a proviso clause was included in which it has been specifically contemplated that any person whose complaint in respect of matters for compensation etc is pending before the Consumer forum on or before the commencement of this Act, he may, with the permission of such Forum withdraw the complaint and filed before the adjudicating officer under this Act. Section 79 dealt with Bar of Jurisdiction. This provision contemplates that no civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Authority or the Adjudicating Officer or the Appellate Tribunal is empowered by or under

this Act to determine. Section 88 dealt with application of other laws not barred. This provision of the Act shall be in addition to, and not in derogation of, the provisions of any other law. So the legislature expressed their intention to emphasize the above said six points stated supra that though the Consumer Protection Act 1986 is available as a forum to the buyers in the real estate market, the recourse is only curative and is inadequate to address all the concerns of buyers and promoters in that sector. So they have incorporated the proviso clause in Section 71(1) of RERA Act to withdraw the complaint under Consumer Forum and to file the same before the Regulatory Authority, Adjudicating Officer for the same grievances for the purpose of speedy dispute redressal. At the same time the legislature has barred the jurisdiction of civil court to deal with the grievances under the construction industry and further enacted Section 88. At the same time further enacted Section 88 as the provisions of RERA shall be in addition to the provisions of law and not in derogation. These are the intentions of the legislature. From the above said intention it reflects the applicability of the Act is not limited to the registered projects alone. In this RERA Act no where stated that these provisions of RERA are applicable to the registered projects alone.

10. Ultimately the intention of the legislature is to bring the disputes and grievances regarding Real Estate sector under the single roof namely RERA Act. So they have not specifically provided where the RERA Act is applicable to the projects which were completed before the Act came into force or applicable only to the projects which are on going on the date of commencement of the Act. For the purpose of registration of project alone Section 3 is contemplated and Rule 2(h) were incorporated. Regarding grievances, claims and to enforce rights and liabilities of the homebuyers and the promoters, the RERA Act is applicable without any limitation. Section 14(3) of RERA Act runs as follows:

Section 14(3) 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.

Section 11 deals with Functions and duties of promoter.

11. (1) The promoter shall, upon receiving his Login Id and password under clause (a) of sub-section (1) or under sub-section (2) of section 5, as the case may be, create his web page on the website of the Authority and enter all details of the proposed project as provided under sub-section (2) of section 4, in all the fields as provided, for public viewing, including—

- (a) details of the registration granted by the Authority;*
- (b) quarterly up-to-date the list of number and types of apartments or plots, as the case may be, booked;*
- (c) quarterly up-to-date the list of number of garages booked;*
- (d) quarterly up-to-date the list of approvals taken and the approvals which are pending subsequent to commencement certificate;*
- (e) quarterly up-to-date status of the project; and*
- (f) such other information and documents as may be specified by the regulations made by the Authority.*

As per Section 14(3) of RERA Act, the 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 the same. In this provision the legislature specifically mentioned the period of limitation as five years. In Section 11 (4) (a) proviso clause the responsibility of the promoter extended beyond the period of five years as contemplated in section 14(3) and shall continue even after the conveyance deed of all the apartments, plots or buildings, as the case may be, to the allottees are executed. So even if all the apartments were handed over and the sale deeds executed even then for the structural defect or any other defect the promoter is liable and the responsibility is fixed without any limitation. The above said provisions are contemplated in this Act since it is a welfare legislation not only for the allottees but also for the promoters. Now let us decide this issue on the basis of the intention of the legislature.

11. In this case the appellant/complainant came forward before the Authority for the relief of handing over of Corpus Fund, documents, to rectify anomalies and deviation and damages. The appellant/complainant has not prayed for registration of project and moreover the appellant/complainant has not pleaded about the ongoing project. The only grievance of the appellant with regard to Section 11. Section 11 dealt with functions and duties of the promoter. According to the appellant, the promoter failed to do the duties and directed him to do the duty by way of complaint. The promoter would contend that already provided Fixed Deposit with regard to Corpus Fund and there is an internal dispute with regard to the association they are agitating before the different forum. Hence there is no mistake on the part of the respondent. It reflects from the documents produced by the respondent. So both the appellant and the respondent contended before the Authority regarding their stand with regard to the complaint. Now the only redressal forum is contemplated in the preamble of the RERA Act is Regulatory Authority under RERA Act. Other forum to redress grievances is the civil court. It was also barred and pending complaint is also permitted to withdraw from the consumer forum. In such circumstances the only ways and means open to the aggrieved party under construction industry is the provisions of RERA Act. Hence the appellant approached the Regulatory Authority rightly and the RERA provisions also specifically contemplated with regard to redress grievances under the RERA Act irrespective of their registration. Moreover it is also the intention of the legislature if the dispute between the appellant and the respondent are not redressed before the Authority under RERA Act the purpose of the Act will be defeated. Hence this Tribunal comes to a conclusion that the complaint of the appellant is absolutely maintainable before the Regulatory Authority, since there is no other ways and means for the appellant to redress their grievances. The point No.1 is answered accordingly.

Point No.2:

12. The Learned Authority has passed order as the complaint is not maintainable. The above said Order in paragraph 30 runs as follows:

"In as much as all the 16 residential Towers have been completed and handed over possession as well as the completion certificates for these 16 residential towers obtained prior to the Act coming into force, the Complaint is not maintainable and is ordered accordingly."

The Learned Authority came to a conclusion on the ground that 16 residential towers have been completed and handed over possession as well as completion certificate for that 16 towers. Hence the complaint is not maintainable. The relief sought for by the appellant is no way connected with the completion of 16 towers. The Learned Authority has not considered the relief claimed by the appellant, on the basis of the relief claimed by the appellant/complainant alone the maintainability has to be decided. In this case the Learned Authority, without considering the relief claimed by the appellant and not even discussed anything about the relief claimed by the appellant and simply accepted the plea of the respondent/promoter and has held that the complaint is not maintainable. The legislature intended to redress the grievances of the homebuyer or promoter under the provisions of the RERA Act. That is why they have incorporated Section 71 proviso clause and Section 79 of the RERA Act. The appellant/complainant sought for the relief on the basis of the duties and responsibilities of the promoter which is contemplated under section 11 of RERA Act. For this relief the appellant/complainant cannot approach the civil court since there is a specific bar under section 79 of RERA Act. Therefore, the only way open to the appellant/complainant is under RERA Act. So as per Section 11 of the RERA Act the complaint is absolutely maintainable and as decided in point No.1 of this order the intention of the legislature is also to redress the grievances through the RERA Act. The Learned Authority without considering these provisions and intention of the

legislature simply dismissed the complaint as not maintainable is not sustainable and it is against the RERA Act itself. In such circumstances this Tribunal comes to a conclusion that this appeal is deserves to be allowed. The point No.2 is answered accordingly.

13. In the result this appeal is allowed and order of the Regulatory Authority in C.No.327/2019 dated 6.11.2019 is set aside and the Regulatory Authority is directed to restore C.No.327/2019 to file and dispose the complaint on merits within 3 months. No costs. The connected Miscellaneous Applications are closed.

This Order is dictated to the Stenographer, transcribed and typed in the computer by her, corrected and pronounced by us in the open court on the 9th day of November 2020.

Sd/- XXXX
CHAIRPERSON

Sd/- XXXX
ADMINISTRATIVE MEMBER

Sd/- XXXX
JUDICIAL MEMBER

13

Violation of PCB norms - reg

1 message

OGA OWA <ogaowa2016@gmail.com>

Fri, Nov 27, 2020 at 12:23 PM

To: forsec@tn.gov.in, tnpcb-chn@gov.in, tnpcbmmnagar@gmail.com, cmcell@tn.gov.in, msecytseiaa@yahoo.com, nstnseiaa@yahoo.com, ro.moefccc@gov.in, ec@nic.in, monitoring-ec@nic.in

Cc: Narayanamurti Hariharan <dr.hnm1963@gmail.com>, chandrasekar sitaraman <sekarbpcl@gmail.com>, THOLCOPPIAN VURUGESAN <tholcoppian@gmail.com>, Balaji S <balajics.mails@gmail.com>, hay_rams@yahoo.com, sakthivelswaminathan@gmail.com

Ref : Our letters dated 15.10.2019, 07.12.2019, 19.01.2020, 13.02.2020 & 25.02.2020.

We would like to inform you that the developer of Olympia Grande, No.328, GST Road, Pallavaram, Chennai project is maintaining Sewage Treatment Plants without adhering to PCB norms and consent to operate. They are regularly discharging untreated sewage water into the storm water drain.

There are two plants in the capacity of 315 KLD & 165 KLD and the name of the developer is

The Managing Director
KSM Nirman Private Ltd
No.1, SIDCO Industrial Estate, Guindy
Chennai - 600032

We herewith attach the video proof on violation of PCB norms and the residents are highly affected as well as objecting to the violations of the developer.

You are requested to take necessary actions against the developer and implement PCB norms and protect the environment.

Thanks & Regards

For Olympia Grande Apartment Owners' Welfare Association

S Chandrasekar
Chief Secretary
(M) : 7010076599

 **OG STP violation II.mp4**
12670K

OLYMPIA GRANDE APARTMENT OWNERS' WELFARE ASSOCIATION, PALLAVARAM

Registration No. : 569/2016

No.328, G.S.T. Road, Pallavaram, Chennai - 43.

Email ID : ogaowa2016@gmail.com Website : http://www.ogaowa.com

December 9, 2020

The Principal Secretary of Government
Environment and Pollution Control Department
Secretariat, Tamil Nadu
Chennai – 600009
e.mail: forsec@tn.gov.in

The Chairman
Tamil Nadu Pollution Control Board
76, Mount Salai
Guindy, Chennai-600032
e.mail : tnpcb-chn@gov.in

✓ The Member Secretary,
State Level Environment Impact Government of
Assessment Authority, Tamilnadu
3rd Floor, Panagal Maaligai, No. 1, Jeenis Road
Saidapet, Chennai – 600015
e.mail: mstnseiaa@yahoo.com

The District Environmental Engineer
Tamil Nadu Pollution Control Board,
Maraimalai Adigalar Street,
Maraimalai Nagar, Chennai-603209
e.mail: tnpcbmmnagar@gmail.com

Dear Sir,

Sub: Violation of Pollution control norms – reg

Ref: 1. Our letters dated 15.10.2019, 07.12.2019, 19.01.2020, 13.02.2020, 25.02.2020 & 01.06.2020
2. Our complaint email dated 27.11.2020

We would like to inform you that developer, The Managing Director, M/s.KSM Nirman Private Ltd, No.1, SIDCO Industrial Estate, Guindy, Chennai - 600032 are maintaining two Sewage Treatment Plants (315 KLD & 165 KLD) at Olympia Grande premises, No.328, GST Road, Pallavaram, Chennai-600043. Both plants are operated without adhering PCB norms and environmental clearance. They do not have valid consent to operate both plants under Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974

They are regularly pumping and discharging untreated sewage into the rain water drain channel whenever raining. We have made complaint today at 2 PM and Mr.S.Senthil Kumar, Assistant Engineer from Pollution Control Board, Chengalpattu visited the site and caught them red handed while pumping and discharging untreated sewage into the rainwater drain channel at 4 PM today. Proof of video & photographs are attached for your kind perusal.

OYO Townhouse a residential hotel which is situated in C tower is regularly pumping and discharging untreated sewage into the basement area.

We request you to take necessary action against the developer and ensure the developer is adhering the Environmental clearance issued by State Level Environment Impact Assessment Authority vide letter

भारतीय डाक
 ET292520511SN ITR:6984292520
 SF BNPL HUB ST. THOMAS MOUNT
 Counter No:2.10/12/2020.17:30
 To:PRINCIPAL SEC,ENVIRONMENT AND
 PIN:600009, Foré St George S.O
 From:SECRETARY,OLYMPIA GRANDE &
 Wt:370gms
 Amt:17.70(Cash)Tax:2.70
 (Track on www.indiapost.gov.in)
 (Dial 19002666868) (Wear Masks, Stay Safe)

भारतीय डाक
 ET292520511SN ITR:6984292520
 SF BNPL HUB ST. THOMAS MOUNT
 Counter No:2.10/12/2020.17:30
 To:CHAIRMAN TM P. HOONTI GALAI
 PIN:600002, Guindy Industrial Estate S.O
 From:SECRETARY,OLYMPIA GRANDE &
 Wt:370gms
 Amt:17.70(Cash)Tax:2.70
 (Track on www.indiapost.gov.in)
 (Dial 19002666868) (Wear Masks, Stay Safe)

भारतीय डाक
 ET292520511SN ITR:6984292520
 SF BNPL HUB ST. THOMAS MOUNT
 Counter No:2.10/12/2020.17:30
 To:MEMBER SECY,PARADISE HALLIGAI
 PIN:600013, Saidapet S.O (Chennai)
 From:SECRETARY,OLYMPIA GRANDE &
 Wt:370gms
 Amt:17.70(Cash)Tax:2.70
 (Track on www.indiapost.gov.in)
 (Dial 19002666868) (Wear Masks, Stay Safe)

OLYMPIA GRANDE APARTMENT OWNERS' WELFARE ASSOCIATION, PALLAVARAM

16

Registration No. : 569/2016

No.328, G.S.T. Road, Pallavaram, Chennai - 43.

Email ID : ogaowa2016@gmail.com Website : <http://www.ogaowa.com>

ref SEIAA/TN/F.453/EC/8(a)/145/2011 dated 16.04.2013 and letter no. SEIAA-TN/F 453/KPM/8(a)/EC-145-Amdt/2011 dated 24.02.2015 and to produce treated sewage for recycling water purpose (190 KLD for flushing & 21 KLD for gardening). Failing which the necessary orders may be passed to withdraw the environmental clearance dated 16.04.2013 and 24.02.2015 and protect the environment and public health.

Yours faithfully

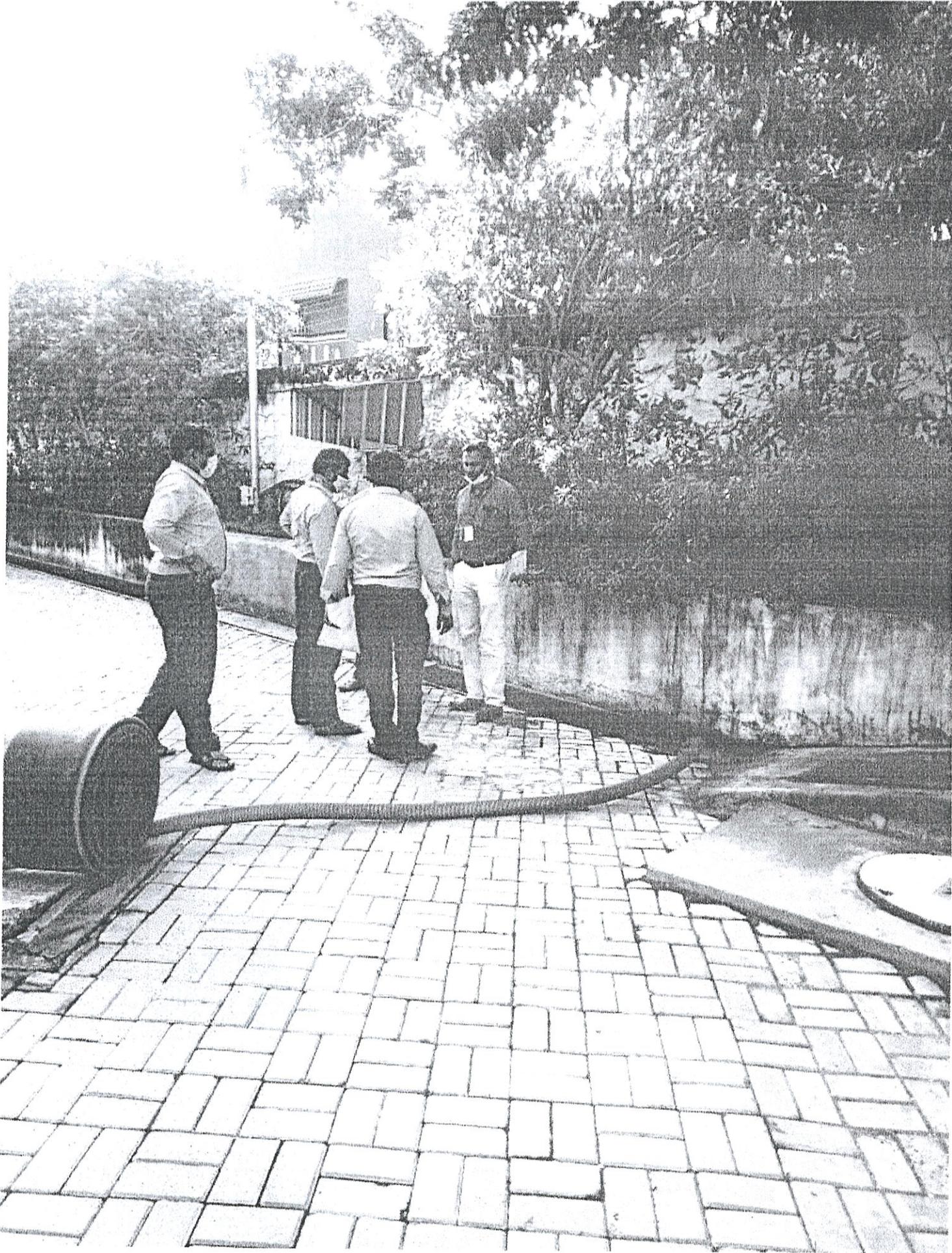
For Olympia Grande Apartment Owners' Welfare Association



S Chandrasekar
Chief Secretary
(M) : 7010076599



" Service to Humanity is Service to God"





(19)



Not Synchronized
Local Time: 2020-4-25 2:07:51
20° N 80° W 5' E

**BEFORE THE NATIONAL GREEN
TRIBUNAL SITTING AT SOUTHERN
BENCH**

Application No.53 of 2020

Between

**Olympia Grande Apartment Owners
Welfare Association, Pallavaram
Registration No.569/2016,**

Represented by its Secretary
Mr.S.Chandrasekar,
No.328, GST Road, Pallavaram,
Chennai – 600 043.
Email ID :ogaowa2016@gmail.com
Phone No. 9381011008

... Applicant

AND

1. M/s.KSM Nirman Private Ltd.,
Represented by its Managing Director,
No.1, SIDCO Industrial Estate,
Guindy,
Chennai – 600 032.
Email ID :sales@olympiagroup.in
Phone No. 044 – 4356 3773 and two
others.

... Respondents

TYPED SET OF PAPERS

M/s. HARI RADHAKRISHNAN

[Ms.1235/2007]

G. DERRICK SAM [Ms.1216/2007]

G. VIJAYABALAN [Ms.2044/2000]

N. AHILANDEESWARI

[Ms.1228/2007]

N. SHANMUGA THAYUMANAVAN

[Ms.1270/2007]

V.C. AKSHAYA [Ms. 3676/2017]

J. GANESH RAM [Ms. 3457/2019]

COUNSEL FOR THE APPLICANT