

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI.

ORIGINAL APPLICATION NO.49 OF 2019 (SZ)

Meenava Thanthai K.R. Selvaraj Kumar

Meenavar Nala Sangam, rep. by its

President M.R. Thiyagarajan

...Applicant

Vs

State of Tamil Nadu & others

...Respondents

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**Filed by
Thiru. C. Kasirajan,
Advocate, Chennai.**

Report on assessing environmental compensation for the withdrawal of ground water in CRZ area by M/s. Voora Property Developers Private Ltd at R.S. No.:4061/4 of Block No.:78, Old S.No.3761, 3762 & 3763 of Tondiarpet Village, Tondiarpet Taluk, Chennai District, Tamil Nadu as per Hon'ble NGT order dt: 06.10.2020 in O.A. No.49 of 2019.

It is respectfully submitted that Hon'ble NGT (SZ), Chennai in the order dt: 06.10.2020 in O.A. No.49 of 2019 (SZ) issued the following direction.

"We direct the committee to consider the question as to who has dug the old bore well which they found in the property and if there is any extraction of water by the 4th respondent, then they will have to take that also into account for the purpose of assessing environmental compensation. In the mean time, they are directed to serve copy of the further report to the fourth respondent as well so that if they want, they can file objection to the same. They are directed to file further report, taking into account the observations made above, after considering the objection to be raised by the project proponent in this regard, while making site inspection for addressing this aspect".

It is respectfully submitted that the Joint Committee comprising the following members

- 1) Thiru. T. Murugu Subramonian, Member – SEAC
- 2) Thiru. B. Sugirtharaj Koilpillai, Member – SEAC and
- 3) Thiru. S. Vijayarajan, District Environmental Engineer, TNPCB

inspected the Voora properties project site on 10.01.2020 and 11.02.2020 based on the directions issued by Hon'ble NGT (SZ), Chennai in the order dt: 19.12.2019 and 16.01.2020 respectively and assessed the environmental compensation for violating the provisions of Environment Protection Act as Rs. 11,47,500 (Rupees Eleven Lakhs forty seven thousand and five hundred only) and submitted the following report.

1. The project is in its foundation level (below ground level) and there appears to be no variation between the approved plan and field measurements.

2. The Green Belt area works out to 1065 sq.m., and the proponent has provided sufficient space all along the boundary (minimum 3mts) to form the green belt on completion of the project.

3. No Objection Certificates from Fire Service and Airports Authority of India have been obtained. Clearance from Coastal Zone Management Authority has also been obtained.

4. The Structural Design has been approved by the Professor, Division of Structural Engineering, Department of Civil Engineering, Anna University, Chennai and reviewed and found to be in order by Executive Engineer, PWD, Buildings Centre and Conservation Division, Chepauk, Chennai.

5. The Committee observed that violation is commencing the work before getting Environmental Clearance as per Environment Protection Act, 1986 from State Environment Impact Assessment Authority, Tamilnadu. As the work is at foundation level, the environmental damage caused is negligible.

Subsequently, As per the direction of the Hon'ble NGT (SZ) dt: 27.07.2020, the Joint Committee consisting of the following members

- 1) Thiru. T. Murugu Subramonian, Member – SEAC
- 2) Thiru. B. Sugirtharaj Koilpillai, Member – SEAC and
- 3) Thiru. R. Umaiyakunjaram, District Environmental Engineer, TNPCB

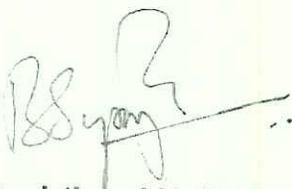
inspected the Voora Properties Project site again on 02.10.2020, reassessed the environmental compensation for violating the provisions of Environment Protection Act as Rs. 12,37,500 (Rupees Twelve Lakhs thirty seven thousand five hundred only) and submitted the following report.

It is submitted that there was no bore well or open well in the project site at the time of inspection on 10.01.2020. The project proponent had informed the

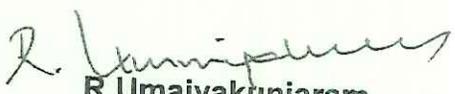
Joint Committee that all the construction works were carried out using Ready Mix Concrete (RMC) purchased from outside agencies and water required for curing was purchased from outside and transported by water tankers. The project proponent also informed that there was an old bore well in the site at the time of purchase which was closed as the water in the old bore well was unfit for any purpose. The committee observed and verified the documents furnished by the project proponent and concluded that no ground water was extracted in the project site. The contention of the petitioner in this regard may be dismissed unless the petitioner produces any material evidence.

It is respectfully submitted that during the inspections on 10.01.2020 11.02.2020 and 02.10.2020, the committee has not noticed any bore well in the said project area and the same was reported to the Hon'ble NGT (SZ). However as per the direction of the Hon'ble NGT (SZ) dt: 06.10.2020, the Joint Committee examined the documents of the project site and CRZ clearance issued to the project and observed in none of the records the availability or utilization of any bore well was mentioned.

It is respectfully submitted that if the petitioner furnishes any evidence regarding the availability of bore well in the project site at the time of execution of foundation works and drawal of ground water from the bore well for the construction purpose, the environmental compensation may be revised based on the material evidence produced by the petitioner and submitted to Hon'ble NGT (SZ).


Sugirtharaj Koilpillai,
Member - SEAC.


T. Murugu Subramonian,
Member - SEAC.


R. Umaiyakunjaram,
District Environmental
Engineer, TNPCB, Chennai.

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Advocate for Respondent No.2 & 3
Thiru.Kasi Rajan,
Advocate, Chennai.

Date:23.11.2020