

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE AT CHENNAI
ORIGINAL APPLICATION NO.53 OF 2020**

Olympia Grande Apartment Owners Welfare
Association, Pallavaram Regn.No.569/2016
Rep by its Secretary Mr. S.Chandrasekar
No.328, GST Road, pallavaram
Chennai – 600043
Email: ogaowa2016@gmail.com
Mobile: 9381011008

...Applicant

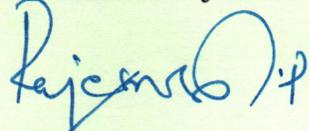
Versus

1. M/s.KSM Nirman Private Limited
Represented by Managing Director
No.1, SIDCO Industrial Estate, Guindy
Chennai – 600032
Email: sales@olympiagroup.in
Mobile: 044-43563773
2. Tamil Nadu Pollution Control Board
Represented by Member Secretary
No.76, Mount Salali, Guindy
Chennai – 600032
Email ID: tnpcbo-chn@gov.in
Phone: 044-22353134
3. The State Level Environmental Impact
Assessment Authority (SEIAA)
Represented by Member Secretary
3rd Floor, Panagal Maaligai
No.1, Jeenis Road, Saidapet
Chennai - 600015
Email ID: mstnseiaa@yahoo.com
Phone: 044-24359973

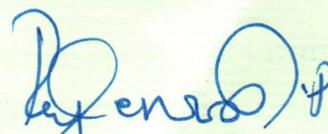
... Respondents

COUNTER AFFIDAVIT FILED BY THIRD RESPONDENT

I, Tmt.P.Rajeswari, I.F.S., Member Secretary, having office at State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN), Third Floor, Panagal Maaligai, Saidapet, Chennai - 600 015 do hereby solemnly affirm and sincerely state as follows:-


 Member Secretary
 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
 Panagal Maaligai, No.1, Jeenis Road,
 Saidapet, Chennai - 15

1. I respectfully submit that I am filing counter affidavit on behalf of 3rd Respondent herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.
2. I respectfully submit that at the outset, I deny the averments stated in the application as false except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
3. I respectfully submit that, the Environmental Impact Assessment Notification, 2006 mandates prior Environmental Clearance (EC) for new projects or activities including expansion, or modernization of existing projects listed in its Schedule. The Category 'A' projects shall obtain EC from the Central Government and Category 'B' projects from the concerned State Level Environment Impact Assessment Authority (SEIAA)/Union Territory Environment Impact Assessment Authority (SEIAA). The proposal will be placed before the State Expert Appraisal Committee (SEAC) for screening, scoping and appraisal; Based on the recommendations of SEAC, the proposal is placed before the State Environment Impact Assessment Authority (SEIAA) for the consideration of issue of Environmental Clearance. After detailed discussion and based on the documents furnished, Environmental Clearance is issued by the Authority.
4. I respectfully submit that the project proponent M/s. KSM Nirman Pvt Ltd, Olympia Technology Park, Guindy, Chennai has submitted the application to SEIAA-TN on 23.01.2011 seeking Environmental Clearance for construction of Residential Apartments – “OLYMPIA GRANDE”-at , Revenue S.F.No.32/1, 32/2, 32/3, 33/2, 33/2A, 33/2C, 36/1, 36/2, 36/3, 36/4, 36/5, 36/6, 37/1, 37/2, 37/4, 37/5, 37/6, 38/2A, 38/2B, 39/3, 39/4B1[p], 39/4B2 and New S.F No. 2, 4/1, 4/2, 5/1, 5/2, 6/1A, 6/1B, 6/1C, 6/1D, 8/1, 22/1, 23/1 & 24/1 in BlockNo-15, ward No- 'A', Door No.:328 GST Road of ISSA Pallavaram Village, Tambaram Taluk, Kancheepuram District
5. I respectfully submit that the project proposal involves to construct Residential apartments with Block A – B+S+11Floors – 9 Towers - 396 units, Block B – B+S+11 Floors – 3 Towers -132 units, Block C – B+S+11 Floors- 1



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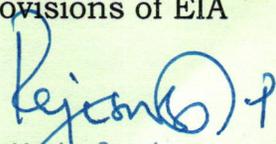
Tower - 44 units, Block D- B+S+11 Floors - 1 Tower - 33 units, Block E - B+S+11 Floors - 1 Tower - 29 units, EWS - B+S+11 Floors - LIG1 & 2 - 2 Towers - 154 units, Club House - B+S+ 4 Floors - 1 Tower. Total number of occupants is 4434. Total No. of dwelling units - 788. The area of the plot is 28613.94 m² and the built up area is 105554.91 m². The parking area as per report is 4469.96 m² and green belt area is 6009.63 m² (site green belt area - 3148.63 sq.m + OSR - 2861.00 sq.m).

Daily fresh water requirement for the project will be 375 KLD, which will be met from the Pallavaram Municipality source. Out of which 365 KLD will be used for the domestic purposes & 10 KLD for swimming pool. The sewage generated after treatment will be 414 KLD out of which 190 KLD will be recycled for flushing, 21 KLD will be utilized for gardening & 203 KLD will be disposed to CMWSSB sewer line.

Solid Waste generation has been projected as 2.66 MT/day out of which 1.6 MT/day of Biodegradable waste, the Organic sludge generation from STP of 60 Kgs/day will be treated through Organic waste convertor of 1.5 TPD capacity & digested waste will be used as manure for gardening and the 1.06 MT/day of Non-Biodegradable / recyclable waste will be handed over to the authorized vendors as reported.

The power required will be of 4914 KVA with backup power of 250 KVA DG set: 1 no. with 40 m stack height from ground level, 180 KVA DG set: 1 no. with 40 m stack height from ground level, 160 KVA DG set: 2 nos. with 40 m stack height from ground level each.

6. I respectfully submit that the above said project activity is covered in 8(a) of the Schedule and is of 'B2' 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, Annexures, and the additional clarifications furnished by the proponent, the SEAC in its 36th meeting held on 22.02.2013 recommended to the SEIAA, Tamil Nadu to grant Environmental Clearance to this project.
7. I respectfully submit that, the above said project was placed in the 68 State Level Environment Impact Assessment Authority Meeting held on 10.04.2013 and the proposal was discussed in detail and decided to issue Environmental Clearance. Accordingly, the SEIAA hereby accords Environmental Clearance to the above project under the provisions of EIA


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Notification dated 14th September, 2006 as amended, with validity for five years from the date of issue of Environmental Clearance, Subject to the condition and strict compliance of the terms and conditions stipulated therein vide this office Letter No. SEIAA/TN/F.453/EC/ 8(a)/145/2011 dated: 16.04.2013

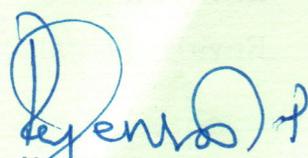
8. I respectfully submit that the project proponent M/s. KSM Nirman Pvt Ltd has applied to SEIAA-TN on 12.02.2015 for seeking amendment in Environmental Clearance issued by state level Environment Impact Assessment Authority for change of development plan of Block -C of the project due to utility reasons and amendment issued by SEIAA vide letter No. SEIAA/TN/F.453/EC/8(a)/145/2011 dated 16.04.2013 on the aforesaid residential project for the following:

Environmental Clearance was issued to the residential project for the construction of 6 residential blocks namely block - A to Block - F + 1 club house with total built up area of 1,05,554.91 sq.m providing 788 dwelling units. The project description mentioned in the Environmental Clearance as Follows:

Block A	B+S+11 Floors	9 Towers	396 dwelling units
Block B	B+S+11 Floors	3 Towers	132 dwelling units
Block C	B+S+11 Floors	1 Tower	44 dwelling units
Block D	B+S+11 Floors	1 Tower	33 dwelling units
Block E	B+S+11 Floors	1 Tower	29 dwelling units
Block F (EWS)	B+S+11 Floors	2 Towers (LIG 1 & 2)	154 dwelling units
Club House	B+S+4 Floors	1 Tower	--
Total			788 dwelling units

Now, it is sought for amendment in Environmental Clearance for the change in the development plan of Block - C due to utility reasons, as follows:

Block C	B+S+11 floors	1 Tower	108 service Apartments + 2 floors of Restaurants with kitchen & an office.
Total No. of dwelling units in the project = 744 dwelling units + 108 service apartments with connected amenities.			


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It is informed that due to the revision in the development plan of Block - C, there is only changes in the number of dwelling units in the project (i.e from 788 nos to 744 nos with an addition of 108 service apartments + Connected amenities) and no other changes in the other environmental components of the project. In this regard, an Affidavit in a non judicial stamp paper has been furnished by the project proponent to assure the same.

The subject matter was discussed in the 120th meeting of the SEIAA-TN held on 24.02.2015. The authority has resolved to issue amendment in the Environmental Clearance issued for the aforesaid project vide letter ref SEIAA/TN/F.453/EC/8(a)/ 145/2011 dated 16.04.2013 for the following changes as mentioned below:

- I) At para no.2, in the third line the sentence read as "Block C - B+S+11 Floors - 1 Tower - 44 Units" shall be now substituted as "Block C - B+S+11 Floors - 1 Tower - 108 service Apartments + 2 floors of restaurants with kitchen & an office".
- II) At para no.2, in the seventh line the sentence read as "Total no of dwelling units - 788" shall be now substituted as "Total no of dwelling units - 744 + 108 service apartments + 2 floors of Restaurants with kitchen & an office".

All other project details including conditions mentioned in the environmental clearance issued dated 16.04.2013 for the aforesaid residential apartments project shall remains the same.

9. I respectfully submit that the compliant dated 30.09.2019, 13.02.2020 from Olympia Grande Apartment Owners Welfare Association, Pallavaram received to SEIAA regarding non compliance of Environment Clearance. Hence, the said petitions were forwarded to State Pollution Control Board vide this office letter dated: 30.10.2019 and 25.02.2020 look in to the compliant petition, if any violation it is requested to take action under the Water (Prevention and Control) Act 1981 & the Air (Prevention and Control) Act.

10. I respectfully submit that as per the G.O.(Ms).No.29 dated:21.03.2020 issued by Environment and Forests (EC.3) Department has informed that:

"...10. The Government, after careful examination, accept the proposal of the Chairman, Tamil Nadu Pollution Control Board and


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empower the Tamil Nadu Pollution Control Board to monitor the compliances of the Environmental Clearance conditions further issuance of the compliance Certificate relating to Category "B" projects issued by the State Level Environment Impact Assessment Authority."

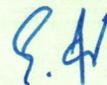
11. In view of the above mentioned facts, it is therefore humbly prayed that this Hon'ble Tribunal may be pleased to record and pass such order (or) any other orders as this Hon'ble Tribunal may deem to fit and proper in light of the facts and circumstances of this case and thus render justice.

Solemnly affirmed at Chennai
On this 14th day of February 2022
& signed his name in my presence


Before Me

Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeenis Road,
Saidapet, Chennai - 15

Attesting Officer



Assistant Environmental Engineer
State Level Environment Impact Assessment Authority-Tamilnadu
Third Floor, Panagal Maligai
Saidapet, Chennai - 600 015