

**BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI.**

Original Application No 79 of 2023

V. RAJAGOPALAN,
Tower No: 18, Door No: TF 36,
Ashiana Shubham, Phase 1,
Govindapuram, SP Koil,
Chengelpet Dist.,
Chennai-603 204.

..Applicant

Vs

Mr. Bharat. M. Jain, Director,
Escapade Real Estate Pvt Ltd.,
Ganapathy Colony, 3" Lane,
Off Cenotaph Road, Teynampet,
Chennai-600018 & 4 ord.

...Respondents

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

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1. Mr. Bharat. M. Jain, Director,
Escapade Real Estate Pvt Ltd.,
Ganapathy Colony, 3" Lane
Off Cenotaph Road,
Teynampet, Chennai-600018.
2. Mr. Ankur Gupta,
Managing Director,
Ashiana Housing Ltd.,
Club house building, Govindapuram,
SP Koil, Chengelpet District,
Chennai-603204
3. The Chief Environmental Engineer,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai - 600 032.
4. The Chairman,
State Level Environment Impact Assessment Authority,
3rd Floor, Panagal Maligai,
Saidapet, Chennai-600015.
5. The District Forest Officer,
RM9X+C54,
Cheyyar - Kanchipuram Road.
Gem Nagar, Kanchipuram,
Tamil Nadu – 631501

...Respondents

REPORT FILED ON BEHALF OF THE 3RD RESPONDENT
TAMIL NADU POLLUTION CONTROL BOARD

I, S.Rajan, S/o M.S.Subramanian, Hindu aged about 59 years, having office at No., 76, Mount Salai, Guindy, Chennai – 32, do hereby solemnly affirm and sincerely state as follows:-


1.12.24
ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
TAMIL NADU POLLUTION CONTROL BOARD
No.76, MOUNT SALAI, GUINDY,
CHENNAI-600 032.

1. I am the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai -600032 and i am filing this Report on behalf of the 3rd respondent TNPC Board and as such I am well acquainted with the facts of the case from the records available in this office.
2. I submit that I deny all the averments contained in the application except those that are specifically admitted herein. None of the allegations contained in the said application shall be deemed to be admitted merely for want of a specific denial/ traverse.
3. It is respectfully submitted that the unit of M/s. Escapade Real Estate Pvt Ltd, S.F No. 381/1A, 1B1,1B2, 3A, 3B,3C; 383/1A, 1B, 1C,3; 384; 385, 386; 387; 388; 389; 390; 393/12A1,12A2, 12A3, 12A4, 12A5, 12A6, 12A7, 393/15A2, 15B1, 15B2, 15B3, 15B4, 394 (Except 394/15); 437 (Except 437/5); 438, 439, Senkuntram Village, Chengalpattu Taluk, Chengalpattu District has obtained Environmental Clearance from the MoEF&CC, GoI, New Delhi vide letter dated 22.07.2008 for the Construction of residential complex comprise of 238 villas (G+1) and 368 apartments (stilt+4 floors) on a plot area of 1, 82,329.61 sq.m with the total built up area of 1, 15,492.88 sq.m.
4. It is respectfully submitted that the unit has obtained Consent for Establishment for construction of residential complex with total built up area of 1, 15,492.88 sq.m under Water (P&CP) Act, 1974 as amended and Air (P&CP) Act, 1981 as amended vide Board Proc. T16/TNPCB/13694/TBM – KPM/OL/W&A/ 2009 dated 25.06.2009 for the period valid up to 24.06.2011 or till the unit obtains consent to operate. The unit has constructed 185 nos of villa in the said location.
5. It is respectfully submitted that the unit has changed the proposal and obtained the separate Environmental Clearance from SEIAA, Tamil Nadu vide Lr.No. SEIAA/ TN/F.3814/ EC/8(a)/435/2015 dated 18.12.2015 for the construction of residential development comprising of Block A (G + 3 Floors) – 7 wings, Block B (G + 3 Floors) – 30 wings, Block C (G + 3 Floors) – 3 wings, Block D (G + 3 Floors) – 4 wings,


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Block E (G + 3 Floors) – 7 wings, Block F (G + 3 Floors) – 1 wing, Block G (G + 3 Floors) – 1 wing with total built up area of 90531.36 Sq.m. and with dwelling units- 936 Nos., for the sewage generation of 564 KLD and no trade effluent generation. The unit has proposed to provide DG set 250 KVA-1No and 500 KVA-2 nos.

6. It is respectfully submitted that the unit has obtained CTE vide Proceedings NO.T2 / TNPCB / F.1219MMN / RL / MMN / W&A /2020 dated: 19.02.2020 for the Construction of Residential development of Block A (G+3F)-7 Wings, Block B (G+3F) -30 Wings, Block C (G+3F)- 3Wings, Block D (G+3F)- 4 Wings, Block E (G+3F)- 7 Wings, Block F (G+3F)- 1 Wing, Block G (G+3F)- 1 Wing with 936 dwelling units 90531.36 sq.m valid up to 17/12/2022.
7. It is respectfully submitted that the unit has obtained CTO after CTE (Phase-I) vide Proceedings No.T2/TNPCB/F.1219MMN/RL/MMN/W&A/2021 dated:30.04.2021 valid up to 31/03/2022 for Construction of Residential development of Block A (G+3F)-2 Wings, Block B (G+3F) - 2 Wings, Block D (G+3F)- 1 Wings with 144 dwelling units 14727.23 sq.m.
8. It is respectfully submitted that the unit has obtained CTO after CTE for the Phase I, II & III vide Proceedings No.T3/TNPCB/F.1219/MMN/RL/MMN/W&A/2023 dated:18/01/2023 for the Construction of Residential development of Block A (G+3F)-6 wings, Block B (G+3F)-5 wings , Block C (G+3F)-2 wings, Block D (G+3F)-3 wings with 512 dwelling units having a total built up area of 48105.44 Sq.m valid up to 31.03.2023.
9. It is respectfully submitted that the unit was issued with CTO for its villa 185 nos with total built up area of 33927.28 sq.m for the Construction of Medium Size Bungalow, Small Size Bungalow, Terrace Bungalows, Club House, Guard house, discharge of treated Sewage 88 KLD; out of which 34 KLD - for Flushing, 50 KLD - for Gardening, 4 KLD - Evaporation loss and to provide DG Set 250 KVA - 2 nos with Acoustic


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enclosures with stack vide Proceedings No.T2 / TNPCB /F.3905MMN / OL / MMN /W&A /2023 dated:26/06/2023 valid up to 31.03.2025.

10. It is respectfully submitted that meanwhile, the unit was issued with Consent to Establish Extension vide Proceedings No.T2 / TNPCB /F.1219MMN / RL / MMN / W&A / 2023 dated:26.06.2023 valid up to 17/12/2025 for Construction of Residential development of Block A (G+3F)- 7 Wings, Block B (G+3F) -30 Wings, Block C (G+3F)-3Wings, Block D (G+3F)- 4 Wings, Block E (G+3F)- 7 Wings, Block F (G+3F)- 1 Wing, Block G (G+3F)- 1 Wing with 936 dwelling units 90531.36 sq.m.
11. It is respectfully submitted that earlier Thiru. M. Sundaramurthy and others has filed a case in O.A. No. 25 of 2022 before the Hon'ble National Green Tribunal (SZ), Chennai regarding indiscriminate discharge of untreated sewage from the said building complexes and in violation of the environmental norms. The Hon'ble National Green Tribunal (SZ), Chennai in its order dated 15.03.2022 has directed to form a joint committee and the committee shall inspect the area in question and submit a factual as well as action taken report if there is any violation found.
12. It is respectfully submitted that accordingly, the joint committee was inspected the said site on 20.04.2022, 05.07.2022 & 07.07.2022 and has filed before the Hon'ble NGT (SZ). Further, the Hon'ble National Green Tribunal (SZ), Chennai vide order dated 06.07.2023 in O.A No 25 of 2022 (SZ) ordered as follows;
- "It is for the Tamil Nadu Pollution Control Board to inspect, explore and find out the violations, period of operation without a valid consent and take appropriate action and the said report also be filed before the date of next hearing"*
13. It is respectfully submitted that in this regard, the unit was inspected on 04/08/2023 and the Compliance of the directions issued vide Proc No T3/TNPCB/F.025784/MMN/W&A/Direction/2022 dated 06/12/2022 was submitted as follows to Board vide T.O letter dated 07/08/2023.


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Sl. No.	DIRECTION	COMPLIANCE
1.	The proponent shall file the application for Consent to operate of the Board for the 185 Nos of villas located in the Senkuntram village, Chengalpattu Taluk, Chengalpattu District	The unit has applied and obtained consent of the Board vide Proceedings NO.T2/TNPCB/F.3905MMN/OL/MMN/W&A/2023 DATED: 26/06/2023 valid up to 31/03/2025 for Construction of Medium Size Bungalow, Small Size Bungalow, Terrace Bungalows, Club House, Guard house. The total number of dwelling units is 185 with total built up area of 33927.28 Sq.m.
2.	The proponent of the residential complex shall ensure that the sewage generated from the residential complex is properly collected, treated and disposed properly for toilet flushing and gardening	The sewage generated from the residential complex is treated in the Sewage treatment plant provided and the treated sewage is being utilized for toilet flushing and for gardening.
3.	The proponent shall complete the laying of pipelines works to utilize the treated sewage to farmers for irrigation purpose	The unit has made pipeline arrangements for utilizing part of the treated sewage to farmers for irrigation purpose. Separate agreement was made with the farmer to accept the excess treated sewage water.
4.	The proponent of the residential complex shall maintain the surplus rainwater disposal arrangements provided within the premises and ensure that there will not be any blockage in the network system at any point of time.	The rainwater trenches are available in all over the project and all are in working conditions.

14. It is respectfully submitted that the said case is still pending before the Hon'ble NGT (SZ). Further, based on the repeated complaint received from the welfare association, the unit site was again inspected on 07/09/2023 regarding the disposal of the garbage in the proposed Tennis Court area, OSR area in villa community, near temple area and transformers were set adjoining to the forest boundary wall. Whereas during inspection, it was observed that the said complaint site were utilized for handling of the solid waste earlier and same was cleared now.


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15. It is respectfully further submitted that the unit has applied for the renewal of Consent applied by the unit vide OCMMS application number 54722913 for the Construction of Residential development of Block A (G+3F)- 6 wings, Block B (G+3F)-5 wings, Block C (G+3F)-2 wings, Block D (G+3F)-3 wings with 512 dwelling units having a total built up area of 48105.44 Sq.m was returned to the unit to furnish the certain details.
16. It is respectfully submitted that it was reported that earlier, the unit has provided Sewage Treatment Plants of capacities 100 KLD, 75 KLD and 75 KLD. Whereas the unit has installed a new STP having capacity of 750 KLD commonly for the treatment and disposal of sewage generated from the residential complex and also from the villas. The treated sewage was utilized on land for gardening within the residential complex. The unit has made some pipeline arrangements for utilizing part of the treated sewage to farmers for irrigation purpose. The unit has made separate agreement with the farmer to accept the excess treated sewage water to agricultural land generated from residential development flats. Regarding the installed STP of capacity 750 KLD, the unit has submitted the copy of the adequacy report certified by the NABET Accredited EIA Coordinator and the Technical specification of the STP design.
17. It is respectfully submitted that further regarding the letting out of the raw sewage in to the adjoining forest and Karunilam lake, it was ascertained by the Joint committee that during unprecedented monsoon the STP got flooded and the sewage along with the surplus storm water found its way into the forest area and to the petitions area. However, during inspection by the Joint committee on 20.04.2022, 05.07.2022 & 07.07.2022 and reported that no discharge of treated or untreated sewage and also no stagnation of sewage in the petitioner's land was noticed. Furthermore, the residential complex has reconstructed a portion of the compound wall and ascertained there is no further damage caused to the property of the land.


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18. It is respectfully submitted that as per the Order of the Hon'ble NGT dated:08.09.2023 and subsequently based on the request made by the welfare association received on 08.09.2023 regarding the operation of the STP and the operation of the DG set in the residential building, the unit site was inspected on 27/09/2023 and letter was addressed to DEL, TNPCB to carry out the Ambient Air Quality Survey/stack emission and Noise level survey vide letter dated 13/10/2023. The sewage sample was collected from the Sewage Treatment plant on 09.10.2023 and from the results of analysis it reveals that the parameters are within the standard prescribed by the TNPCB. It is also enclosed as **Annexure NO.1**. The unit has provided Organic Waste Converter for handling of Bio degradable waste.

19. It is respectfully submitted that meanwhile, the unit has obtained Environmental Clearance for Expansion vide Letter No SEIAA-TN/F.No.8852/EC/8(a)/928/2023 dated 03.04.2023 for the proposed total built up area of - 98881.63 Sq.m(Existing 90531.36 Sq.m and proposed 8350.16 Sq.m) and No of Dwelling Units - Constructed - 512 and Proposed - 460 (Under Construction). Total 972 units and for the STP of capacity 750 KLD and for DG set of 1250 KVA (250 KVA 1 No and 500 KVA-2 Nos) and applied for CTE Expansion vide OCMMS application No 44971542 dated 13/10/2023 and same was returned to the unit to submit the certain details.

Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to pass such order or other orders as this Hon'ble Tribunal may deem fit and proper in this case and thus render justice.


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VERIFICATION

I, S.Rajan, S/o M.S.Subramanian, working as Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai-32, do hereby submit that the contents of the above report are true to the best of my knowledge through records.


 ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
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Annexure

TAMIL NADU POLLUTION CONTROL BOARD
DISTRICT ENVIRONMENTAL LABORATORY M.M.Nagar
Report of Analysis

ROA No.382/2023-24 dated 08.11.2023

Name and address of the sender	District Environmental Engineer Tamil Nadu Pollution Control Board, M.M.Nagar		
Nature and number of samples	2 numbers of trade effluent /sewage samples/Lake water	Sample quantity	2.5L
Date and Time of Sample Collection	09/10/2023 05.30 PM to 05.40 PM	Date and Time of Sample receipt at lab	10/10/2023 04.30 PM
Point of collection	1	STP Inlet (Treated)	
	2	Final Outlet of STP (Treated)	

S.No	DEE Code no		RMM 187	RMM 188	
	Lab code No		533	534	Tested as per APHA 22 nd Edition 2012
	Parameters	Unit			
1	pH @ 25°C	No.	7.11	7.56	Electrometric method
2	Total Suspended Solids @ 105° C	mg/L	36	10	Gravimetric method
3	BOD @ 27° C 3 days	mg/L	14	4	Winkler's method

Deputy Chief Scientific Officer (Lab)
TNPCB, DEL M.M.Nagar

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...Respondents

**REPORT FILED ON BEHALF OF THE 3RD
RESPONDENT- TAMIL NADU POLLUTION
CONTROL BOARD**

**Advocate for Respondents:
Thiru.Sai Sathyajith,
Chennai**

Dated:12.02.2024

Date of hearing:23.02.2024

