

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE  
BENCH, CHENNAI**

**EXECUTION APPLICATION NO. 8 of 2023**

**IN**

**ORIGINAL APPLICATION NO. 8 of 2023**

**IN THE MATTER OF: -**

**Selvaraju Duraisamy**

**.... Applicant**

**Versus**

**The State of Tamilnadu and Ors.**

**.... Respondent**

**COUNTER AFFIDAVIT FILED ON BEHALF OF STATE LEVEL  
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)**



Filed by:  
**G.M. SYED NURULLAH SHERIFF**  
**Senior Standing Counsel**  
**MoEF & Cc.**  
**Mob. No. 9444015330**  
**Counsel for Respondent no. 2**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE AT CHENNAI ( SZ )  
MEMORANDUM OF APPLICATION  
(UNDER SECTION 25, 26, 27 & 28 OF THE NATIONAL GREEN TRIBUNAL  
ACT , 2010 )  
EXECUTION APPLICATION No.08 of 2023 (SZ)**

**IN THE MATTER OF:**

Selvaraju Duraisamy (aged about 62 years)  
S/o. P. Duraisamy,  
B1701 Radiance Icon,  
1167 Poonamallee High Road,  
Koyambedu , Chennai - 600107  
Email : [ralpmaverickllp@gmail.com](mailto:ralpmaverickllp@gmail.com)

..... Applicant

**Versus**

**The Member Secretary,**  
State Level Environment Impact  
Assessment Authority – Tamil Nadu  
Third Floor Panagal Maaligai,  
No.1, Jeenis Road, Saidapet,  
Chennai – 600 015 and **9 Others.**

.....Respondent(s)

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Email : [ralpmaverickllp@gmail.com](mailto:ralpmaverickllp@gmail.com)

**..... Applicant**

**Versus**

- 1. The State of Tamil Nadu**  
Rep. by its Secretary to Government,  
Ministry of Environment and Forests,  
Government of Tamil Nadu,  
Fort St. George, Chennai - 600 003.
- 2. The Member Secretary**  
State Level Environment Impact Assessment Authority (SEIAA)  
Tamil Nadu Panagal Maaligai,  
No.1 Jeenis Road, Saidapet, Chennai - 600 015
- 3. The Member Secretary**  
Tamil Nadu Pollution Control Board  
76, Anna Salai, Guindy, Chennai - 600 032.
- 4. Chennai Metropolitan Water Supply and Sewerage Board**  
Rep. by its Managing Director No.1, Pumping Station Road,  
Chintadripet, Chennai - 600 031

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



**5. The Corporation of Chennai**

Rep. by its Commissioner Ripon Building,  
Chennai - 600 003.

**6. M/s. Radiance Realty Developers India Limited**

(Having CIN U45201TN2007PLC062662)  
Rep. by its Managing Director/Chief Executive Officer  
Khivraj Complex II, Anna Salais Nandanam,  
Chennai - 600 035. Having Registered Office at No.480

**7. M/s. Radiance Facility Management Service Private Limited**

(Having CIN U4999TN2016PTC103884)  
Rep. by its Managing Director/Chief Executive Officer  
Old Door No.110, New Door No.111,  
Having Registered Office at 1st Floor  
33 Feet Road, Anna Salai, Guindy, Chennai - 600 032.

**8. M/s. Radiance Icon Owners Association (RIOA),**

Rep. by its President/Secretary  
Bearing Reg. No.SRG/Chennai,Central/16/2022  
1167 PH Road, Koyambedu,  
Chennai - 600 107.

.....Respondent(s)

**COUNTER AFFIDAVIT FILED ON BEHALF OF SEIAA – Tamilnadu, THE**  
**II<sup>rd</sup> RESPONDENT**

I, Deepak S. Bilgi, I.F.S., working as Member Secretary, State Level Environment Impact Assessment Authority, Tamil Nadu (SEIAA-TN) having office at Third Floor, Panagal Maaligai, Saidapet, Chennai – 600015 solemnly affirm and sincerely state as follows:

- I am filing this counter affidavit on behalf of the 2<sup>nd</sup> Respondent/SEIAA-TN herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.

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

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

*(Handwritten signature in green ink)*

2. At the outset, I deny the averments and allegations stated in this Execution Application except those that are specifically admitted hereunder and put the applicant to strict proof of the same.
3. It is respectfully submitted that the project proponent has applied to State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN) seeking prior Environmental Clearance for the proposed construction of multistoried Residential Building by M/S. Radiance Realty Developers India Ltd at old no.37, new door no 1167 comprised in t.s. No.4 Block No 37, old S.No. 169 pt in koyambedu village , Egmore Nungambakkam taluk , Chennai district built up area 39209.48 sq.m with 322 dwelling units .
4. It is respectfully submitted that, the project proposal was placed in the **91<sup>th</sup> SEAC Meeting** held on 17.06.2017 . The committee observed that the above project comes under item No. 8(a) of the Schedule. After the presentation made by the proponent, the committee decided to recommend the proposal for the grant of EC to SEIAA after obtaining and considering the details stated therein. ( copy enclosed )
5. It is respectfully submitted that, subsequently the proposal was placed before the **229<sup>th</sup> SEIAA Meeting** held on 10.07.2017. Discussed in detail, the Authority decided to defer the project for the want of details stated therein.(copy enclosed )
6. It is respectfully submitted that subsequently, the proposal was placed before the **230<sup>th</sup> SEIAA Meeting** held on 14.07.2017. Discussed in detail, the Authority decided to recommend the project for the issue of Environment Clearance with the additional conditions stated therein ( Copy enclosed ).Subsequently, Environment Clearance (EC) was issued vide Letter No. SEIAA/TN/F. 6395/EC/(a)/527/2017 dr: 14.07.2017.
7. It is respectfully submitted that, the applicant had filed an Original Application in O.A.No.08 of 2023 , before the Hon`ble Tribunal for various reliefs this Hon`ble Tribunal by an order dated 20.02.2023 , directed the applicant or the Association , 8<sup>th</sup> respondent to make a representation to the concerned authorities , the Authorities were directed to consider the same and after affording an opportunity of the personal hearing to the applicant and pass appropriate orders within a period of four weeks . In this connection, the petitioner had filed a complaint dated

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



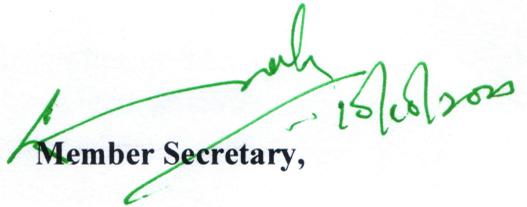
20.02.2023 before SEIAA-TN. In this regard the above said complaint was forwarded to TNPCB for taking necessary action vide Lr.no:SEIAA-TN /Complaint /006131/F.No.757/2023 dated on 17/03/2023 and to intimate the petitioner regarding the details of the action taken with a copy marked to this office . Till date no action taken report was submitted to this office.

Solemnly affirmed at Chennai  
On this 10<sup>th</sup> day of October 2023  
& Signed his name in my presence.

**MEMBER SECRETARY**

**SEIAA**

**BEFORE ME**

  
Member Secretary,

**SEIAA-TN**

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

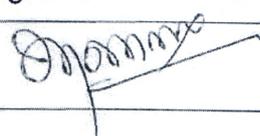
Member Secretary  
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN

**Minutes of the 91<sup>st</sup> SEAC Meeting held on 17<sup>th</sup> JUNE 2017**

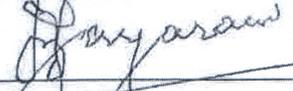
<p>91<sup>th</sup> – 03. F. 6395/2017.</p>	<p>Proposed construction of Multistoried Building M/s. Radiance Reality Developers India Ltd, at Old door no. 37, New door no. 1167 comprised in T.S.No.4, Block No. 37, Old S.No. 169 pt, in Koyembedu Village, Egmore-Nungambakkam Taluk, Chennai District – Environmental Clearance – Regarding.</p>
	<p>The proponent M/s. Radiance Reality Developers India Ltd., has applied for Environment Clearance for the construction of Multistoried Building at Old door no. 37, New door no. 1167 comprised in T.S.No.4, Block No. 37, Old S.No. 169 pt, in Koyembedu Village, Egmore - Nungambakkam Taluk, Chennai District.</p> <p>The Committee observed that the above project comes under Item No 8(a) of the Schedule. After the presentation made by the proponent, the Committee decided to recommend the proposal for the grant of EC to SEIAA after obtaining and considering the following details:</p> <ol style="list-style-type: none"> <li>1. The project comes up on the Poonamallee High Road at Koyembedu very close to the CMBT. This is likely to contribute to traffic congestion already being faced in the Poonamallee High Road closer to the proposed project site. Hence, the proponent should ensure that all possible measures are taken so that <u>no traffic congestion</u> is created due to the movement of the vehicle in and out of the project site. Providing a bell mouth at the intersection of the project boundary and the Poonamallee High Road is an option in this direction. Also proponent should look into the feasibility of providing a private service road for easing the movement of the vehicle towards the Poonamallee High Road and accessing the project site from the Poonamallee High Road.</li> <li>2. The Project will have 59m high buildings with 18 floors. All</li> </ol>

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**Minutes of the 91<sup>st</sup> SEAC Meeting held on 17<sup>th</sup> JUNE 2017**

		<p>details regarding the safety measures that are contemplated in the event of fire must be certified by the competent authority and furnished to SEIAA.</p> <p>3. The project site is closer to River Coovam which is about 150 m away. There will be the problem of bad odour emanating from the River Coovam. The proponent should ensure that this nuisance is minimized by providing proper Green Belt in the form of double layer green belt for a minimum width of 5m with appropriate species which are listed below:</p> <ul style="list-style-type: none"><li>a) Azadirachta indica (Vembu)</li><li>b) Thespesia populnea (Poovarasu)</li><li>c) Alstonia scholaris (Ezhilaipalai)</li><li>d) Mimusops elengi (Magilam)</li><li>e) Millingtonia hortensis (Maramalli) (on the banks of Coovam River)</li><li>f) Pongamia pinnata (Pungai)</li></ul> <p>4. For CSR activity the portable Gen set and knowledge centre proposed to be donated to the Corporation Higher Secondary School, Koyembedu at a cost of Rs. 20 Lakhs should be done within 1 year from the commencement of the project. Besides, the amount of Rs. 15Lakhs for Coovam river restoration for CRRT should be paid and copy of the receipt should be submitted to SEIAA for the receipt of EC.</p> <p>5. A structural stability certificate should be obtained from competent authority and submitted to SEIAA.</p>	
S.No	Name	Designation	Signature
1	Dr. K. Thanasekaran	Member	
2	Dr.A. NavaneethaGopalakrishnan	Member	

**Minutes of the 91<sup>st</sup> SEAC Meeting held on 17<sup>th</sup> JUNE 2017**

3	Dr.K.Valivittan	Member	
4	Dr.Indumathi M. Nambi	Member	
5	Dr. G. S. Vijayalakshmi	Member	
6	Dr. M. Jayaprakash	Member	
7	Shri V. Sivasubramanian	Member	
8	Shri V. Shanmugasundaram	Member	
9	ShriThirumalaivasanDevarajan	Member	
10	Shri B. SugirtharajKoilpillai	Member	
11	Dr. P.Balamadeswaran	Co-opt Member	
12	Shri. M.S. Jayaram	Co-opt Member	

Member-Secretary, SEAC

  
Chairman, SEAC

# Minutes of the

## 229<sup>th</sup> MEETING

### STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

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Date: 10.07.2017

Time: 12.30 PM

5.	To consider grant of Environmental Clearance for the Proposed construction of Residential Apartment at R.S. No.4, Block No.37, Koyambedu Village, Egmore-Nungambakkam Taluk, Chennai District by M/s. M/s. Radiance Realty Developers India Ltd.	6395	<p>Discussed in detail, the Authority decided to defer the project for the want of following details.</p> <ol style="list-style-type: none"> <li>1. The details of all the Biodiversity/Lakes/RF's located nearby the project site along with the current ecological plan and impact on ecology.</li> <li>2. Existing Environmental study and the latest site plan showing present activity around the site.</li> <li>3. For CSR activity, the portable Gen set and knowledge centre proposed to be donated to the Corporation Higher Secondary School, Koyembedu at a cost of Rs. 20 Lakhs should be done within 1 year from the commencement of the project. Besides, the amount of Rs. 15 Lakhs for Coovam river restoration for CRRT should be paid and copy of the receipt should be submitted to SEIAA for the receipt of EC.</li> <li>4. Clear site plan showing DG set, STP, OWZ, UG sump, etc shall be furnished.</li> <li>5. The DG set located at the boundary of the project site shall be relocated inside the project site.</li> <li>6. Site specific green belt plan with indigenous species shall be furnished.</li> </ol>
6.	To consider grant of Environmental Clearance to M/s. KLP Projects Private Ltd & M/S. Sanklecha Infra Projects Private Limited for the Proposed Construction of Residential Apartment with a	6393	<p>Discussed in detail, the Authority decided to defer the project for the want of following details.</p> <ol style="list-style-type: none"> <li>1. The details of all the</li> </ol>

MEMBER SECRETARY

MEMBER

CHAIRMAN

# Minutes of the

## 230<sup>th</sup> MEETING

### STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

**Date: 14.07.2017**

**Time: 12.30 PM**

9.	To consider grant of Environmental Clearance for the Proposed construction of Residential Apartment at R.S. No.4, Block No.37, Koyambedu Village, Egmore-Nungambakkam Taluk, Chennai District by M/s. M/s. Radiance Realty Developers India Ltd.	6395	Discussed in detail, the Authority decided to recommend the project for the issue of Environment Clearance with the following additional conditions. <ol style="list-style-type: none"> <li>1. The project proponent has to provide rain water harvesting collection tank to the capacity of 336 KL in order to recover and reuse the rain water during normal rains.</li> <li>2. The green belt proposed should maintain tree lungs in as many pockets as possible within the premises besides maintaining trees rows along the roads and the periphery of the building and boundary with local species in consultation with the DFO.</li> <li>3. The solar plant shall be established to meet the power requirement of common lighting facility.</li> <li>4. The proponent shall provide not less than 6 nos of car parking for the visitors.</li> <li>5. The project proponent shall display in their website that the Block 'C' is not entitled for car parking facility.</li> </ol>
10.	To consider grant of Environmental Clearance to M/s. KLP Projects Private Ltd & M/S. Sanklecha Infra Projects Private Limited for the Proposed Construction of Residential Apartment with a Built Up Area of - 25569.46 Sq.M at R.S.Nos.273/48 (Part) & 274/49 (Part), Block. No. 17 of Purasaiwalkam Village, Purasaiwakkam - Perambur Taluk, Chennai District Under Sl. No 8 (a) of the Schedule -- Building And Construction Projects.	6393	Discussed in detail, the Authority decided to defer the project for want of following particulars. <ol style="list-style-type: none"> <li>1. The details of all the Biodiversity/Lakes/RF's located nearby the project site along with the current ecological plan and impact on ecology.</li> <li>2. Existing Environmental study and the latest site plan showing present activity around the site.</li> <li>3. For CSR activity, the portable Gen set and knowledge centre proposed to be donated to the Corporation Higher Secondary School, Perambur at a cost of Rs.</li> </ol>

MEMBER SECRETARY

MEMBER

CHAIRMAN