

THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

APPLICATION NO. 84 OF 2021 (SZ)

BETWEEN:

Alluri Raju and Others

...COMPLAINANTS

AND

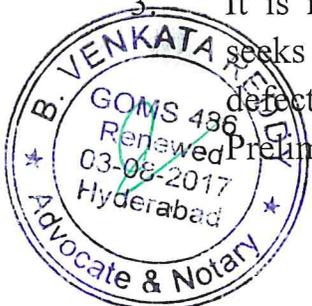
M/s Legend Estates Pvt. Ltd. and Others

...RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT No. 3

I, Mr. Tappati Venkat Reddy, S/o Bal Reddy, Aged about 54 years, Occupation: Business and President of the Legend Chimes Echo Owners Welfare Association, Resident of Villa N0. 47, Pipeline Road, Gandipet Revenue Mandal, Ranga Reddy District, Telangana, do hereby solemnly affirm and sincerely state on oath as follows:

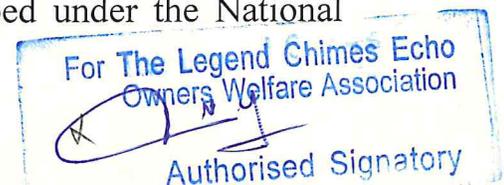
1. That am the President of the Legend Chimes Echo Owners Welfare Association i.e., the answering Respondent No. 3 in the present OA No. 84 of 2021 filed before this Honorable Tribunal, as such I am well acquainted with the facts and circumstances of the case and hence competent to depose.
2. It is respectfully submitted that, the present Application numbered as OA 84 of 2021 filed by the Complainants under Order VII Rules 17 read with Rule Section 18 (1), 14 and 15 of the National Green Tribunal Act read with 16(7) of the National Green Tribunal (practice and procedure) Rules, 2011 against the Respondents herein seeking directions from Respondent Nos. 4 and 5 to restrain the Respondent Nos. 1, 2 and answering Respondent No. 3 from constructing the Sewerage Treatment Plant (hereinafter referred as "STP") in the project named "Legend Chimes Echo" (hereinafter referred as "Project") in the land bearing Survey Numbers 211, 211/A, AA, E, EE, U,UU, RU, RUU, 212A, AA, E, EE, U, UU, RU, 213/A, AA, E, EE, U, UU, RU along with land in Survey Numbers 186/A to EE, 186/U, 187/A to EE, 190/A to EE, 191/U, 192/A to EE, 192/U, 199, 199/A & AA, E, EE, U, UU, 208, 208/A, 209, 210, 211 situated at Kokapet Village, Rajendranagar Mandal, Ranga Reddy District is misconceived, devoid of merits, frivolous and not maintainable in law or on facts and the same is liable to be dismissed *in limine*. All the averments made in the Application and amended Application are denied except for those which are specifically admitted herein. The Complainants have suppressed and misrepresented the material facts and has approached this Hon'ble Tribunal with unclean hands.
3. It is respectfully submitted that, the answering Respondent No. 3 herein seeks to record its objections in the present Application as the same is defective and cannot be sustained on the following grounds detailed as Preliminary objections, among others.



Legend Chimes Echo
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4. **Preliminary Objections:**

- 4.1 It is respectfully submitted that, the present Application is hopelessly barred by Limitation as the same is filed on 02.03.2021, while the Environmental Clearance to the Project was granted and approved on 25.10.2013 vide Order No. SEIAA/AP/RRD-372/2013 (hereinafter referred as “EC” or “**Environmental Clearance**”), i.e., after the span of more than seven (7) years, which is in clear contravention of Section 16 of the National Green Tribunal Act, 2010, which accommodates thirty (30) days to file an appeal in ordinary course, and a further time of just sixty (60) days in particular if the Tribunal is satisfied that the applicant/Complainant was forestalled by adequate reason from filing the Application within the said time of thirty (30) days.
- 4.2 It is respectfully submitted that the present Application is liable to be dismissed for seeking vague and inconsistent reliefs. For instance, the Complainants on one hand are stating that the Environmental Clearance has expired, on the other hand in prayer (ii) they are requesting this Tribunal to monitor the expiry of Environmental Clearance. Further, in prayer (iii) the Complainants are requesting to withhold the renewal application for renewal of Environmental Clearance and in prayer (vi) they are simultaneously requesting this Honorable Tribunal to direct the Respondent (not specified the respondent number) to build STP in the proposed location (in the location proposed by Complainants and not the location of STP as approved in Environmental Clearance (which was approved considering all the aspects) and Layout while simultaneously objecting to change/ modification/ revision in plans, which is inevitable for considering proposed location for STP). Hence, the present Application be dismissed for being vague, inconsistent and ambiguous and for inconsistency in prayers, all of which cannot be granted as granting of all may lead to conflict of judgment in same Application. Hence, the present complaint is liable to be dismissed for abuse of process of court of law.
- 4.3 It is respectfully submitted that the present Application against the answering Respondent No. 3 is violative of principles of natural justice as no notice relating to STP was issued to the answering Respondent No. 3, despite the Complainants having knowledge regarding the construction of STP by/on behalf of Respondent No. 3. Hence, the present Complaint is liable to dismissed to that extent for non-issuance of notice and violation of principles of natural justice as against the answering Respondent No.3.
- 4.4 It is further respectfully submitted that; the present Application is liable to be dismissed as the same is filed based on probabilities and possibilities of the assumed pollution by the Complainants. It is evident that the Complainants didn't not conduct the inspection of site, didn't collect and test the samples for the alleged pollution and has not followed the procedure relating to establishing alleged pollution as prescribed under the National



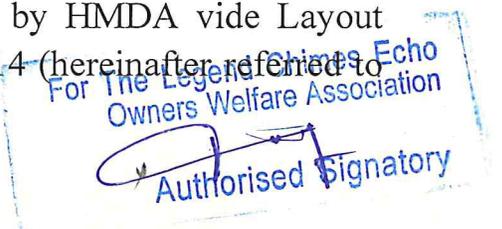
Green Act, 2010 and other enactments before filing the present complaint nor did the Complainants exhausted the alternative remedy available to them, the Complainants have not approached the official respondents by filing a complaint in prescribed format as stipulated under applicable laws, filing a representation is not equivalent to filing a complaint in prescribed format. Hence, the present complaint is liable to be dismissed for abuse of process of court of law, for want of cause of action and for not exhausting the alternative remedy available to the Complainants as per the applicable laws in force.

4.5 It is further respectfully submitted that; the present Application is also liable to be dismissed for suppression of material facts as the Complainants have categorically suppressed the fact that they are objecting to the change/modification of Approved Layout and yet on the other hand they are insisting the Respondent Nos.1 to 3 to construct STP in their proposed location contrary to Approved Layout and approved Environmental Clearance. Further, the Complainants have concealed and suppressed the material fact regarding issuance of reply notices dated 20.11.2020 and 21.01.2021 by the Respondent Nos. 1&2 to the alleged notices issued to Respondent Nos. 1&2 (reference para 32 of counter of Respondent Nos. 1&2). Further, the Complainants have suppressed the sale deed through which they acquired title so as to circumvent the attention of this Honorable Tribunal to the projected issues and to get the STP shifted to the location proposed by them contrary to the location of STP approved by statutory authority.

5. **Brief Facts of the case are as follows:**

5.1 It appears that, Respondent No.1 represented by Respondent No.2 completed the project namely 'Legend Chimes' forming part of land in Survey Nos. 158, 161, 162, 167/4, 171 to 187 situated at Kokapet Village, Rajendranagar Mandal, Ranga Reddy District, in accordance with layout permit bearing number LP No. 02/MP2/Plg/HMDA/ 2009 dated 06-01-2010. It is pertinent to state here that the Respondent No. 1 had built a best-in-class Sewage Treatment Plant in the Legend Chimes which is now obliging the requirements of three hundred (300) occupants, and that till date, the Respondent No. 1 has not received a single grumbling concerning the STP and the maintenance of the same has been handed over to the Legend Chimes Resident Association, of which the Complainants Nos. 1 to 5 are active members.

5.2 It is respectfully submitted that, the Respondent No. 1 represented by Respondent No. 2, as a Developer procured the land under various development agreements from the original landowners and thereafter, has decided to construct high end luxury Villas along with amenities block, other facilities, etc., (hereinafter referred to as "**Legend Chimes Echo**" or "**Project**") and has duly been accorded sanction by HMDA vide Layout Permit no. 17/LO/HMDA/2014 dated May 30, 2014 (hereinafter referred to



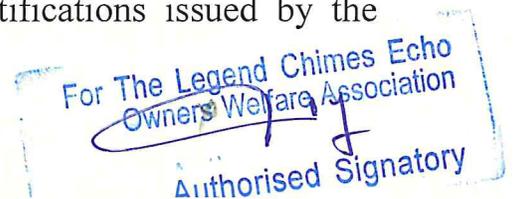
as “**Approved Layout**”) with respect to land admeasuring Acres 30-5.5 Guntas in survey numbers 186/A to EE, 187/A to EE, 187/U, 190/A to EE, 190/U, 191/A to EE, 191/U, 192/A to EE, 192/U, 199, 199/A, 19/AA, 200, 201, 202, 204, 204/A & A, 205/A & AA, 206, 206/E, 206/A, AA, E, EE, U, UU, 208/A to 211, 211/A, AA, E, EE, U, UU, RU, RUU, 212/A, AA, E, EE, U, UU, RU and 213/ A, AA, E, EE, U, UU, RU of Kokapet Village, Serilingampally Mandal, Ranga Reddy District, Telangana. Accordingly, the Respondent No.1 represented by Respondent No.2 in pursuance of developing the Project, had applied for Environmental Clearance for the Project which was approved and granted by Ministry of Environment and Forests through its State Level Environment Impact Assessment Authority (hereinafter referred to as “**SEIAA**”) vide Order No. SEIAA/AP/RRD-372/2013, dated 25.10.2013, after following the due process of law.

5.3 Pursuant thereto, the original land owners and the Respondent No.1 represented by Respondent No.2 has sold the Plots/ Villas, to various individuals and entities falling to their respective shares, situated at the Legend Chimes Echo, Kokapet Village, Rajendranagar Mandal, Ranga Reddy District, Telangana and the said purchasers became the owners of the Plots/Villas.

5.4 Subsequently, the owners of the Plots/Villas of Project have decided to form an Owners Association. Accordingly, an Association under the name and style of “Legend Chimes Echo Owners Welfare Association” was formed by the purchasers of plots/villas in Legend Chimes Echo Layout and registered vide no. 2015 of 2016 dated 20-12-2016 under the provisions of the Telangana Societies Registration Act, 2001 with the main objective of catering to the welfare of the owners/members of the owners association, through civic, social, cultural and other allied activities, to maintain peaceful occupation and cooperation among the members of the owners association and extend support thereof and to arrange and provide for its members all necessary common amenities and facilities as may be found practicable by the Legend Chimes Echo Owners Welfare Association in accordance with its Memorandum and Bye-Laws and applicable laws in force. Thus, the answering Respondent No. 3 is working from 20-12-2016 in the interest of its members.

5.5 It is respectfully submitted that it appears that the Complainant Nos. 1 to 5 are the owners of Villas in ‘Legend Chimes’ a separate and distinct phase/project. Whereas the Complainant Nos. 6 to 8 are owners of plots in Legend Chimes Echo Project.

5.6 It is further respectfully submitted that, the STP is being constructed as per the Approved Layout and Environmental Clearance. It is important to make reference herein that the Approved Layout of the Project earmarks the construction of the impugned STP, and its sectional subtleties are given in the endorsed plan. The Approved Layout and the Environmental Clearance is still subsisting, considering the subsequent notifications issued by the



Government of Telangana and the Ministry of Environment, Forests and Climate Change respectively, including the relaxations and extensions given due to Covid -19. It is further respectfully submitted that, the Approved Layout granted by HMDA for the implementation of the Project is in force and subsisting taking into account the extensions conceded by the Government of Telangana under G.O.M.S. No. 7, dated 05.01.2016. Further, it is relevant to state here that the Government of Telangana had likewise agreed for extension of permits considering the pandemic Covid-19 vide G.O.M.S. No. 107 dated 08-07-2020.

- 5.7 It is respectfully submitted that the Ministry of Environment, Forest and Climate Change had on 29.04.2015 given a notification bearing S.O. No. 1141 (E), Substituting the words 'five years' in the clearance order by 'seven years.' It is further humbly submitted that the Ministry of Environment and Forests vide Office Memorandum bearing number F. No. 22-27/2015-IA-III, dated 12.04.2016 extended the Environment Clearance to Seven (7) years. The relevant portion of the said Office Memorandum is extracted hereunder for ready reference:

"The Environment Clearance of the projects which had not completed five (5) years on the date of publication of Notification i.e., 29-04-2015, their validity will stand automatically extended to seven (7) years".

- 5.8 Further, the Ministry of Environment, Forest and Climate Change, vide notification dated 18.01.2021 made the following change to its notification bearing number S.O. 1533 (E), dated 14.09.2006:

*"For paragraph 9A, the following paragraph shall be substituted namely: -
9A. Notwithstanding anything contained in this notification, the period from the 1st April, 2020 to the 31st March, 2021 shall not be considered for the purpose of calculation of the period of validity of Prior Environmental Clearances granted under the provisions of this notification in view of outbreak of Corona Virus (COVID-19) and subsequent lockdowns (total or partial) declared for its control, however, all activities undertaken during this period in respect of the said Terms of Reference shall be treated as valid."*

- 5.9 It is respectfully submitted that, in the light of foregoing notifications and office memorandum issued by the Ministry of Environment, Forest and Climate Change, the said Environmental Clearance/EC as received for the Project dated 25.10.2013 is functional and in subsistence, subsequently, the contention/allegation of the Complainants that the EC has expired is totally false, erroneous and baseless.

- 5.10 It is respectfully submitted that, the STP is being erected at the place earmarked in the Approved Layout, and at no other different place. That the construction of the STP is in strict compliance of the norms imposed by the authorities and that there have been no violations of the sanctioned plans.



That the Complainants right from 2014 onwards have knowledge of the location of the STP as the Complainant Nos. 6 to 8 are purchasers in the Project. It is further respectfully submitted that, the Complainant Nos. 6 to 8 who are purchasers, have purchased the plots in “LEGEND CHIMES ECHO” project after thoroughly perusing the above-mentioned sanction plans and with the knowledge of the location of the STP in the Approved Layout and EC of the Project and it appears that the Complainants have filed the instant complaint on instigation citing assumed allegation of violation/pollution against the Respondent Nos. 1 to 3 herein for their personal vendetta as the revised/proposed location of STP as suggested by them was disregarded as agreeing to the same would have amounted to violating the Approved Layout and EC.

5.11 In view of the foregoing factual aspects, the answering Respondent No.3 herein craves leave of this Hon’ble Tribunal to make a detailed paragraph-wise reply to the instant Application and Amended Application made by the Complainants.

6. **Para Wise Reply are as follows:**

6.1 It is respectfully submitted that the averments made by the Complainants in **paragraphs A and B** pertain to the description of the parties and are borne out of record and hence do not warrant any reply.

6.2 In response to **Para Nos. 1 and 2**, it is submitted that the relief sought by the Complainants in these paras depend on mere assumptions of alleged pollution and the Complainants are not entitled for the reliefs as prayed for in Application, owing to the reason that the EC was approved on 25.10.2013 considering all the factors and in accordance with applicable laws and the same is existing, which stays unchallenged till date. It is submitted also that the averments made in para no. 2 relating to the details of the Complainant No. 1 is denied for want of knowledge and the Complainant No.1 is put to strict proof of the same. It is imperative to mention that the Complainant No. 1 has suppressed the sale deed through which he acquired villa number 247 so as to circumvent the attention of this Honorable Tribunal to the projected issues. The Complainant No.1 knows about the Approved Layout since 2014 and also the area earmarked for STP since 2014 and has filed the present Application after a lapse of over 7 years citing assumed allegation of violation/pollution in their anguish and personal vendetta against the Respondent Nos. 1 to 3 herein.

6.3 In response to **Para No. 3**, it is submitted that the averments made in this para are bogus and erroneous, hence denied. It is submitted that the duly endorsed/sanctioned plans for the said Project, which contained the subtleties and area of the STP were given to everyone including but not limited to the Complainant No.1, who was instrumental in purchasing Plot No. 210 in the Project and he represented, deliberated and negotiated for the said plot for his relative, Mr. Vinod Varma, who was additionally one of the



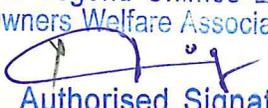
people, who joined together with the Complainant No.1 in giving notice to the Respondent Nos.1, 2 & 3 on 04.11.2020, which was reasonably answered by the Respondent Nos. 1 & 2. Further, the sanctioned plan approved by HMDA and EC granted by SEIAA on 25.10.2013 was affixed and shown at the Project Land. Hence, the Complainant is put to strict proof of all its contentions in Para no.3.

6.4 In response to **Para No. 4**, it is submitted that both the Projects are residential endeavors under taken by the Respondent No.1 and aside from the Complainants, no other Villa owner numbering 310 in 'Legend Chimes' and 250 Plot Owners in the present Project i.e., 'Legend Chimes Echo' have any complaint and none of the association has any Complaint against the Respondent No.3, with regard to alleged noise pollution and air pollution as is claimed by the Complainants. It is humbly submitted that the Respondent No. 3 has consistently conducted the construction activity stringently as per the approvals and keeping a healthy and a contamination free climate.

6.5 In reference to averments made in **Para Nos. 5 to 7**, it is submitted that the contentions of the Complainant are false and baseless, hence, denied. It is imperative to mention that STP is being constructed in accordance with the approved Layout sanctioned by HMDA and approved EC granted by the SEIAA considering all the factors and after following due process of law including physical inspection, issuing public notice, calling for objections, etc., The Approved Layout clearly depicts the location of STP and also other details of the STP. Therefore, the Complainants had the knowledge of the same from 2014 when the layout and EC were approved and displayed on Project site. It is further represented that the Complainants are proposing the STP in a certain area and has filed all the representations and the present Application as the Respondent Nos. 1 to 3 denied their request for modifying the Approved Layout including the construction of STP as per their proposition (proposed plan), as their proposition is contrary to Approved Layout and EC, (as admitted by the Complainants themselves in para 5 of Neat Copy of Application) and also because of objections from other Villa Owners for establishment of STP in the location proposed by the Complainants. It is imperative to mention here that on one hand, the Complainants are objecting to modification of Approved Layout/plans and on the other hand, they are harassing the Respondent Nos. 1 to 3 to construct the STP as per their proposed plan and contrary to Approved Layout and EC. In view of the above, the answering Respondent No.3 herein prays the honorable Tribunal to reject the Application, alternatively, the Honorable Tribunal may direct the official Respondents to renew and approve the modified plans submitted by the Respondent Nos. 1 to 3 in the event the Honorable Tribunal proposes construction of STP in the location proposed by Complainants, which is presently contrary to Approved Layout and EC.

It is further submitted that the Approved Layout of the said Project, including the area earmarked for STP have been communicated to the inhabitants of the "LEGEND CHIMES" and 'LEGEND CHIMES ECHO'



For The Legend Chimes Echo
Owners Welfare Association

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with most extreme lucidity while ensuring that there is no space for misunderstanding or mis-interpretation. It is additionally submitted that the inhabitants of the Project having knowledge about the same since 2014, has not filed any complaints or documented an appeal before this Hon'ble Tribunal till their proposition was rejected by the Respondent nos. 1 to 3, henceforth filing of the Complaint by the Complainants after a lapse of over 7 years and under the guise of environmental pollution, when Approved Layout is being developed in accordance with approved permissions, is totally inappropriate and is profoundly frightful and the instant Complaint is liable to be dismissed for said reasons.

6.7 It is further submitted that the contentions raised with respect to trees and irrigation well are all fictitious and invented by the Complainants for the purpose of this Application. It is represented that, Layout and more particularly EC wouldn't have been approved by the statutory authorities including for construction of STP on an irrigation well in survey number 192. Therefore, the contentions made by the Complainants that there is an irrigation well, which is associated with a nala and Kokapet Lake, are all invented by the Complainants for the purpose of this Application. It is also imperative to mention that an irrigation well is required for cultivation and irrigation purpose and the present Project Land is a Non-Agricultural Land. Hence, all the contentions of the Complainants are fictitious and concocted for the purpose of present Application.

6.8 It is also submitted that the contention made by the Complainants that during the recent rains of 2020, the agricultural well forestalled the harm to the occupants are altogether bogus and inaccurate. Further, there are numerous approaches to redirect the abundance downpour water to the Nala even from the Project 'Legend Chimes', therefore, it establishes that the said contentions are taken exclusively to offer tone to the Complaint, which isn't maintainable in the eye of law, as the Complainants have moved towards this Hon'ble Tribunal Forum at this stage just to cause unwarranted harassment without making even a murmur of any infringement of the standards stipulated by the authorities regarding the development of the Project including the STP and based only on the possibilities and probabilities of pollution assumed by Complainants. It is evident that the Complainants didn't not conduct the inspection of site, didn't collect and arrange for testing the samples at a laboratory for the alleged pollution and has not followed the procedure relating to establishing alleged pollution as prescribed under the National Green Act, 2010 and other enactments before filing the present complaint. Hence, the present complaint is liable to be dismissed for abuse of process of court of law.

6.9 In response to **Para No. 8**, it is submitted that the averments made in this para are bogus and erroneous, thus denied. The dispute regarding the representations made by the Complainants to the statutory bodies and offices are not within the knowledge of the answering Respondent No.3, and are denied for want of knowledge. It is further submitted that the dispute of the



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Complainants with respect to the development of the STP in violation of approved layout and EC and or expiry of EC is baseless and it appears that as the Project including the STP is being constructed in accordance with approved Layout and EC, the official respondents disregarded the representations of the Complainants. Therefore, the contentions made by the Complainants with respect to health hazards and pollution of noise and air are baseless, fictitious, imaginary and frivolous. Hence, the present Application is liable to be dismissed. It is further submitted that as regards the contentions of the Complainants seeking the Honorable Tribunal to direct the official respondents to conduct site visits/physical inspection to assess the viability of alternative open space for construction of STP based on their proposition may be rejected as the same is contrary to Approved Layout and approved EC more particularly when the Complainants themselves are objecting for modification in Approved Layout. Further, in view of the above, the answering Respondent No. 3 herein prays the HONORABLE TRIBUNAL to reject the Application. Alternatively, the Honorable Tribunal may direct the official respondents to renew and approve the modified plans submitted by the Respondent nos.1 to 2 in the event the Honorable Tribunal proposes construction of STP in the location proposed by Complainants which is contrary to Approved Layout and EC.

6.10 In response to **Para No. 9**, it is submitted that the averments made in this para regarding the RTI Application filed by the Complainants to the statutory bodies and offices are not within the knowledge of the answering Respondent No. 3, and are denied for want of knowledge.

6.11 In response to **Para No. 10**, it is submitted that the averments made in this para as regards issuance of representation dated 04.11.2020 to answering Respondent No. 3 is denied. Further, the representation/letter dated 16.01.2021 is irrelevant to the subject matter on hand as the same was issued in relating to execution of MOU among the Respondent Nos. 1 to 3 and doesn't relate to violation of construction of STP. It further appears that, all the representations to official respondents were disregarded as the same were objections raised to the construction of Project, which is being constructed in accordance with approvals including Approved Layout and EC. Further, it appears that, a response to RTI being negative cannot be considered as a ground/cause of action for filing the present Application. Hence, the present Application is liable to be dismissed for want of cause of action and for not exhausting the alternative remedy available to the Complainants as per the applicable laws in force. Further, the Complainants have approached this Hon'ble Tribunal with unclean hands and are blameworthy of concealment of material facts. It is submitted that the Respondent No. 1 in the said reply had addressed to every one of the disputes raised by the Complainants and not filing the said reply by the Complainants before this Hon'ble Tribunal shows that they have deliberately smothered the facts and moved towards this Hon'ble Tribunal with unclean hands.



For The Legend Chimes Echo
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6.12 It is submitted that the **grounds** claimed by the Complainants are bogus and concocted, and are loaded down with trivial cases of infringement of different environment protection laws. That there isn't any proof in the whole Application such that the answering Respondent No. 3 has disregarded any of the parameters or conditions and there has been no evidence placed on the record that establishes that the approval and appointment of the answering Respondent No.3 on behalf of the Respondent No. 1 is arbitrary and violative of Section 8 of the Environmental Protection Act, 1986. Further, the answering Respondent No.3 has taken up the task of completing the Project at the behest of all the inhabitants of the Project. It is imperative to mention that as the location proposed by Complainants was not considered by the Respondents as considering the same would contradict the applicable and available permissions/approvals in force, the Complainants filed the present complaint based on wild conjectures and staking claim on portrayals made by them to different statutory authorities while not bringing single environmental protection law being disregarded or strayed from the sanctions concurred to the Respondent No.1 and answering Respondent No.3 and or any evidence as regards ability of answering Respondent No. 3 in arranging/constructing the STP. Hence, all the grounds and allegations alleged by the Complainants without proving that the same are beyond the permissible standards or parameters and are purely based on possibilities and probabilities, such possibilities and probabilities are numerous and endangering for every development. Hence, entertaining such Applications based on possibilities assumed by Complainants would lead to numerous litigations and such attempts are liable to be discarded at the threshold for preventing abuse of process of court and the present application may be dismissed for all the anomalies and reasons mentioned supra.

6.13 In reference to the **Limitation** paragraph of the Application, it is reiterated that, this Application of the Complainants is hopelessly time barred. That the Application has been filed before this Hon'ble Tribunal on 02.03.2021, while the State Level Environment Impact Assessment Authority (SEIAA) of the Ministry of Environment and Forests Order No. SEIAA/AP/RRD-372/2013 allowing Environmental Clearance to the Project was conceded on 25.10.2013, and according to the Clause XI of the "Part-B General Conditions" that, "Any allure against this Environment Clearance will lie with the National Green Tribunal, whenever liked, inside a time of 30 days as endorsed under Section 16 of the National Green Tribunal Act, 2010." Further, the Application which has been filed after the span of more than seven (7) years is in clear contravention of Section 16 of the National Green Tribunal Act, 2010, which accommodates thirty (30) days to file an appeal in ordinary course, and a further time of Sixty (60) days in particular, if the Tribunal is satisfied that the applicant was forestalled by adequate reason from filing the Application within the said time of thirty (30) days. Henceforth, this Application is obviously time-barred. That no cause of action ever accrued to the Complainants as alleged in this Application, as the whole development work of the "LEGEND CHIMES ECHO" project,



For The Legend Chimes Echo
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including the STP has been commenced and directed according to the approvals including the Approved Layout and EC.

- 6.14 It is further submitted that, as regards the contention of the Complainant regarding expiry of Approved Layout and EC are absolutely false and incorrect, hence vehemently denied. As submitted supra, Approved Layout and EC are subsisting and in force by way of amendments and exemptions/extensions in the applicable laws.
7. It is respectfully submitted that, the Complainants have created the false cause of action based on possibilities and probabilities without any iota of fact or law but only for the purpose of filing the present petition, despite being aware of the factual situation and that the cause of action is invented for the purpose of the case, the Application i.e., OA 84 of 2021 is barred by limitation and the Complainants are put to strict proof to establish other allegations.
8. It is respectfully submitted that, the answering Respondent No.3 reserve its right to file additional counter and additional objections to reports filed by the joint committee, if the situation so warrants in the due course of this case, for thwarting the contentions of the Complainants by filing the material documents supporting the facts and circumstances and to take up additional pleas and make submissions on the relevant provision of law at the time of submitting our arguments in the present Application/case.
9. It is respectfully submitted that, other than the aforementioned contentions the Application is bad in law for inconsistency, vague, suppression of material facts and for abusing the process of court and is liable to be dismissed on the specific grounds taken herein above and that any remaining allegations, which are not explicitly conceded in this counter are denied herewith.
10. In view of the foregoing and more particularly in view of the preliminary objections raised herein, it is respectfully submitted that the present Application numbered as OA 84 of 2021 is misconceived, frivolous, vexatious and not maintainable in law and devoid of all merits. It is therefore humbly prayed that this Honorable Tribunal may be pleased to dismiss the OA 84 of 2021 with costs in the interest of justice.

Sworn and signed before me
On this the 17th day of September,
2021 at Hyderabad, Telangana

For The Legend Chimes Echo
Owners Welfare Association
DEPONENT Signatory



ATTESTED

Advocate/Notary
B. VENKATA REDDY, B.Com., LL.B.
Advocate & Notary
Renewed on 03-08-2017
H.No. 8-3-228/610A, Rahamath Nagar,
Hyderabad, Telangana State, India.

7 SEP 2021

VERIFICATION

I, Mr. Tappati Venkat Reddy, S/o Bal Reddy, Aged about 54 years, Occupation: Business and President of the Legend Chimes Echo Owners Welfare Association, Resident of Villa N0. 47, Pipeline Road, Gandipet Revenue Mandal, Ranga Reddy District, Telangana, representing the abovenamed Respondent No. 3 as President of the Respondent No.3, i.e., Legend Chimes Echo Owners Welfare Association, do hereby solemnly affirm and state that what is stated above are true and correct to the best of my knowledge and belief and upon being educated by our Counsel. Hence the same is verified on this the 17th day of September, 2021 at Hyderabad, Telangana.

(For and on behalf of Legend Chimes Echo Owners Welfare Association)

For The Legend Chimes Echo
Owners Welfare Association
Respondent No. 3
Authorized Signatory



ATTESTED
B. Venkata Reddy
B. VENKATA REDDY, B.Com., LLB.
Advocate & Notary
Renewed on 03-08-2017
H.No. 8-3-228/610A, Rahamath Nagar,
Hyderabad, Telangana State, India.

17 SEP 2021