

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI.**

**Original Application No. 87 of 2021 (SZ)**

Arvind Kumar Agarwal and others

... Applicant

Versus

The Chief Secretary,  
Government of Tamil Nadu  
Fort St. George, Chennai – 600 009.  
and others.

...Respondent(s)

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**Filed by  
Thiru. Sai Sathyajith,  
BSC, Chennai.**



**INSPECTION REPORT OF THE JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE) IN RESPECT OF O.A No. 87 of 2021 FILED BY THIRU ARVIND KUMAR AGARWAL AND OTHERS.**

The Hon'ble National Green Tribunal (NGT), Southern Zone(SZ), Chennai in its order dated 24.03.2021 in Original Application No.87 of 2021 in the matter of : Aravind Kumar Agarwal and Others has stated the following:

*“ In order to ascertain the genuineness of the allegations made and the alleged violations of environment clearance and consent to establish and the probable pollution which has been alleged by the applicant in the application, we feel it appropriate to appoint a joint committee comprising of (1) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF & CC) Regional Office, Chennai (2) a Senior Office from the Tamil Nadu State Level Environment Impact Assessment Authority (TSEIAA), Chennai and (3) a Senior Officer from the Tamil Nadu Pollution Control Board (TNPCB) as deputed by its Chairman to inspect the area in question and submit a factual as well as action taken report if there is any violation found*

*The committee is directed to consider the allegation of construction of any portion of the project without getting proper environment clearance, violations of environment clearance and consent conditions, the deficiency in the Sewage Treatment Plant (STP) and the D.G. Sets provided and the violations if any of pollution norms and if the violations are found to be true, then to assess the environmental compensation payable and further action to be taken against the project proponent for the violation committed and if any, remedial measures are to be provided, then what are all the nature of remedial measures to be provided to curb the alleged pollution problems raised by the applicant in the application and submit a report to this Tribunal on or before 30.04.2021 by e-filing”*

In due compliance to the said Hon'ble National Green Tribunal (SZ) order , the joint committee as constituted by the Hon'ble NGT(SZ) has inspected the unit of M/s. Purvankara Projects Limited – Cosmocity, S.F.No.53/3,53/4,53/10B,55,56/1,57/2,57/4,etc, Pudupakkam Village, Vandalur Taluk, Chengalpattu District 16.07.2021 and the report is submitted as follows

It is respectfully submitted that Environmental clearance was issued to the unit of M/s. Purvankara Projects Limited, S.F.No.53/3,53/4,53/10B,55,56/1,57/2,57/4, Pudupakkam Village, Vandalur Taluk, Chengalpattu District by State Level Environment Impact Assessment Authority, Chennai, Tamil Nadu vide its letter No.SEIAA/TN/EC/8(a) /006/F-20/2008 dated 24.07.2008 valid up to five years from the date issue of EC ie up to 23.07.2013 for the construction of residential apartment complex in total plot area of 127570.85 Sq.m with total built up area of 144596 sqm with 1184 Dwelling units

Subsequently, unit of M/s. Purvankara Projects Limited –Cosmocity, S.F.no.53/3,53/4,53/10B,55 56/1,57/2 ,57/4, Pudupakkam Village, Vandalur Taluk, Chengalpattu District has obtained consent for establishment under the Water(P&CP) Act,1974 and the Air (P&CP) Act, 1981 for the construction of Residential complex with total built up area of 144596 Sq.m and to discharge 650 KLD sewage ( 273 KLD for recycling to process, 212 KLD for on land gardening, 165 KLD to CMWSSB STP through

dedicated lorries with payment of fees) and to discharge emissions through DG Set -500 KVA-7Nos, vide Board Proceedings No.T11/TNPCB/5256/MMN/OL/W&A/2013 dated 19.03.2013 with certain conditions inter alia that “The unit shall obtain prior Environmental clearance under EIA Notification 2006 for expansion as reported”.

Subsequently ,Consent to operate was issued to the said unit vide Board’s proceedings vide Proc.No.T5/TNPCB/F.1369MMN/RL/MMN/W&A/2017 dated 15.03.2017 for Residential Complex comprising of 39 Blocks, G+2 & G+3 floors, Basic amenities (Residential Club House, G+2) with 1184 dwelling units and built up area of 144596 Sq.m. and to discharge sewage of 650 KLD out of which 273 KLD for recycling (toilet flushing), 212 KLD on land for gardening including avenue plantation and 165 KLD to Pudupakkam Panchayat for Avenue plantation.

Based on the complaint received by the Board on 05.08.2020, Joint Chief Environmental Engineer, TNPC Board, Chennai inspected the unit on 07.08.2020 and noticed that the unit has constructed and commissioned Phase-II with about 990 dwelling units in addition to Phase-I 1184 dwelling units. The unit has not applied for consent for Phase II. Consent to operate issued to Phase I has expired on 31.03.2018. The unit has not applied for renewal of consent.

Hence the unit of M/s.Puravankara Projects Limited – Provident Cosmo City, S.F.No. 53/3, 53/4, 53/10B, 55, 56/1, 57/2, 57/4, Pudupakkam Village, Vandalur Taluk, Chengalpattu District was issued with Show cause notice vide Proceedings dated 03.09.2020 for not complying to the following conditions stipulated in the CTO under Section 25 of the Water Act and Section 21 of the Air Act within 15 days from the date of receipt of notice as to why penal action for the offences punishable under Section 44 read with Section 45A of the Water Act and under Section 37 read with Section 31A of the Air Act should not be initiated against the occupier for contravening Section 25 of the Water Act and Section 21 of the Air Act, also to issue direction in exercise of the power conferred under Section 33A of the Water Act and 31A of the Air Act for closure of the unit and for stoppage of power supply, water supply etc., to the unit.

The unit in its reply to the show cause notice vide its letter dated 21.09.2020 has stated that the complex has been under the complete management of the Association namely Provident Cosmo City Resident’s Welfare Association (CCRWA) and stated that the further communication may be addressed to the owner of the property M/s Cosmo City Resident’s Welfare Association and not to proceed action against them.

#### **Observations of the joint committee made during the time of inspection**

1.The unit of M/s. Purvankara Projects Limited- Cosmocity , S.F.No.53/3,53/4, 53/10B,55,56/1, 57/2,57/4 Pudupakkam Village, Vandalur Taluk, Chengalpattu District has constructed a residential complex as Phase-I with total built up area of 144596 sqm with 1184 Dwelling units for which the unit has obtained Environmental Clearance from SEIAA, Chennai and Consent to operate under the Water(P&CP) Act,1974 and the Air(P&CP) Act,1981 from the TNPC Board vide proceedings dated 15.03.2017 valid up to 31.03.2018.

2.The unit has provided Sewage Treatment Plant (STP-I) of capacity 650 KLD near Block D for the treatment of sewage generated from the Phase I residential complex with 1184 dwelling units.

3. The unit has constructed additional residential complex as Phase II with total built up area of 46619.02 Sq.m with 990 dwelling units without obtaining Environmental Clearance and also without obtaining consent for establishment from the TNPC Board.

4. The unit has provided Sewage Treatment Plant (STP-II) of capacity 650 KLD for treatment of sewage generated from the 990 dwelling units near Block B, the area in question.

5. The STP meant for treating the sewage generated from the 990 dwelling units is placed near Block B i.e Block B1 & Block B2 with a distance of 6m in between.

6. The applicant Thiru.Arvind Kumar Agarwal (Block B2, Flat No.302) residential flat is located in 3<sup>rd</sup> floor (Total floors -4 including Ground floor) of the Block B of the said residential complex.

7. Sewage Treatment Plant (STP-II) of capacity 650 KLD was provided for the treatment of sewage generated from the Block A & Block B of the said residential complex is located at about 6m from the Block B and reported to be functioning since 2017.

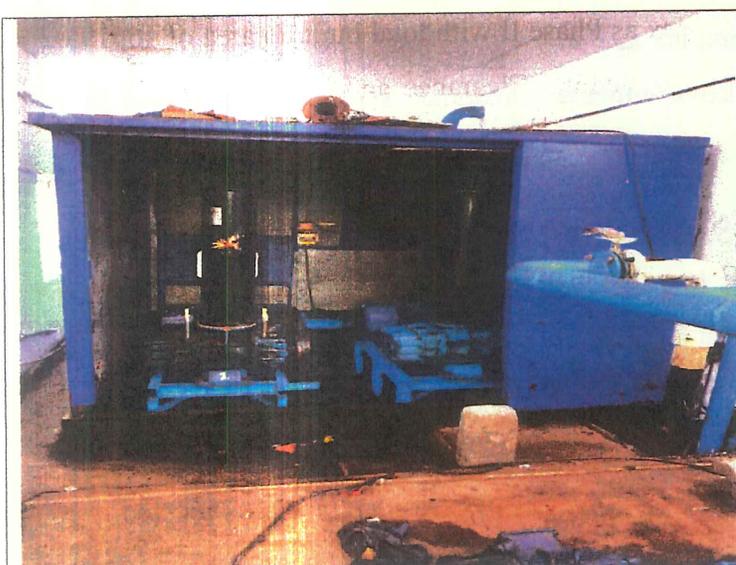
8. The said Sewage Treatment Plant (STP-II) comprises of Collection cum Equalization Tank, Aeration cum Settling Tank (SBR), Sludge Holding Tank, Filter feed tank, Dual Media Filter, Treated sewage tank and Filter press which were in operable condition at the time of inspection. The filter press (sludge dewatering mechanism) was found to be not put into operation so far, thus the excess sludge generated during the treatment of sewage was let out outside the premises through private tanker lorries.

9. The entire treatment units except Dual Media Filter and Treated sewage tank of the said STP is housed in a closed building with concrete roof with a door and two windows.

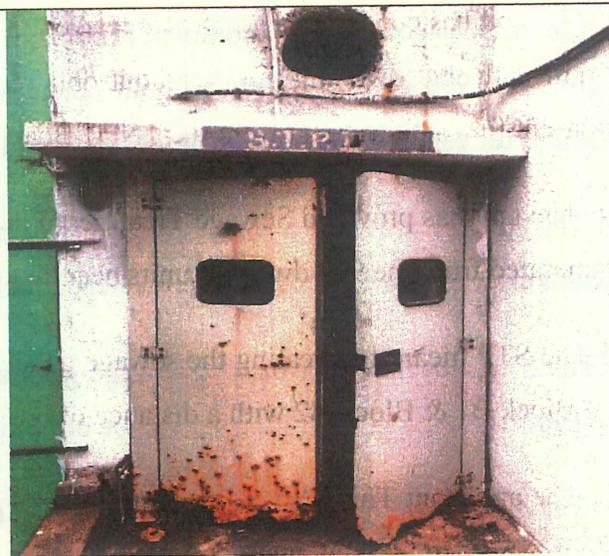
10. Dual Media Filter and Treated sewage tank of the said STP is housed in a covered shed.

11. An Electro Magnetic Flow meter (EMFM) was fixed at the outlet of the STP to assess the quantum of sewage treated in the STP, whereas an EMFM at the inlet of said STP, Toilet flushing reuse & Gardening purposes are yet to be installed.

12. Blower 2 Nos – 30 HP each is housed in the said STP for the supply of air to the aeration tank which is partially covered with acoustic enclosures as shown in the following photographs, which is the main source of noise pollution.



**Blower installation partially covered with acoustic enclosures**



**Blower room doors**

13. Aeration cum settling tank above the ground level is completely closed and provided with 4 Nos of manhole for inspection purpose.

14. The blower arrangement provided to suck & release the odorous gas if any generated from collection cum equalization tank was under operation at the time of inspection.

15. The arrangement has been provided for the utilization of the treated sewage for gardening and for toilet flushing by providing dual plumbing line within the Flat premises. But there is no disinfection facility to disinfect the treated sewage before utilizing for toilet flushing.

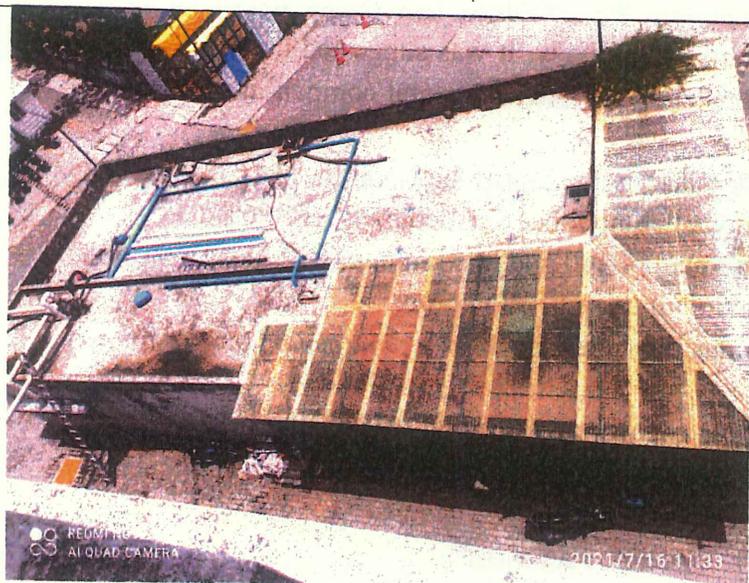
16. During the time of inspection odour was felt by the members of the committee near the STP-II area.

It is respectfully submitted that another Sewage Treatment Plant (STP-I) for the treatment of sewage generated from other blocks such as Block C & Block D of the said residential complex is also functioning in the same premises in other location near Block D which is also operated by Provident Cosmo City Resident's Welfare Association (CCRWA) for which there is no complaint has been received from the nearby residents

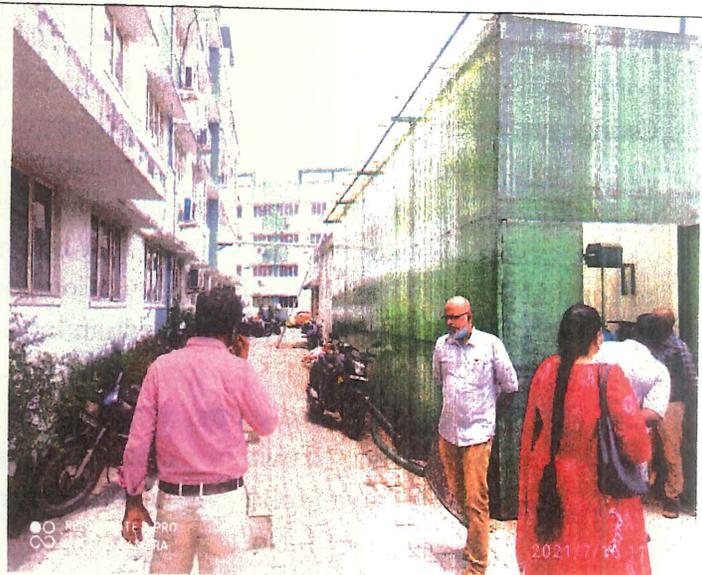
Report of analysis of the treated sewage collected from the STP on 26.07.2021 by the District Environmental Engineer, TNPCB, Maraimalai Nagar reveals that the parameters (pH, TSS & BOD) analysed are satisfy the treated sewage standards prescribed by the Board.

Report of analysis of the Ambient Noise Level survey conducted by the TNPC Board Laboratory on 02.08.2021 reveals that the noise level measured at the petitioner's residence Flat No.B2-302 is 57.3 dB(A) Leq ( in the Hall), 59.6 dB(A) Leq ( in the Bed room) as against the standard of 55 dB(A). Further in the residence of Thiru Radhakrishnan Flat No.B1-003 is 61.3 dB(A) Leq, as against the standard of 55 dB(A). The noise level is 65.9 dB(A) as measured in the common corridor near STP.

**Photographs taken during Joint Committee Inspection**



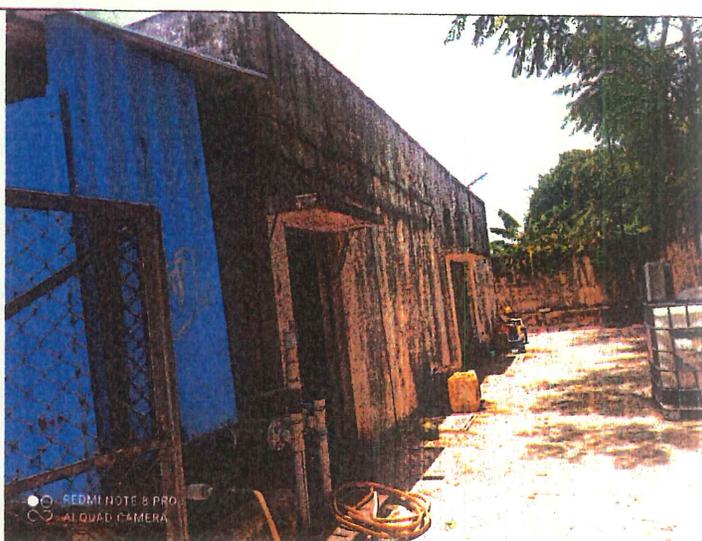
**a)STP-II ( 650 KLD) installed near Block B inside closed shed**



**b)Distance between the STP and Block B**



**c)Inspection by the Joint committee members**



**d)STP-I(650 KLD) located at Block D**

**Environmental Compensation levied to the said unit**

In view of the above, it is respectfully submitted that environmental compensation for the above said violations by the unit of M/s.Puravankara Projects Limited – Provident Cosmo City, S.F.No. 53/3, 53/4, 53/10B, 55, 56/1, 57/2, 57/4,etc Pudupakkam Village, Vandalur Taluk, Chengalpattu District may be levied and is calculated as below

**Calculation of Environmental Compensation based on the CPCB Guidelines:**

Environmental Compensation Formula

$$EC= PI \times N \times R \times S \times LF$$

where

EC-Environmental compensation

PI-Pollution index of industry sector

N-Number days of violation took place

R-A factor in Rs for EC

S-Factor for scale of operation

LF- Location Factor

**Note:**

i)The industrial sectors have been categorized into Red, Orange and Green based on their pollution index in the range of 60-100, 41-59 and 21-40 respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental compensation for Red, Orange and Green Categories of industries respectively

ii)N, number of days for which violation took place is the period between the day of violation observed/ due date of directions compliance and the day of compliance verified by PCB/SPCB/CPCB

iii)R, is a factor in rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the Environmental Compensation in cases of Violation

iv)S could be based on small/medium/large industries categorization which may be 0.5 for micro or small, 1 for medium and 1.5 for large units

v)LF, could be based on the population of the city/town and location of the industrial unit. For the industrial unit located within municipal boundary or upto 10 Km distance from the municipal boundary of the city/town, following factors (LF) may be used

S.No	Population (Million)	Location Factor (LF)
1	Less than 1	1.0
2	1 to <5	1.25
3	5 to <10	1.5
4	10 and above	2.0

Environmental Compensation to the unit of M/s.Puravankara Projects Limited – Provident Cosmo City, S.F.No. 53/3, 53/4, 53/10B, 55, 56/1, 57/2, 57/4, etc Pudupakkam Village, Vandalur Taluk, Chengalpattu District is calculated as follows

The Date of violation observed: 10.08.2020

Pollution Index for Red category industries as per CPCB Guidelines – 80

Number of days – 414 (from the date of violation noticed to till the date, 27/09/2021)

R as per CPCB Guidelines – 250

S as per CPCB Guidelines – 1.5

LF as per CPCB Guidelines -1.0

$$\text{Environmental compensation (EC)} = \text{PI} \times \text{N} \times \text{R} \times \text{S} \times \text{LF}$$
$$= 80 \times 414 \times 250 \times 1.5 \times 1.0 = \text{Rs. } 1, 24, 20,000 \text{ /-}$$

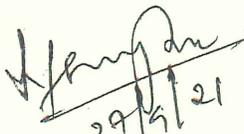
Environmental compensation (EC) for the unit: Rs. 1, 24, 20,000 /- (Rupees One Crore twenty four lakhs and twenty Thousand only)

**Recommendations of the Joint Committee:**

The Joint Committee has suggested the following recommendations in the above said subject matter before the Hon'ble National Green Tribunal:

1. The proponent/association shall operate and maintain the STPs components continuously & efficiently so as to achieve the treated sewage standards prescribed by the Board.
2. The proponent/association shall utilize the treated sewage on land for gardening and toilet flushing within the flat premises after satisfying the treated sewage standards prescribed by the Board.
3. The proponent/association shall provide UV disinfection system for the disinfection of the treated sewage before utilization of the same for toilet flushing.
4. The proponent/association shall provide separate EMFMs at the inlet of STPs, Toilet flushing reuse line & Gardening reuse line so as to assess the continuous operation & utilization of the treated sewage from the STPs.
5. The proponent/association shall revamp, provide the acoustic enclosure to the blowers attached to aeration tank of the STP II located near Block B to mitigate the noise nuisance.

6. The proponent/association shall provide acoustic measures for the doors and the windows provided in the STP II located near Block B to mitigate the noise nuisance.
7. The proponent/association shall remove the flexible hoses provided for pumping of the sewage from the collection tank and shall avoid in future also.
8. The proponent/association shall operate the filter press provided in the unit for the removal of excess sludge and shall stop disposing the same through lorry tankers.
9. The proponent/association shall ensure that the blower arrangement to suck & release the odorous gas if any generated from collection cum equalization tank provided is operated continuously.
10. The proponent/association shall provide full fledged mechanical ventilation arrangement in the STP II located near Block B.
11. The proponent/association shall maintain logbook for the operation of the STPs and to assess the quantity of energy consumption.
12. The proponent/association shall make all provisions for avoiding the entry of storm water into STPs which hampers the regular and efficient operation of the treatment system.
13. The treated sewage shall be reused completely in the complex and shall not be discharged outside the premises at any point of time.
14. The proponent/association shall engage a qualified firm/agency for operating & maintaining the STPs. The STPs has to be operated regularly in a scientific manner to avoid septic conditions and resulting odour problems.
15. The analysis of treated sewage shall be done periodically to assess the performance of the STPs.
16. The proponent shall apply and obtain Environmental Clearance for the additionally constructed residential complex with 990 dwelling units with total built up area of 26619.02 Sq.m
17. The proponent shall remit the Environmental Compensation of Rs. 1, 24, 20,000 /- for the above said violations.
18. The proponent shall shift the Sewage Treatment Plant- II of capacity 650 KLD located adjacent to the petitioners residence to the permissible location within the premises as there was noise and odour nuisance as observed during the time of inspection by the committee members

  
29/9/21  
Assistant Engineer,  
SEIAA, Chennai,  
Tamil Nadu

  
27/9/21  
District Environmental Engineer,  
Tamil Nadu Pollution Control  
Board, Maraimalai Nagar

  
27/9/21  
The Director,  
Regional Office,  
MoEF &CC,  
Chennai



BEFORE THE HON'BLE NATIONAL  
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**JOINT COMMITTEE REPORT FILED ON  
BEHALF OF THE RESPONDENT –  
TAMIL NADU POLLUTION CONTROL  
BOARD**

Advocate for Respondent: TNPCB  
Thiru. Sai Sathyajith  
BSC, Chennai.

Dated: 28.09.2021

Date of hearing: 29.09.2021

