

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

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

**IN THE MATTER OF**

Arvind Kumar Agrawal and others

...Applicant(s)

Versus

The Chief Secretary to Government of Tamil Nadu

Pollution Control Board and Others.

...Respondent(s)

**REJOINDER AFFIDAVIT FILED BY THE 1<sup>st</sup> APPLICANT & OTHERS**

**TO THE COUNTER AFFIDAVIT OF 2<sup>nd</sup> RESPONDENT**

**SUBMITTED ON 03.03.2022**

CHENNAI

DATED: 18.03.2022



1<sup>st</sup> Application & Party in Person

(ARVIND KUMAR AGRAWAL)

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Next Date: 29.03.2022

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**REJOINDER AFFIDAVIT FILED BY THE 1<sup>ST</sup> APPLICANT ALONG WITH OTHER APPLICANTS TO THE COUNTER AFFIDAVIT OF 2<sup>ND</sup> RESPONDENT ON DATED 03.03.2022**

I, Arvind Kumar Agrawal, S/o Sri Lakhan Lal Agrawal, aged about 43 years, 1<sup>st</sup> Applicant of this application, residing at B2-302, Provident Cosmo City Apartment, Pudupakkam, 603103, do hereby solemnly affirm and declare as under:-

- I. I am the 1<sup>st</sup> petitioner in the present Application, and I am fully conversant with the facts of the present case based on the records obtained through written correspondences with various Government departments, RTI responses, visual evidences collected from this residential site, internal communications from Cosmo City Welfare Associations.
- II. This Hon'ble National Green Tribunal (NGT), Southern Zone (SZ), Chennai, in its order dated 04.03.2022, in Original Application No. 87 of 2021, has directed the following in para 6 that:

*"If the applicant wants to file any objection to the report submitted by the State Pollution Control Board on the basis of their objections raised, he is directed to file the same within two weeks by e-filing in the form of Searchable PDF / OCR Supported PDF and not in the*

*form of Image PDF along with necessary hardcopies to be produced as per the Rule and the parties are directed get ready with the matter on 29.03.2022 for hearing.”*

1<sup>st</sup> Applicant along with other applicants have made few observations to the counter affidavit submitted by 2<sup>th</sup> Respondent on dated 03.03.2022, which are contrary to the evidences furnished in this petition. The 1<sup>st</sup> Applicant along with other applicants is hereby filing its reply to the said counter affidavit for kind consideration to this Hon'ble Tribunal. It is respectfully submitted following:

1. That, at the outset, I deny the all the averments made by 2<sup>nd</sup> Respondent in its counter affidavit as false and put the 2<sup>nd</sup> Respondent to strict proof of the same.
2. It is respectfully submitted that, in para #6 of its reply, it is mentioned that, total parking area is for 489 cars in the proposal. However, as per the letter from SEIAA, Tamil Nadu on dated 24.07.2008, it is mentioned total parking area for car is 1489.
3. It is respectfully submitted that, 2<sup>nd</sup> respondent had not submitted its reply until 03.03.2022 whereas this case has been under pendency since 24.03.2021. It is worth noting down the events specially on para#17 where SEAC in its 227<sup>th</sup> meeting held on 21.08.2021, decided to grant the Terms of Reference (ToRs) for this proposal in question. Similar event, whereat authority being accepting the recommendation of SEAC and granting the ToRs to proponent in question. It is mentioned in para #18 in its reply and this specific event also occurred much after the acceptance of this case and during its pendency – **“The meeting 465<sup>th</sup> held on 01.10.2021”**. It is unjust and bad in the eyes of laws.
4. It is respectfully submitted, that there is no such information available about such meetings as mentioned in para #15 and para# 17 held on 08.03.2021 and 21.08.2021 respectively and strictly put 2<sup>nd</sup> Respondent to proof to the same.
5. It is respectfully submitted that, acceptance of ToRs recommended by SEAC and thereby granting the Terms of Reference to the proposal by the Authority is contrary to the office memorandum no. F.No. Z-11013/22/2017-IA.II(M) dated 15.03.2018 referred in Para# 11. The excerpt is shown below from the memo obtained through its website as:

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4. In order to operationalize the Notification number S.O.1030 (E) dated 8<sup>th</sup> March, 2018, following directions are being issued for compliance with immediate effect: -

- i. The proposals received up to 13<sup>th</sup> September, 2017 on the Ministry's portal, shall be considered by the EAC or the SEAC/SEIAA in the respective States/UTs, as the case may be, in order of their submission.
- ii. All the proposals of category 'B' projects/activities pertaining to different sectors, received within six months only i.e. up to 13<sup>th</sup> September, 2017 on the Ministry's portal, but yet not considered by the EAC in the Ministry, shall be transferred online to the SEAC/SEIAAs in the respective States/UTs.
- iii. The proposals submitted directly for consideration of EC (in place of ToR), shall also be considered on the same lines, in order of their submission on the Ministry's portal.
- iv. All the projects of category 'B' pertaining to different sectors, although considered by the EAC in the Ministry and accorded ToR, shall be appraised for grant of EC by the SEAC/SEIAAs in the respective States/UTs.

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- v. All projects/activities of all sectors, shall be required to adhere to the directions of Hon'ble Madras High Court vide order dated 13<sup>th</sup> October, 2017 while upholding the Ministry's Notification dated 14<sup>th</sup> March, 2017.

January 15 '18

Para ii of 4 of this notification clearly states that only those proposal shall be considered by the SEAC/SEIAA in the respective States/UTs which are not yet considered by EAC in the Ministry. It is well evident, that this specific proposal in question has already been taken up by the EAC on its 2<sup>nd</sup> meeting held on 15-16 Jan, 2018 and didn't recommend for acceptance of Terms of Reference. ANNEXURE – 9 in the petition shows the minutes of meeting referred here. It is annexed again here as ANNEXURE – R/2. 2<sup>nd</sup> Respondent had either suppressed this important fact or didn't consider it while accepting the Standard Terms of Reference for this proposal in question.

6. It is respectfully submitted, that EAC had already appraised this proposal in question (application for ToRs) and after detail deliberation in its 2<sup>nd</sup> meeting held on 15-16 Jan, 2018, their opinion was negative. It is also evident that, based on the EAC recommendation, Ministry had replied 5<sup>th</sup> Respondent vide its letter dated 10.04.2018 about the rejection and

issued direction to State Gov/SPCB to take action as per the provision of Section of 19 of Environment(Protection) Act, 1986. Thereby no response from the 5<sup>th</sup> Respondent (project proponent), the status of this application moved to delisted and is shown as delisted in the Ministry website. This important fact is suppressed or is not considered by SEAC while appraising this ToRs application. The documentary evidences are annexed in its petition as ANNEXURE – A2 (page 40) and ANNEXURE – A10 (page 83). It is re annexed here as R/3 and R/4.

7. It is respectfully submitted that, this recommendation of acceptance of ToRs by the SEAC is unjust as per S.O. 804(E) notification where sub para 4 of 13 states as below:

(4) The cases of violation will be appraised by respective sector Expert Appraisal Committees constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the Expert Appraisal Committee is negative, closure of the project will be recommended along with other actions under the law.

It is well established from the above statement, that EAC from Ministry had already appraised this application in its 2<sup>nd</sup> Meeting held on 15-16 Jan, 2018 and provided its finding as negative. Even though, SEAC took this application again for appraisal and though it is against a law, this application as per para #15 and provided his finding as **negative** in its reply submitted by this 2<sup>nd</sup> Respondent. Instead issuing for closure direction, the same committee had again taken up this application for appraisal on 21.08.2021 as per para #17 of this reply from 2<sup>nd</sup> Respondent and recommended for its acceptance of ToRs. It raises serious questions upon the functioning and transparency of SEAC, SEIAA and other authorities that they perform.

8. It is respectfully submitted, that none of the previous showcause notices, issued between year 2012 and 2018, by the MoEF&CC, New Delhi, were taken into account by 2<sup>nd</sup> Respondents in its reply. It is annexed in petition as ANNEXURE A2 and re annexed here as ANNEXURE R5.
9. It is respectfully submitted that, as per para #7 in its reply, the 2<sup>nd</sup> respondent confirmed it as a category B2 project and does not require public consultation. However, it is contrary to the fact that it must be considered as category B1 project which require a public consultation. The excerpt below from 8(ii) of EIA Notification 2006 about categorization of project. With construction of additional 990 units, the total built up area is 1,91,215.02 Sq. m for this project (Existing EC 1184 apartments + 990 Apartments for which EC was not granted). It is evident that it is falling now under the project category 8(b) and must be appraised as category B1.

(1)	(2)	(3)	(4)	(5)
<b>8</b>		<b>Building /Construction projects/Area Development projects and Townships</b>		
<b>8(a)</b>	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area )
<b>8(b)</b>	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	**All projects under Item 8(b) shall be appraised as Category B1

10. It is respectfully submitted that; as per the minutes of 2<sup>nd</sup> meeting of EAC, held on 15-16 Jan,2018,MoEF&CC, New Delhi, the expansion of this project started as early as in the year 2009 when the monitoring committee had identified violations to EC conditions. SEIAA vide their letter dated 23<sup>rd</sup> May 2014 has confirmed the case to be violation of EIA Notification 2006 and recommended the State Government to initiate action against project proponent u/s 19 of Environment (protection) Act, 1986. This important fact is suppressed in its response by the 2<sup>nd</sup> respondent. 2<sup>nd</sup> Meeting EAC is annexed in its petition as ANNEXURE – A9 and re annexed here as ANNEXURE R/2.
11. It is respectfully submitted that, the office memorandum F.No. 22-21/2020-IA.III, MoEF&CC, issued on 07.07.2021 provides Standard Operating Procedure (SoP) for Identification and handling of violation cases under EIA Notification 2006. Issue 1 (i) of Para 7 in this office memorandum, clear states that proposal for Environment Clearance must be examined on its merits, independent of any proposed action for the alleged violation of the environment law. The excerpt from the memo is as below.

**Issue 1: Proposal for grant of Environmental Clearance in violation cases – to be considered on merits:**

**i. Hon’ble High Court of Jharkhand in the matter of Hindustan Copper Limited Vs Union of India in W.P. (C) No. 2364 of 2014, vide order dated 28.11.2014**

*Held: “(...) action for alleged violation would be an independent and separate proceeding and therefore, consideration of proposal for environment clearance cannot await initiation of action against the project proponent.”*

*“(...) the proposal of the petitioner company for **environmental clearance must be examined on its merits, independent of any proposed action for the alleged violation of the environmental laws.**”*

None of the respondents arrayed between 1 and 4 took appropriate actions against the 5<sup>th</sup> Respondent since 2009 thereby giving sufficient time to not only complete its construction of additional 990 units but also in selling majority of these units.

12. It is respectfully submitted that, in para #17 of its reply, SEAC has recommended the proposal for grant of Standard Terms of Reference. It is also recommended for EIA study as per details issued by MoEF&CC. Para xii & xiii is stated as

xii. The proposed OSR area should not be included in the activity area. The OSR area should not be taken into account for the green belt area.

xiii. The layout plan shall be furnished for the greenbelt area earmarked with GPS coordinates by the project proponent on the periphery of the site and the same shall be submitted for CMDA/DTCP approval. The green belt width should be at least 3m

wide all along the boundaries of the project site. The green belt area should not be less than 15% of the total land area of the project.

As per the current state of this project, all the 2174 units in this project has already been constructed and so far 2094 units has already been sold as per the reply from 5<sup>th</sup> Respondent. The complex is fully functional with more than 80% of its estimated capacity. Due to construction of additional 990 units, complex suffers sever space constraint which resulted in following issues as well as amounting to environment beyond its limit.

- i. OSR area is provided as 10% of the total land area and is clearly shown from the Master approval plan from DTCP.
- ii. Bio waste management plant was setup inside the OSR area.
- iii. There is no green belt area available in the complex.
- iv. OSR area has activities like children park, badminton court, open theatre, etc and are being used by its residents.
- v. To meet the need of sewage water treatment generated by this additional 990 units, massive capacity of 650 KLD STP plant established very near to (barely 3.5 m) from residential units. One such STP in question is creating nuisance to its near by residents for past 7 years.
- vi. Roads between residential blocks are also utilized for car park and two vehicle parking thereby shrinking the driveway to 3.5 m as per master plan.

- vii. Even for installation of Air conditioner to respective units, one has to raise request to security to move such car from those parking area to enable technician to perform their job of installation.
- viii. Reduction of driveway yield issues like obstruction to fire fighter vehicles during emergency situation. Also vehicle parking next to units contributes to aggravate the fire during unforeseen outbreak situation.
- ix. Complex is unable to justify the need of car parks required for all 2174 units and hence additional car park space is sought nearly 500 mt away from this complex.
- x. Consumption of Sewage treated water is far less than the actual availability hence it requires to be carried away to external lorry vendors on a payment basis.
- xi. Ground water sources are being depleted due to extraction of water through borewell hence water scarcity in this area is experienced more often by the residents of this complex every year including nearby village people. It is well evident from the audited yearly maintenance statement where residents are forced to by water through external vendor during summer.

The TN State appraisal committee (SEAC) had failed detail deliberation on such points during appraisal of this application for ToRs and recommended the authority for its acceptance. Had this been considered during the screening of the application, as per I stage (1) - Screening of section 7 of EIA Notification, 2006, it would have been opine with negative and not affirmative.

13. It is respectfully submitted, that the applicants had already raised such concerns stated above in its petition. It is important to note that construction of additional 990 units resulted in total built up area to increase to 1,91,215.02 Sq.m thereby falling under the project category of Schedule 8(b) of EIA Notification 2006 and in this specific case the project needs to be appraised as category B1 project which require public consultation as per para Stage III of Para 7 of EIA Notification 2006. Nor the 2<sup>nd</sup> Respondent neither SEAC and SEIAA, have considered this important fact while recommending the proposal for ToRs or acceptance of ToRs respectively.

Hence, it is earnest prayer that this Hon'ble Tribunal is pleased to record the statements mentioned above to the counter affidavit submitted by 2<sup>th</sup> Respondent on dated 03.03.2022 and may kindly be pleased to pass such order as deem fit and proper in the interest of justice.



**VERIFICATION**

I, Arvind Kumar Agrawal, S/o Shri Lakhan Lal Agrawal, aged about 43 years do hereby verify that the concerns of paras (1 to 13) to the said reply are based on records and information are true to best of my knowledge and belief.

Hence, verified on 18<sup>th</sup> day of Mar 2022 at Chennai.

OA 87/2021 (SZ)

18.03.2022

Sd/--



1<sup>st</sup> Application & Party in Person  
(..Arvind Kumar Agrawal)

### **9. Validity of Environmental Clearance (EC):**

The “Validity of Environmental Clearance” is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

## ANNEXURE R/2

Minutes of 2<sup>nd</sup> meeting of Expert Appraisal Committee for projects related to violation of the EIA Notification, 2006 held on 15-16 January, 2018 at Indira Paryavaran Bhawan, Ministry of Environment, Forest and Climate Change, New Delhi

**2.1 Opening remarks the Chairman**

**2.2 Confirmation of minutes of 1<sup>st</sup> meeting held on 22<sup>nd</sup> June, 2017 at Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi**

The EAC, having taken note that no comments were offered on the minutes of its 1<sup>st</sup> meeting held on 22<sup>nd</sup> June, 2017 at New Delhi, confirmed the same.

**2.3 Consideration of proposals**

S. No.	Proposal
2.3.1	<p><b>Residential Complex 'VGN Stafford' by M/s VGN Developers Private Limited at old Survey No: 209/2 Part and 883 and T.S. No: 4 &amp; 35B of Thirumullaivoyal Village, Block No. 46 and 42, Ambattur Taluk, District Tiruvallur (Tamil Nadu)</b></p> <p><b>[IA/TN/NCP/63425/2017] [F. No. 23-11/2017-IA.III]</b></p>
2.3.1.1	<p>The residential project involves construction of 1286 dwelling units with total built up area of 161538 sqm in total plot area of 80981 sqm at Survey No. 209/2 Part and 883 and T.S. No: 4 &amp; 35B of Thirumullaivoyal Village, Block No. 46 and 42, Ambattur Taluk, Tiruvallur District (Tamil Nadu) by M/s VGN Property Developers Private Limited.</p> <p>The project site is permitted for residential use as per approved Master Plan of the area. Planning/ building permission were obtained from Chennai Metropolitan Development Authority (CMDA), whereas, other necessary approvals were taken from the Chennai Corporation, CMWS&amp;SB etc.</p> <p>The said project/activity is covered under category B of item 8(b) of the Schedule to the EIA Notification, 2006, and requires prior EC from the SEIAA in Tamil Nadu based on the appraisal by SEAC.</p> <p>ToR for the project was granted by SEAC on 17<sup>th</sup> May, 2013. The application for seeking EC was submitted to SEIAA on 10<sup>th</sup> November, 2013. The proposal for grant of EC was first considered by the SEAC in its meeting held on 16<sup>th</sup> April, 2014.</p> <p>Meanwhile, show cause notices were issued by the State Pollution Control Board on 11<sup>th</sup> July, 2013 for not obtaining prior EC and consent under the Air/Water Act, and then on 25<sup>th</sup> December, 2013 for construction without EC.</p> <p>SEIAA observed construction already started at the project site without obtaining the prior EC, which amounts to violation of the EIA Notification, 2006. The same was admitted by the project proponent themselves. The proposal was finally delisted vide letter dated 10<sup>th</sup> November, 2014.</p> <p>Complaint was filed under section 200 of the Criminal Procedure Code for offence under section 15 read with 18 &amp; 19(a) of the Environment (Protection) Act, 1986 by</p>

	SEIAA on 28 <sup>th</sup> November, 2014. It is also reported therein that one case was also fit in the respective Judicial Magistrate Court as per the guidelines/procedure issued by the MoEF, Govt in OM dated 12 <sup>th</sup> December, 2012.
2.3.8.3	<p>The EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&amp;CC Notification dated 14<sup>th</sup> March, 2017, confirmed the case to be of violation of the EIA Notification, 2006 and recommended for the following:-</p> <p>(i) The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate or occupancy certificate to be issued till the project is granted EC.</p> <p>(ii) Grant of Terms of Reference for undertaking EIA and preparation of Environment Management Plan (EMP) as enumerated in Annexure-I, along with public hearing.</p> <p>(iii) The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.</p>
2.3.9	<p>Residential apartment 'COSMOCITY' by M/s Puravankara Limited at Survey Nos: 53/3,53/4,53/10B,55,56/1,57/2 &amp; 57/4, Pudupakkam Village Chengalpatu Taluk, District Kancheepuram (Tamilnadu)</p> <p>[IA/TN/NCP/63558/2017] [F. No. 23-19/2017-IA.III]</p>
2.3.9.2	<p>The residential project involves construction of residential apartment 'Cosmo City' with a total built up area of 1,91,215.02 sqm (for 2174 apartments) in total plot area of 1,27,570.85 sqmat Survey No.53/3, 53/4, 53/10B, 55, 56/1, 57/2 &amp; 57/4 at Pudupakkam Village, Chengalpatu Taluk, Kancheepuram District (Tamil Nadu) by M/sPuravankara Limited.</p> <p>The project site is permitted for residential use as per approved Master Plan of the area. Planning/ building permission were obtained from Chennai Metropolitan Development Authority (CMDA), whereas, other necessary approvals were taken from the Chennai Corporation, CMWS&amp;SB etc.</p> <p>The said project/activity is covered under category B of item 8(a) &amp;(b)of the Schedule to the EIA Notification, 2006, and requires prior EC from the SEIAA in Tamil Nadu based on the appraisal by SEAC.</p> <p>Earlier, the EC was granted by SEIAA vide letter dated 24<sup>th</sup> July, 2008 for construction of 1184 units under category B of item 8(a) of the said Notification. The application forseeking EC to expansion of the project for more 990 dwelling units was submitted to SEIAA on 6<sup>th</sup> February, 2009 for consideration under item 8(b).</p> <p>Based on monitoring of the project by the Regional Office of the Ministry, the project proponent vide this Ministry's letter dated 2<sup>nd</sup> April, 2012 were directed to stop construction works for non compliance of EC conditions. There being no response, the project proponent was given final opportunity vide letter dated 16<sup>th</sup> July, 2012 followed by show cause notices on 7<sup>th</sup> December, 2012 &amp; 8<sup>th</sup> February, 2013 to report</p>

	<p>the compliance of the earlier directions. The process is yet to be concluded.</p> <p>The application for seeking EC to the expansion project (990 dwelling units) was submitted to SEIAA on 10<sup>th</sup> January, 2014, whereas the construction activity relating to expansion was started in the year 2009 only i.e. while submitting the proposal for EC to SEIAA on 6<sup>th</sup> February, 2009. The project was, therefore, started much before obtaining the EC, which amounts to violation of the EIA Notification, 2006.</p> <p>SEIAA vide their letter dated 23<sup>rd</sup> May, 2014 has confirmed the case to be of violation of the EIA Notification, 2006, and recommended the State Government to initiate action against the project proponent u/s 19 of the Environment (Protection) Act, 1986. In response, Tamil Nadu Pollution Control Board has issued the show cause notice on 10<sup>th</sup> September, 2014.</p>
2.3.9.3	<p><i>The EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&amp;CC Notification dated 14<sup>th</sup> March, 2017, noted that the construction continued even after show cause notices issued by the Ministry for non compliance of the earlier EC conditions not settled yet and even continued to do construction for expansion without obtaining prior EC for the expansion project (990 dwelling units), and thus amounts to blatant violation of the EIA Notification, 2006 and recommended for the following:-</i></p> <p><i>(i) The project proponent shall submit the monitoring report on compliance status of the earlier EC conditions (EC dated 24<sup>th</sup> July, 2008 issued by SEIAA) from the Regional Office of the Ministry to conclude the show cause notices issued by the Ministry.</i></p> <p><i>(ii) The EAC The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate or occupancy certificate to be issued till the project is granted EC.</i></p>
2.3.10	<p><b>Multi-storied residential apartment project 'TVH AURORA' at Uppilpalayam Village, Coimbatore South Taluk, District Coimbatore (Tamil Nadu) by M/s True Value Homes India Private Limited</b></p> <p><b>[IA/TN/NCP/63647/2017] [F. No. 23-20/2017-IA.III]</b></p>
2.3.10.1	<p>The project involves construction of multi storied residential apartment 'TVH Aurora' by M/s True Value Homes India Pvt Ltd with a total built up area of 190739.5 sqm in total plot area of 53820 sqm at S.F.No.564/3pt, 555/1pt, 2, etc, Village Uppilpalayam, Coimbatore South Taluk, District Coimbatore (Tamil Nadu).</p> <p>The project site is permitted for residential use as per approved Master Plan of the area. Planning/ building permission were obtained from Directorate of Town &amp; Country Planning (DTCP), whereas, other necessary approvals were taken from the concerned municipal authorities.</p> <p>The said project/activity is covered under category B of item 8(b) of Schedule to the EIA Notification, 2006, and requires prior EC from the SEIAA in Tamil Nadu based on the appraisal by SEAC.</p> <p>The application for seeking EC was submitted to SEIAA on 21<sup>st</sup> February, 2011,</p>

## ANNEXURE R/3

F. No. 23-19/2017-IA-III  
Government of India  
Ministry of Environment, Forest and Climate Change  
(Impact Assessment Division)

Indira Paryavaran Bhawan  
Jor Bagh Road, New Delhi - 3

Date: 10<sup>th</sup> April, 2018

To,

**Shri Sudhakar, DGM**  
**M/s Puravankara Limited**  
No.7, LVR Center, Seshadri Road,  
Chennai- 600 018 (Tamil Nadu)  
E Mail: [puravacosmo@gmail.com](mailto:puravacosmo@gmail.com)

**Subject: Residential apartment 'COSMOCITY' at Survey Nos: 53/3, 53/4, 53/10B, 55, 56/1, 57/2 & 57/4, Pudupakkam Village Chengalpattu Taluk, District Kancheepuram (Tamilnadu) by M/s Puravankara Limited - reg.**

Sir,

This refers to your online proposal No. IA/TN/NCP/63558/2017 dated 29<sup>th</sup> March, 2017, along with the details in prescribed Form-1 for consideration in terms of the provisions of this Ministry's Notification S.O.804 (E) dated 14<sup>th</sup> March, 2017 and for prescribing terms of reference (ToRs) accordingly.

2. The residential project involves construction of residential apartment 'Cosmo City' with a total built up area of 1,91,215.02 sqm (for 2174 apartments) in total plot area of 1,27,570.85 sqm at Survey No.53/3, 53/4, 53/10B, 55, 56/1, 57/2 & 57/4 at Pudupakkam Village, Chengalpattu Taluk, Kancheepuram District (Tamil Nadu) by M/s Puravankara Limited. The project site is permitted for residential use as per approved Master Plan of the area. Planning/ building permission were obtained from Chennai Metropolitan Development Authority (CMDA), whereas, other necessary approvals were taken from the Chennai Corporation, CMWS&SB etc. The said project/activity is covered under category B of item 8(a) &(b)of the Schedule to the EIA Notification, 2006, and requires prior EC from the SEIAA in Tamil Nadu based on the appraisal by SEAC.
3. Earlier, the EC was granted by SEIAA vide letter dated 24<sup>th</sup> July, 2008 for construction of 1184 units under category B of item 8(a) of the said Notification. The application for seeking EC to expansion of the project for more 990 dwelling units was submitted to SEIAA on 6<sup>th</sup> February, 2009 for consideration under item 8(b). Based on monitoring of the project by the Regional Office of the Ministry, the project proponent vide this Ministry's letter dated 2<sup>nd</sup> April, 2012 were directed to stop construction works for non compliance of EC conditions. There being no response, the project proponent was given final opportunity vide letter dated 16<sup>th</sup> July, 2012 followed by show cause notices on 7<sup>th</sup> December, 2012 & 8<sup>th</sup> February, 2013 to report the compliance of the earlier directions. The process is yet to be concluded.
4. The application for seeking EC to the expansion project (990 dwelling units) was submitted to SEIAA on 10<sup>th</sup> January, 2014, whereas the construction activity relating to expansion was started in the year 2009 only i.e. while submitting the proposal for EC to SEIAA on 6<sup>th</sup> February, 2009. The project was, therefore, started much before obtaining the

EC, which amounts to violation of the EIA Notification, 2006. SEIAA vide their letter dated 23<sup>rd</sup> May, 2014 has confirmed the case to be of violation of the EIA Notification, 2006, and recommended the State Government to initiate action against the project proponent u/s 19 of the Environment (Protection) Act, 1986. In response, Tamil Nadu Pollution Control Board has issued the show cause notice on 10<sup>th</sup> September, 2014.

5. The Ministry has issued a Notification vide S.O. 804 (E) dated 14<sup>th</sup> March, 2017 for appraisal of projects for grant of Terms of Reference / Environmental Clearance, which have started the work on site, expanded the production beyond the limit of environmental clearance, or changed the product mix without obtaining prior environmental clearance under the Environment Impact Assessment Notification, 2006.

6. The proposal was considered by the Expert Appraisal Committee, constituted in the Ministry for appraisal of the proposals for ToR/EC in pursuance of the Ministry's Notification dated 14<sup>th</sup> March, 2017, in its meeting held on 15-16 January, 2018. The EAC, after detailed deliberations on the proposal in terms of the provisions of the MoEF&CC Notification dated 14<sup>th</sup> March, 2017, noted that the construction continued even after show cause notices issued by the Ministry for non compliance of the earlier EC conditions not settled yet and even continued to do construction for expansion without obtaining prior EC for the expansion project (990 dwelling units), and thus amounts to blatant violation of the EIA Notification, 2006 and recommended for the following:-

- (i) The project proponent shall submit the monitoring report on compliance status of the earlier EC conditions (EC dated 24<sup>th</sup> July, 2008 issued by SEIAA) from the Regional Office of the Ministry to conclude the show cause notices issued by the Ministry.
- (ii) The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate or occupancy certificate to be issued till the project is granted EC.

7. Based on recommendations of the EAC, the Ministry of Environment, Forest and Climate Change, in pursuance of the provisions of its Notification dated 14<sup>th</sup> March, 2017, hereby advised the project proponent to submit the monitoring report on compliance status of the earlier EC conditions (EC dated 24<sup>th</sup> July, 2008 issued by SEIAA) from the Regional Office of the Ministry to conclude the show cause notices issued by the Ministry.

8. Further, based on recommendations of the EAC and the statutory provisions, the Ministry has also approved the following:-

- (i) The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate or occupancy certificate to be issued till the project is granted EC.

10. This issues with approval of the competent authority.

  
(Dr. Vinod K. Singh)  
Scientist D

**Copy to:**

1. The Secretary, Department of Environment, No.1, Jeenis Road, Panagal Building, Ground Floor, Saidapet, Chennai-600 015, Tamil Nadu.

2. Addl. Principal Chief Conservator of Forests (Central), Ministry of Environment, Forests and Climate Change, 1<sup>st</sup> and 11<sup>th</sup> Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai-34.
3. The Member Secretary, Central Pollution Control Board Parivesh Bhavan, CBD-cum-Office Complex, East Arjun Nagar, New Delhi - 110 032.
4. The Member Secretary, Tamil Nadu Pollution Control Board, 76, Mount Salai, Guindy, Chennai - 600 032.
5. Monitoring Cell, MoEF&CC, Indira Paryavaran Bhavan, New Delhi.
6. Guard File/ Record File/ Notice Board.
7. MoEF&CC Website.

  
(Dr. Vinod K. Singh)  
Scientist D

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Shree



## ANNEXURE R/5

RTI Matter  
By Speed Post

F. No. A.14033/RTI-49/ROSEZ/CHN/2020-21/ 726  
Government of India  
Ministry of Environment, Forest & Climate Change  
(Regional Office)

1<sup>st</sup> & 2<sup>nd</sup> Floor, HEPC Building,  
No.34, Cathedral Garden Road,  
Nungambakkam, Chennai – 600034.  
Ph: 044-28222325.  
Date: 09/09/2020.

To

1. The Central Public Information Officer, Ministry of Environment, Forest and Climate Change, IA Division, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi – 110 003.
2. The Public Information Officer, State Level Environment Impact Assessment Authority (SEIAA) – Tamilnadu, 3<sup>rd</sup> Floor, Panagal Maaligai, No.1, Jeeris Road, Saidapet, Chennai, Tamilnadu – 600015.
3. The Public Information Officer, Tamil Nadu Pollution Control Board, 76, Mount Salai, Guindy, Chennai, Tamilnadu – 600 032.
4. The Public Information Officer, Chennai Metropolitan Development Authority, No.1, Gandhi-Irwin Road, Egmore, Chennai, Tamilnadu – 600 008.

**Subject: Transfer of RTI application registration No. ROSEZ/R/E/20/00062 dated 26/8/2020 of Shri. Arvind, seeking information under RTI Act, 2005 - regarding.**

**Ref: RTI application registration No. ROSEZ/R/E/20/00062 dated 26/8/2020.**

Sir/Madam,

Reference is invited to the RTI application registration No. ROSEZ/R/E/20/00062 dated 26/8/2020 of Shri. Arvind, received in this Office through online RTI portal (copy enclosed). On receipt of the above RTI application, the matter has been referred to the Officer concerned in the Environment Wing of this Office under section 5(4) & 5(5) of the Right to Information Act, 2005 with a request to provide requisite information, since the subject matter is not dealt by the undersigned. Based on the records available in this Office, the Officer concerned furnished the point wise information as under:

- Point No.1: Copy of EC accorded by the SEIAA-Tamilnadu (eight pages) and the communication dated 10/4/2018 of MoEF&CC (three pages) in respect of the proposal No. IA/TN/NCP/63558/2017 dated 29/3/2017, comprising of eleven pages are enclosed.
- Point No.2: Requisite information is nil in this Office.
- Point No.3: Copy of Showcause Notices and Closure direction issued by the MoEF&CC vide letter No.SEIAA/TN/EC/8(a)/006/F-20/2008 dated 7/12/2012, 8/02/2013 and 14/10/2013 comprising of eight pages are enclosed.
- Point No.4: Requisite information is nil in this Office.
- Point No.5: Requisite information is nil in this Office.

As the information sought by the applicant is partly relevant to your area of work, the above referred RTI application is hereby partly transferred to you under Section 5(3) of Right to Information Act, 2005 with a request that the requisite information available, if any, may be provided to the applicant directly under intimation to the undersigned. Accordingly, the RTI application is hereby disposed of.

Encl: As above (19 pages)

Yours Sincerely,

(Dr. M.T. Karuppiah)  
Scientist - D & CPIO

*A* Copy to: Shri. Arvind, 302, Pudupakkam, Cosmo City, Tamilnadu – 603 103, Mobile No. 8939001372, (E-mail: arvin.agrawal@gmail.com) – with reference to your RTI application registration No. ROSEZ/R/E/20/00062 dated 26/8/2020. Herewith the requisite information available in this Office comprising of 19 pages is being supplied to you. You are requested to take further follow-up with the above PIOs concerned.

*H. Karuppiah*  
(Dr. M.T. Karuppiah)  
Scientist - D & CPIO