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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
APPEAL NO. 54 OF 2018**

IN THE MATTER OF:

H.P. RAJANNA

...APPELLANT

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENTS

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PLACE: NEW DELHI**

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**ADDITIONAL OBJECTIONS TO THE AFFIDAVIT DATED 7.07.2020 AND REPORT
DATED 29.06.2020 FILED THROUGH KSPCB (RESPONDENT No.6)**

MOST RESPECTFULLY SHOWETH:

1. That the applicant is filing this additional objection to the Affidavit dated 07.07.2020 and report dated 29.06.2020 filed through KSPCB, Respondent No. 6. Appellant's preliminary objection dated 19.08.2020 be read as part and parcel of this response.
2. That at the outset it is submitted that the report dated 29.06.2020 and the affidavit dated 07.07.2020 is devoid of any merit and based on incorrect facts and improper appreciation of law in force and is liable to be rejected.
3. That at para 6 of the affidavit dated 07.07.2020 has given the opinion of the joint committee. The opinion stated under para 6 is not based on correct finding which the applicant has already responded in the objection dated **19.08.2020** and is further responding herein in this additional objection. Further, the recommendations given under para 6 also cannot be accepted as same is based on incorrect finding by the committee.
4. **Objection to Clause 2.0 of the Report:**

Building plan for the construction of Block 1 (phase-1) dated 30.08.2018 is declared void:

- (i) That, clause 2.0 talks about the location of the project and states that project site is located adjacent to the Kaikondarahalli Lake. It is mentioned

that BBMP has sanctioned the building plan for the construction of Block 1 on 30.08.2018 and modified plan *inclusive* of Block 2 on 28.05.2019. It is submitted that this finding of the committee is factually erroneous and is contrary to the records inasmuch as it is incorrect to state that sanctioned plan dated 28.05.2019 for Block 2 is *inclusive* of Block 1. Admittedly, phase-1 building plan and license in LP No.203 of 2017-18 is approved on 20.08.2018 (issued on 30.08.2018) is declared **void** and this can be discerned from the license for phase-2 issued on 28.05.2019. Notably, this material fact is concealed and project proponent has also suppressed this fact. Be that as it may, in this context, it is incumbent upon BBMP to explain that once the plan for Block 1 is declared void, they ought not to have issued the building plan for Block 2 (phase-2). However the facts remain that there is no approved plan for Block 1 (phase-1) as of now. The copy of sanctioned building license dated 30.08.2018 (Phase-1) and 28.05.2019 (phase-2) alongwith true translated copy is produced as **Annexure A-1 (Colly)**.

Sanctioning of the Building Plan and the Building License by the BBMP and the Development Plan (DP) by the BDA is in utter violation of binding directions issued under Section 5 of the Environment Protection Act, 1986 vide Gazette Notification dated 19.01.2016.

- (ii) The building plan for the construction of Block 1 dated 30.08.2018 and for Block 2 on 28.05.2019 is issued in utter breach of the binding directions/prohibitory directions issued under Section 5 of the EP Act, 1986. Therefore, it is illegal, void, invalid, inoperative and without any legal sanctity.
- (iii) Prohibitory directions issued by the State of Karnataka under Section 5 of the Environment Protection Act, 1986 vide Gazette Notification No. FEE 316 EPC 2015, Bengaluru, dated **19.01.2016**. Relevant extracts of the said Notification is reproduced below-

Sl. No.	Designation of the Authority issued with the direction under Section 5	Direction under Section 5 of the Environment (Protection) Act, 1986 of the Environment (Protection) Act, 1986
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1	2	3
1.	The Commissioner, Bruhat Bengaluru Mahanagara Palike (BBMP), N.R. Square, Bengaluru- 560 002	Shall approve plan for construction of buildings and development of layout in respect of activities listed in Table 2 of this Notification <u>only after production of copy of Consent for Establishment (CFE) issued under the Water (Prevention and Control of Pollution) Act, 1974</u> by the Karnataka State Pollution Control Board for establishment of sewage treatment plant of appropriate capacity.
2.	The Commissioner, Bangalore Development Authority (BDA), T.Chowdiah Road, Kumara Park West, Bengaluru- 560020.	Shall approve plan for construction of buildings and development of layout in respect of activities listed in Table 2 of this Notification <u>only after production of copy of Consent for Establishment (CFE) issued under the Water (Prevention and Control of Pollution) Act, 1974</u> by the Karnataka State Pollution Control Board for establishment of sewage treatment plant of appropriate capacity.

A true copy of the Gazette Notification No. FEE 316 EPC 2015, Bengaluru, dated 19.01.2016 issued by the State of Karnataka is part of the record as *ANNEXURE A-17 to the Original Application No. 602 of 2019*, however the same is again annexed as **Annexure A-2**.

(iv) Admittedly, the report is conspicuously silent on this vital issue. This deficiency in omission of the vital issue that goes to the root of the matter.

Thus, *inter alia*, the report is not sacrosanct.

(v) Apropos this, the following list of dates is relevant:

09.11.2017 vide Authority committee resolution No. 128 of 2017 the Bangalore Development Authority (BDA) approved the Development Plan (DP) for the project in question.

21.09.2016 to Statutory approvals/NOC's for the project from BDA, AAI, UDD,

22.12.2017 BSNL, Fire Services Department

10.01.2018 Environment clearance is issued by SEIAA.

29.03.2018 registration/permission by RERA for Phase-1

30.08.2018 The BBMP issued the Building Plan and Building License in favour of the Project Proponent despite the fact that at this stage no NON under Water Act was in existence.

12.10.2018 The Karnataka State Pollution Control Board issued Consent to Establish (CFE) in favour of the Project Proponent under Section 25 of Water Act, 1974.

- (vi) This is further made clear from the stand taken by the BBMP in their detailed reply in the present case, relevant extract is as under:

*"15. Moreover, it is mandatory to **first obtain** the consent to establish the project as it is clearly stated by the Hon'ble Supreme Court of India at Paragraph No.50 in the case of Anirudh Kumar vs Municipal Corporation of Delhi & Ors, 2015 (7) SCC 779.*

Therefore, it was incumbent on the Project Proponents first to obtain the consent to establish the project and thereafter to proceed with further stages of obtaining the building plan and building license."

- (vii) Admittedly, as on the date (30.08.2018) of illegal sanction of building plan and license, the consent for establishment (CFE) from KSPCB was lacking. Therefore, BBMP and BDA have with impunity violated the prohibitory directions issued under Section 5 of Environment (Protection) Act, 1986. Consequently, BBMP and BDA have committed an offence punishable under Section 15 and 17 of the Environment (Protection) Act, 1986. **The report is obviously silent on this aspect also.**

- (viii) The BBMP sanctioned the building plan and subsequent stand before Hon'ble Tribunal by way of their detailed reply corrected that position. The Hon'ble Supreme Court categorically held in the matter of ***M.I. Builders Pvt. Ltd. vs. Radhey Shyam Sahu and Ors, (1999) 6 SCC 464*** that :

*"66. Action of the Mahapalika in agreeing to the construction of underground shopping complex in contravention of the provisions of the Act and then entering into an agreement with the builder against settled norms was wholly illegal and has been held to be so by the High Court. No doubt Mahapalika is a continuing body and it will be estopped from changing its stand in the given case. **But when Mahapalika finds that its action was contrary to the provisions of law by which it was constituted there could certainly be no impediment in its way to change its stand. There cannot be any estoppel operating against the Mahapalika.** Principles laid in Union of India v. A/A. Indo-Afgan Agencies Ltd. [1968]2SCR366, and of Calcutta High Court in The Ganges*

Manufacturing Co. v. Sourujmull and Ors. (1880) ILR Cal 669, cannot apply to the facts of the present case.

supplied)

(emphasis

Incorrect finding about net site area

- (ix) That, Clause 2.0 of the report has further mentioned net site area as 50,382.95 m² after deducting the kharab land area. It is pertinent to point out that the committee failed to consider that as per the record there are 3 water streams/Rajakaluve passing through the project site. Further, the buffer zone area of the Kaikondarahalli lake also falls within the project site. The buffer zone of the drains and buffer zone of the lake cannot be used for any activity and is a "**no development zone**". The committee failed to deduct this area from the total site area of 51,698.16 m². Therefore, along with the kharab land, the committee should have deducted the buffer area of the drains and the buffer area of the lake being a no development zone. The fact that the 3 drains and a separate and distinct strip of public property/kharab lands is part of the project site that can be discerned from the conceptual plan¹/topo map submitted by the project proponent before SEIAA, which is already part of record as Annexure A-3 at page 57 of the Appeal.

5. Objection to Clause 3.0 of the Report:

- (i) That the applicant has suitably responded to this clause in para 14 of objections dated 19.08.2020, however, it is submitted that the permissions listed out by the joint committee at Serial no. 1 to 7 (at page 11 to 12 of the report) are illegal and void. The change in land use as mentioned by the committee is in violation of the mandate under the 74th amendment of the Constitution of India. Apropos this, the Hon'ble High Court of Karnataka in the matter of *A. Feroz Ahmed and Others v. The Bangalore Development Authority and Others* decided on 05.01.2016 has held that:

¹ Conceptual plan is a mandatory legal requirement to be submitted before SEIAA by the project proponent in accordance with paragraph 7 of EIA Notification of 2006

"4. The petitioners therefore had raised a significant ground that it was **the Bangalore Metropolitan Committee, which was competent to address the Development Plan, including the Master Plan of 2015, which contemplated change of land use** from residential to commercial insofar as the Abshot layout is concerned. Hence, if the procedure followed in sanctioning the Master Plan and thereby the change of land use insofar as the Abshot Layout is concerned, is with reference to the provisions of the KTCP Act. **And therefore, the basis that it is the Bangalore Development Authority which is the competent planning authority notwithstanding the amendment brought about creating the Metropolitan Planning Committee is concerned was wholly illegal and without jurisdiction.**"

5. It is also to be noticed that it is pursuant to the amendment application filed by the petitioners, that the BDA has also woken up to the situation. It is only thereafter that a Metropolitan Planning Committee has been constituted thereby acknowledging the fact that there was need for constitution of a Metropolitan Planning Committee subsequent to the amendment of the KMC Act. The implication of this state of affairs are far reaching. In that, **all actions taken by the Planning Authority, the BDA, constituted under the KTCP Act, would be rendered without jurisdiction if strict application of the provisions are to be given effect to.**'

(emphasis supplied)

Admittedly, in the said case BDA, BBMP and State of Karnataka are parties therein. Hence, all actions taken for the project in question since inception including environment clearance is *ex-facie* illegal and nullity in law inasmuch as the substratum of change of land use of the project itself disappears. Consequently, by applying the clear statement of law declared by the Apex Court at paragraphs 32 to 34 in ***Ritesh Tewari and Anr vs State of UP and Ors, (2010) 10 SCC 677***, the appeal deserves to be allowed as prayed for *in toto*. The excerpts of the judgment is reproduced in IA No.352 of 2019 (at page 723) and at page 393 of BBMP reply. The law declared in ***Ritesh Tewari*** shall be applied to ascertain that various permissions listed at page 11 to 12 of report are *prima facie* valid or not. It is respectfully submitted that, all the above said purported sanctions are irrefutably hit by the law declared in ***Ritesh Tewari***.

- (ii) That further as stated above the sanctioned plan by BBMP has already been declared void for Block 1.

6. Objection to Clause 4.0 of the Report:

- (i) That the statement and finding of the committee with respect to change in land use has been suitably responded in para 17 of objection dated 19.08.2020 and also para hereinabove. However, it is submitted that the change of land use by BDA suffers from the legal infirmity of lack of competence and inherent lack of jurisdiction. Consequently, it is *non-est*.

7. Objection to Clause 5 of the Report regarding lack of existence of primary drain in project site:

- (i) That the finding of the committee that the drain flowing in Survey no. 63 to be considered as secondary drain is *ex-facie* perverse, illegal, arbitrary and beyond any authority and contrary to the material on record. Further, a letter dated 07.03.2020 by BBMP stating that the drain Survey No. 63 is to be considered a secondary drain is contrary to their own pleadings (supported by sworn affidavit) in the present case and against the weight record and is without any authority. Apropos this, it is noteworthy that, ***firstly***, it is the admitted case of the project proponent in their pleadings/counter affidavit in the present case at page 168 that "***whereas the correct fact is that there is only one Primary Rajkulewas flowing through portion of Sy No.63/2 and one secondary and two Tertiary Rajkulewas are flowing outside the Total Land.***"

Secondly, it is stated that a primary drain is flowing through Survey no. 63 in statutory Form 1 at Serial no. 1.22 (page 65 of appeal). The conceptual plan/topo map at page 57 of the Appeal also records that there exist a primary nala passing through Survey No. 63 of the project site. Further, the topo map clearly shows the primary nala is marked separately and distinct from the kharab land/public property. Therefore, on the basis of the data and factual information all the statutory approvals including the development plan by the BDA also records that there is a primary nala and have accordingly applied the 50 meters buffer zone. The applicant has also

filed village map along with the objection dated 19.08.2020 which is marked as Annexure A-1 of the objection that clearly indicates that there is a feeder canal/water stream/primary drain connecting the upstream lake with downstream lake and flowing through the project lands.

It is further pertinent to mention that the Environment Clearance letter dated 10.01.2018 clearly mention at condition no. 42 of 'II Operation Phase' that project proponent shall not use Kharab land for any purpose and keep available to general public duly displaying a board as public property. Further condition No. 47 impose complete embargo on any alteration on rajakaluva and its buffer zone.

8. **Objection to Clause 7 of the Report:**

- (i) That the committee in clause 7 of the report has given the finding with respect to buffer zone of second and tertiary drains. It is therefore clear that, the committee has not considered the feeder canal as primary drain that is flowing through the project site. Thus, the findings are perverse and illegal. The change in the nomenclature at this stage of site inspection is an afterthought, arbitrary and to benefit to the project proponent. The observations about the permissible activities by the committee in clause 7.0 (C) is also contrary to the judgment and direction passed by this Hon'ble Tribunal in ***Forward Foundation v. State of Karnataka and Ors., (2016) SCC Online NGT 1409*** wherein the Hon'ble Tribunal has directed that the buffer / green zone would be treated as *no development zone* for all intent and purpose. It is noteworthy that the Hon'ble Supreme Court has only restored the buffer zone distance in terms of master plan in the matter of ***Mantri Techzone Pvt. Ltd v. Forward Foundation and ors., 2019 SCC OnLine SC 322***, and have not disturbed any other directions of this Hon'ble Tribunal. It is therefore, incorrect to record any activity as permissible activity in the buffer area of drain or water bodies. It is pertinent to point out even as per the zoning regulations/ RMP 2015 as recorded by the committee, in the lake buffer zone / water bodies, it is **"no development zone"**.

- (ii) That the committee in clause 7.2 of the report has listed the compliance status with respect to permitted activities in the buffer zone, namely, drive way, transformer yards, parks, and open spaces as permitted activity within the the lake buffer zone. This is apparently contrary to the zoning regulations itself, In this context, regulation No.4.12.2.(ii) (iii) RMP 2015 read with the direction of this Hon'ble Tribunal in **Forward Foundation case**, Lake Buffer zone is strictly **no development zone**. Further, committee has also recorded 8 meter driveway in secondary nala, 8 meter driveway and extent of STP in tertiary nala as permitted activities. the finding and conclusion of the committee is contrary to the direction of Hon'ble Tribunal under *Forward Foundation* case wherein the Hon'ble Tribunal has stated that buffer and green zone would be treated as no development zone for all intent and purpose.
- (iii) That it is pertinent to point out in the compliance status, the committee has completely ignored the existence of primary drain crossing the project lands and flowing into the lake.

9. **Objection to Clause 8.0 of the Report:**

The finding that construction of RCC Storm water drain and culverts

- (i) This is sufficient to irrefutably show that there is serious violation of **Section 24 (1) (b) read with Section 2(j) (ii) of Water Act, 1974** ,in that, the feeder canal connecting the two lakes and flowing through the project site is a "**water stream**" and cementing it is a clear case of impeding the natural flow of water and tantamount to removal of rajakaluve. This is breach of doctrine of public trust and violative of constitutional mandate qua protection of natural resources. Unfortunately, all this is happening under the nose of the regulatory authorities. This is sufficient to show that authorities are concealing serious statutory violations in the report. To say the least, the report lacks credence and is a trumped-up report that must be discarded. Prosecution for punishable offence must be initiated in consonance with the law in **The Karnataka State Pollution Control Board vs B. Heera Naik and Ors, AIR 2020 SC**

200. The Apex Court had held that municipal commissioner of Krishnarajapuram, Bengaluru must be proceeded with prosecution for breach of provisions of Water Act, 1974. In the light of this, letter dated 07.03.2020 (page 53 of report) which in turn refers to its earlier letter dated 2.8.2017 (page 53A of the report) issued prior to the EC is illegal and is liable to be ignored.

- (ii) **Encroachment of feeder canal/Rajakaluve/water stream:** Apropos this, the latest screen shot image of the project lands as available in the website of the project proponent unmistakable indicates that there is encroachment and/or removal of rajakaluve/feeder canal connecting with lake, in that, driveway for the project from within is passing through rajakaluve/feeder canal/water stream. It stipulates creation of 8 meters driveway to connect from phase-2 to phase-1 by cutting through/cementing the feeder canal/rajakaluve that connects the upstream lake and downstream lake. So also, the image stipulates creation of other infrastructure passing through the feeder canal. Thus, it is aggravated breach of provisions of Water Act, 1974. Copy of the screen shot image of the project lands is produced as **Annexure A-3**.

10. Objection to Clause 9.0 of the Report:

The finding that site in question is not Wetland is wrong and contrary to record

- (i) That the committee in clause 9.0 of the report has given finding with respect to the wetland that the project lands cannot be considered as wetland. In this regard, it is submitted that the committee has completely ignored the stand of Respondent No. 5, BBMP wherein it is explained in detail at pages 366 to 376 and duly justifying project lands are wetlands on the strength of the judgment of this Hon'ble Tribunal in *Forward Foundation* case (dated 07.05.2015) that is completely upheld by the three judge bench of the Apex Court in *Mantri Techzone*. Similar situation arose in *Forward Foundation* case whereunder it was not notified wetlands and

not a declared eco-sensitive zone. Notwithstanding that, this Hon'ble Tribunal applying the doctrine of sustainable development and precautionary principle held that the lands are wetlands and it is eco-sensitive area.

- (ii) Admittedly, committee failed to notice the fact that **National Wetland Atlas** prepared by Ministry of Environment and Forest with the assistance of the ISRO. It is noted that the aforesaid Kaikondarahalli Lake has been identified and inventorised/categorized as a "**wetland**" in the said national Wetland Atlas. Copy of the relevant extract of the national wetland atlas for state of Karnataka as published by MoEF in august, 2010 is produced as Annexure A-6 (page 144 to 146 read with para 10 to 12, page 125 to 127) *vide* IA dated 25.05.2019 for placing on record additional documents filed by the Appellant.
- (iii) That the Hon'ble Supreme Court has vide order dated 08.02.2017 in the matter of **M.K. Balakrishnan and Ors. v. Union of India and Ors. reported in (2017) 7 SCC 810 (2)** acknowledged the concerns of the petitioner with regard to the preservation and conservation of the ecologically sensitive wetlands in India. On noting the fact that with the passage of time, the possibility of disappearance of wetlands was plausible, the Hon'ble Supreme Court ordered for the protection of wetlands by directing for the application of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 with retrospective effect notwithstanding the Wetlands Rules, 2017 to the areas that have been marked as wetlands in the **National Wetland Atlas**. Relevant extracts of the said order have been reproduced below:-

*"Accordingly, we direct the application of the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 to these 2,01,503 wetlands that have been mapped by the Union of India. The **Union of India will identify and inventorise all these 2,01,503 wetlands with the assistance of the State Governments** and will also communicate our order to the State Governments which will also bind the State Governments to the effect that these identified 2,01,503 wetlands are subject to the*

principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010, that is to say:

4. ...

*(vii) any other activity **likely** to have an adverse impact on the ecosystem of the wetland to be specified in writing by the Authority constituted in accordance with these rules."*

*(vii) That from the above it is clear that though Wetland Rules, 2017 has come into force but all the areas identified in National Wetlands Atlas will be governed by the provisions of Wetlands (Conservation and Management) Rules, 2010. It is submitted as per Rule 4 (vi) of 2010 no construction within 50 mtr of the mean high flood level is permitted within the wetland. **Further, as per Rule 4(2)(viii) for any activities within the zone of influence of wetland shall require prior approval of State Government.***

*(viii) That in the present case as per the direction of Hon'ble Supreme Court no activity would be allowed within 50 mtrs from the water body **and also prior approval from State government, the entire area falling in the zone of influence.***

- (iv) That the Hon'ble Supreme Court in ***M.K. Balakrishnan and Ors. v. Union of India and Ors., (2009) 5 SCC 507*** has held that:

*"The present Writ Petition under Article 32 of the Constitution of India relates to **conservation of wetlands which in our opinion would include ponds, tanks, canals, creeks, water channels, reservoirs, rivers, stream and lakes.**"*

11. **Objection to Clause 11 of the Report:**

Committee failed to include non-FAR area in total built up area of the project

- (i) That the Committee has stated that the total built up area is 1,28,193.9 m² as per the Environmental Clearance letter. However, failed to see that the built up area mentioned in the Clearance letter is without taking into account the non-FAR area comprising of various components of FAR deductions, deductions for shafts/cut-outs, lifts and ramp area, parking, glass, etc. all of which cause deleterious effect on environment. Thus, the grant of EC is in clear violation of the clear statement of law in the judgment of Hon'ble Supreme Court in ***M/s Goel Ganga Developers vs Union of***

India, reported in **(2018) 18 SCC 257²**. The Hon'ble Supreme Court has held that when EC is granted for particular construction it includes both FSI and non FSI. Admittedly as per the Development Plan issued by Respondent No. 4 BDA the area including FAR + non-FAR is 2,35,076.81 m² which is far beyond the 1,50,000 m² threshold limit. Therefore, paragraph 7 read with item 8(b) of the schedule to the EIA Notification of 2006 mandates that the project in question is required to be appraised as **category B1** project and requires a *prior* EIA report and compliance with the provisions of paragraph 7 thereof is applicable. The copy of the development plan approved by BDA is filed by Respondent No. 11 as Annexure A-3 at page 270. In this context, it is clearly held in **Goel Ganga** at paragraph 28 as under:

*"28. In case the total construction raised by the project proponent is taken as 1,00,002.25 sq m and if the area of the proposed construction is added **then the project will fall in B-1 category and, therefore, SEIAA had no authority to grant EC by treating the project as falling under Category B-2.**"*

Similarly, regarding the difference in number of flats approved in the EC is 655, whereas in the development plan of BDA it is 688. As for, the parking spaces is concerned, in the EC it is stipulated 877, whereas in development plan of BDA it is reduced to 758. In this context, the Apex Court has held that this warrants a fresh EC. Paragraph 64 is reproduced as under:

*64. Having held so we are definitely of the view that the project proponent who has violated law with impunity cannot be allowed to go scot-free. This Court has in a number of cases awarded 5% of the project cost as damages. This is the general law. However, in the present case we feel that damages should be higher keeping in view the totally intransigent and unapologetic behaviour of the project proponent. **He has manoeuvred and manipulated officials and authorities.** Instead of 12 buildings, he has constructed 18; **from 552 flats the number of flats has gone up to 807** and now two more buildings having 454 flats are proposed. **The project proponent contends that he has made smaller flats and, therefore, the number of flats has***

² Page 389 to 390 of BBMP reply

increased. He could not have done this without getting fresh EC. With the increase in the number of flats the number of persons residing therein is bound to increase. This will impact the amount of water requirement, the amount of parking space, the amount of open area, etc. Therefore, in the present case, we are clearly of the view that the project proponent should be and is directed to pay damages of Rs 100 crores or 10% of the project cost, whichever is more."

(Emphasis Supplied)

In light of the above read with the comparative table at page 390 of the BBMP reply unmistakably discloses that with increase in number of flats, reduced parking area and project size is more than 1, 50,000 sq mts/category B1 necessarily warrants a fresh appraisal and EC for the project. In any case, as explained herein, the project cannot be permitted at the project site by applying the precautionary principle and sustainable development.

- (ii) It is submitted that the fact that area including FAR + non-FAR is 2,35,076.81 m² is the stated position by Respondent No. 5/BBMP in the reply dated 05.09.2018 at page 390. In fact, as on 20.08.2020 the counsel appearing for Respondent No. 5/BBMP has reiterated the stand in their reply affidavit.
- (iii) It is pertinent to mention that as per the NOC dated **30.10.2018** granted by the BWSSB to an extent of **1,71,755.37 sq. mts**, the built up area of the impugned project is well above the limit of 1,50,000 sq. mtrs. Consequently, the impugned project would now fall within the ambit of Category B1 under Item 8(b) of the EIA Notification, 2006 requiring a mandatory fresh appraisal along with the preparation of prior EIA report in accordance with mandate under paragraph 7(i) and (ii) of EIA Notification, 2006. Copy of the NOC dated 30.10.2018 issued by the BWSSB is produced as **ANNEXURE A- 4.**
- (iv) That, permissions are for one thing and constructions are for another. Since various permissions reflect different dimensions of the

same impugned project, it is apparent that there is deliberate concealment by the project proponent in presenting information/baseline data to the different statutory authorities. Therefore, there is apparent misrepresentation and concealment before different public authorities with contradictory information fundamentally altering the project under the scheme of the EIA Notification of 2006 and so also, under the planning laws. Apropos this, the following tabular comparison with different project dimensions before different public authorities is as under:

Date	Permission	Built-up Area	Site area	Dimensions
07.12.2017	Karnataka Fire Inspection	59,091.85 sq. mtrs.	50,382.91 sq. mtr	Tower A, B and C joined together. Tower A and C: 2BF+GF+20 upper floors (UF) Tower B: 2BF+GF+19 UF.
10.01.2018	Environmental Clearance	1,28,193.9 sq. mtr	50,382.91 sq. mtr	2 blocks consisting of 2BF+GF+20 UF. (655 units).
21.03.2018	Karnataka Fire Inspection	64,958.15 sq. mtrs.	50,382.91 sq. mtr	Four towers. Tower A: BF+GF+ common 1 st , 2 nd to 13 th floor Tower B, C and D: common BF+GF+1 st

				and 2 nd to 20 th floor.
05.03.2018	Development Plan	2,35,076.81 sq. mtrs		Block I and II: 2BF+GF+20 UF (688 units).
30.10.2018	NOC from BWSSB	1,71,755.37 sq. mtrs	51,698.16 sq. mtrs.	Block I and II: 2BF+GF+ 20 UF.

Calculation about green belt of the area in clause 11.1 of report is incorrect:

- (v) Findings regarding the green belt requirement of 21,667.7 sq mts *vis-à-vis* condition no.6 of the EC at page 52 of the Appeal is erroneous because the green belt area is not reduced from the *total site area* shown as 51698.16 sq mts. Hence, committee arrived at wrong computation. By deducting various components from *total site area* is : Green belt requirement; kharab lands/public lands; civic amenities and buffer zone area (lake buffer zone + nala buffer zone). **Net site area** excluding the buffer zone is **26176 sq mts approx** and thereafter to further deduct after ascertaining the buffer zone of nala and lake buffer zone as well as the primary nala/feeder canal. Only after this is done, the remaining components of total area utilized can be deducted. Evidently, this is not done at clause 11.1 of the report (page 29 of report). Therefore, the findings and compliance of clause 11.1 is patently erroneous.

12. Objection to Clause 12.0 of the Report:

Committee failed to notice that large constructions was ongoing and subsequently issued consent to establish in breach of Section of 25 of Water Act, 1974.

- (i) Apropos this, the committee failed to notice that sufficient material is already placed on record since the inception of the appeal (page 60 of rejoinder affidavit of Appellant filed on 22.05.2018) read with

demolition order/PO and CO dated 06.06.2018 issued by BBMP clinchingly demonstrates that constructions was done without mandatory prior consent to establish the project. Members of the joint committee/statutory authorities had entered appearance and filed objections in the present case and was fully aware of the illegalities, and notwithstanding the stand taken by the BBMP setting-out breach of conditions of EC and contradictory information before KSPCB as well. Despite this, on 12.10.2018 KSPCB has issued consent to establish the project. None of these lapses by the members of the joint committee is not forthcoming from the report. Thus, the finding of the report on this count is also erroneous.

13. Objection to Clause 13.0 and 14.0 of the Report:

Conclusions and recommendations and overall observations are based on erroneous findings on facts and in law as explained above

- (i) That as explained hereinabove regarding objections to various clauses in the report, the overall observations is a outcome of the erroneous findings of facts and in law. Consequently, overall observations of the committed suffer from the very same vice of various clauses being erroneous.
- (ii) As regard the conclusions at clause 14.0 it is answered at para 5 of the objections dated 19.08.2020.

PRAYER

WHEREFORE, it is humbly prayed that this Hon'ble Tribunal be pleased to reject the report and allow the appeal in view of the facts and ground explained hereinabove.

FILED BY:



RITWICK DUTTA

RAHUL CHOUDHARY

MEERA GOPAL

COUNSEL FOR THE APPLICANTS

Date : 26.08.20

BBMP/Addl.Dir/ JD NORTH/ 0203/2017-18

This Plan Sanction is issued subject to the following conditions

1. Sanction is accorded for the Residential Apartment Building at Khata No. 4131, Sy No. 61/2, 62, 63/2, Kasavanahalli Village, Varthur Hobli, Bangalore East Taluk, Ward No. 150, Mahadevapura Zone, Bangalore e.
 - a) Block – 1 Consisting of 2BF+GF+19UF & Part 20 UF only
2. Sanction is accorded for **Residential use** only. The use of the building shall not be deviated to any other use.
3. 2 Basement Floors area reserved for car parking shall not be converted for any other purpose.
4. Development charges towards increasing the capacity of water supply, sanitary and power main has to be paid to BWSSB and BESCOM if any.
5. Necessary ducts for running telephone cables, cubicles at ground level for postal services & space for dumping garbage within the premises shall be provided.
6. The applicant shall construct temporary toilets for the use of construction workers and it should be demolished after the construction.
7. The applicant shall INSURE all workmen involved in the construction work against any accident / untoward incidents arising during the time of construction.
8. The applicant shall not stock any building materials / debris on footpath or on roads or on drains. The debris shall be removed and transported to near by dumping yard.
9. The applicant / builder is prohibited from selling the setback area / open spaces and the common facility areas, which shall be accessible to all the tenants and occupants.
10. The applicant shall provide a space for locating the distribution transformers & associated equipment as per K.E.R.C (Es& D) code leaving 3.00 mts. from the building within the premises.
11. The applicant shall provide a separate room preferably 4.50 x 3.65 m in the basement for installation of telecom equipment and also to make provisions for telecom services as per Bye-law No. 25.
12. The applicant shall maintain during construction such barricading as considered necessary to prevent dust, debris & other materials endangering the safety of people / structures etc. in & around the site.
13. The applicant shall plant at least two trees in the premises.
14. Permission shall be obtained from forest department for cutting trees before the commencement of the work.
15. License and approved plans shall be posted in a conspicuous place of the licensed premises. The building license and the copies of sanctioned plans with specifications shall be mounted on a frame and displayed and they shall be made available during inspections.
16. If any owner / builder contravenes the provisions of Building Bye-laws and rules in force, the Architect / Engineer / Supervisor will be informed by the Authority in the first instance, warned in the second instance and cancel the registration if the same is repeated for the third time.
17. Technical personnel, applicant or owner as the case may be shall strictly adhere to the duties and responsibilities specified in Schedule – IV (Bye-law No. 3.6) under sub section IV-8 (e) to (k).
18. The building shall be constructed under the supervision of a registered structural engineer.
19. On completion of foundation or footings before erection of walls on the foundation and in the case of columnar structure before erecting the columns "COMMENCEMENT CERTIFICATE" shall be obtained.
20. Construction or reconstruction of the building should be completed before the expiry of five years from the date of issue of license & within one month after its completion shall apply for permission to occupy the building.
21. The building should not be occupied without obtaining "OCCUPANCY CERTIFICATE" from the competent authority.
22. Drinking water supplied by BWSSB should not be used for the construction activity of the building.

B. R. Mudda B. 31/8/17
 Joint Director of Town Planning (North)
 Bruhat Bengaluru Mahanagara Palike.

30/8/17 30/8

30/8/17

23. The applicant shall ensure that the Rain Water Harvesting Structures are provided & maintained in good repair for storage of water for non potable purposes or recharge of ground water at all times having a minimum total capacity mentioned in the Bye-law 32(a).
24. The building shall be designed and constructed adopting the norms prescribed in National Building Code and in the "Criteria for earthquake resistant design of structures" bearing No. IS 1893-2002 published by the Bureau of Indian Standards making the building resistant to earthquake.
25. The applicant should provide solar water heaters as per table 17 of Bye-law No. 29 for the building.
26. Facilities for physically handicapped persons prescribed in schedule XI (Bye laws – 31) of Building bye-laws 2003 shall be ensured.
27. The applicant shall provide at least one common toilet in the ground floor for the use of the visitors / servants / drivers and security men and also entrance shall be approached through a ramp for the Physically Handicapped persons together with the stepped entry.
28. The Occupancy Certificate will be considered only after ensuring that the provisions of conditions vide Sl. No. 23, 24, 25 & 26 are provided in the building.
29. The applicant shall ensure that no inconvenience is caused to the neighbours in the vicinity of construction and that the construction activities shall stop before 10.00 PM and shall not resume the work earlier than 7.00 AM to avoid hindrance during late hours and early morning hours.
30. Garbage originating from Apartments / Commercial buildings shall be segregated into organic and inorganic waste and should be processed in the **Recycling processing unit** 300 k.g. capacity installed at site for its re-use / disposal (Applicable for Residential units of 50 and above and 5000 Sqm and above built up area for Commercial building).
31. The structures with basement/s shall be designed for structural stability and safety to ensure for soil stabilization during the course of excavation for basement/s with safe design for retaining walls and super structure for the safety of the structure as well as neighbouring property, public roads and footpaths, and besides ensuring safety of workman and general public by erecting safe barricades.
32. Sufficient two wheeler parking shall be provided as per requirement.
33. Traffic Management Plan shall be obtained from Traffic Management Consultant for all high rise structures which shall be got approved from the Competent Authority if necessary. .
34. The Owner / Association of highrise building shall obtain clearance certificate from Fire Force Department every Two years with due inspection by the department regarding working condition of Fire Safety Measures installed. The certificate should be produced to the Corporation and shall get the renewal of the permission issued once in Two years.
35. The Owner / Association of highrise building shall get the building inspected by empanelled agencies of the Fire Force Department to ensure that the equipments installed are in good and workable condition, and an affidavit to that effect shall be submitted to the Corporation and Fire Force Department every year.
36. The Owner / Association of highrise building shall obtain clearance certificate from the Electrical Inspectorate every Two years with due inspection by the Department regarding working condition of Electrical installation / Lifts etc., The certificate should be produced to the BBMP and shall get the renewal of the permission issued that once in Two years.
37. The Owner / Association of the highrise building shall conduct two mock – trials in the building, one before the onset of summer and another during the summer and assure complete safety in respect of fire hazards.
38. Payment of license fees for sanction of this plan is subject to result of W.P.No. 4906/2008 & 2993/2008.
39. The Builder / Contractor / Professional responsible for supervision of work shall not materially and structurally deviate the construction from the sanctioned plan, without prior approval of the authority. They shall explain to the owner s about the risk involved in contravention of the provisions of the Act, Rules, Bye-laws, Zoning Regulations, Standing Orders and Policy Orders of the BBMP.

B.R. Mudda 31/8/18
 Joint Director of Town Planning (North)
 Bruhat Bengaluru Mahanagara Palike.

30/8/18
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30/8/18

40. The Construction or reconstruction of building shall be commenced within a period of two (2) years from date of issue of licence. Before the expiry of two years, the Owner / Developer shall give intimation to BBMP (Sanctioning Authority) of the intention to start work in the form prescribed in Schedule VI. Further, the Owner / Developer shall give intimation on completion of the foundation or footing of walls / columns of the foundation. Otherwise the plan sanction deemed cancelled.
41. All other conditions laid down by Bangalore Development Authority while approving the Development Plan for the project should be strictly adhered to
42. All other conditions and conditions mentioned in the work order issued by the Bangalore Development Authority vide No. BDA/ TPM/DLP-41/2016-17/2161/2017-18 dated: 07-03-2018 while approving the Development Plan for the project should be strictly adhered to.
43. The NOC from BWSSB Should be submitted before issue of Occupancy Certificat
44. The Owner / Developer should abide to the outcome of final orders of Hon'ble Civil court order in OS No. 4287/2000
45. Applicant should abide by Final outcome of NGT orders in Appeal No. 54/2018 pending before the Hon'ble National Green Tribunal, Principal Bench at New Delhi.
46. The owner / Developer should obtain NOC from KSPCB and submit the same within 30 days from the date of issue of Licence / Plan
47. In case of any false information, misrepresentation of facts, or pending court cases, the plan sanction is deemed cancelled.

Special Condition as per Labour Department of Government of Karnataka vide ADDENDUM (Hosadaagi Hoodike) Letter No. LD/95/LET/2013, dated: 01-04-2013

1. Registration of Applicant / Builder / Owner / Contractor and the construction workers working in the construction site with the "Karnataka Building and Other Construction workers Welfare Board" should be strictly adhered to .
2. The Applicant / Builder / Owner / Contractor should submit the Registration of establishment and list of construction workers engaged at the time of issue of Commencement Certificate. A copy of the same shall also be submitted to the concerned local Engineer in order to inspect the establishment and ensure the registration of establishment and workers working at construction site or work place.
3. The Applicant / Builder / Owner / Contractor shall also inform the changes if any of the list of workers engaged by him.
4. At any point of time No Applicant / Builder / Owner / Contractor shall engage a construction worker in his site or work place who is not registered with the "Karnataka Building and Other Construction workers Welfare Board"

Note:

1. Accommodation shall be provided for setting up of schools for imparting education to the children of construction workers in the labour camps / construction sites.
2. List of children of workers shall be furnished by the builder / contractor to the Labour Department which is mandatory.
3. Employment of child labour in the construction activities strictly prohibited.
4. Obtaining NOC from the Labour Department before commencing the construction work is a must.
5. BBMP will not be responsible for any dispute that may arise in respect of property in question.
6. In case if the documents submitted in respect of property in question is found to be false or fabricated, the plan sanctioned stands cancelled automatically and legal action will be initiated.

B.R. Muddeb 31/8/18
Joint Director of Town Planning (North)
Bruhat Bengaluru Mahanagara Palike.

30/8/18 30/8

30/8/18

II. NOC Details

Sl No.	Name of the Statutory Department	Reference No. & Date	Conditions Imposed
1	Fire Force Department	GBC(1)/336/2017, dated: 22-12-2017	All the conditions imposed in the letter issued by the Statutory Body should be adhered to
2	HAL	ASC/DGM(AO)/131/14-17/783/2017, dated: 11-01-2018	
3	Airport Authority of India	AAI/KIA/ATM/NOC/8068-66, dated: 20-10-2016	
4	BESCOM	SEE/BCS/EE(O)/AEE-3/NOC-06/17-18/3520-22, dated: 29-06-2017 & ಮು.ಅ(ಎ)/ಬೆಂಮಕ್ಕೇವ/ಅಇ/ಸಕಾಇ-2/ಕ-148/17-18/8377-80, ದಿನಾಂಕ: 31-01-2018	
5	SEIAA	SEIAA 114 CON 2017, dated: 10-01-2018	
6	BSNL	DE/SAN/BG/S-11/VOL XIII/20 Dated @ BG-41, dated: 26-12-2016	

III. The Applicant has paid the fees vide Receipt No. Re-ifms331-TP/000247 dated: 24-08-2018 for the following:-

1. Licence Fees	:	56,29,094-00
2. Ground Rent	:	32,61,334-00
GST (18% of the Ground Rent)	:	4,97,492-00
3. Betterment Charges	:	
a) For Building	:	1,22,837-00
4. Security Deposit	:	61,41,872-00
5. Plan copy charges	:	3,44,000-00
6. Compound Wall Charges	:	30,000-00
7. 1% Service Charge on Labour Cess to be paid to BBMP	:	94,631-00
TOTAL :		1,56,23,768-00
Say Rs.		1,56,24,000-00

8. Labour Cess : Rs. 93,68,000/- Paid vide RTGS/NEFT No. N235180615217817 dated: 23-08-2018 Receipt No. HO/29381/2018

ಇತ್ತೀಚಿನ ಮಂಜೂರಾತಿಯನ್ನು ಮಾನ್ಯ ಅಯುಕ್ತ ಆರೋಗ್ಯ ದಿನಾಂಕ: 20/08/18
 ಮೇರೆಗೆ ಬಿ.ಕೆ.ಎಸ್.ಎಸ್.ಎಸ್. (ಸಿ) / (ಸಿ) ಎಲ್.ಪಿ. ಸಂಖ್ಯೆ 203/17-18
 ದಿನಾಂಕ: 30/08/18 ಕಟ್ಟಡ ಸಹಿ ಮಂಜೂರಾತಿಯನ್ನು ವಿವರಿಸಿರುವ
 ಪರಶು ಅಭಿಮಾನಿಗಳಾಗಿದೆ. ದಿನಾಂಕ: 30/08/2018
 ರಿಂದ: 29/08/2020 ರವರೆಗೆ ಮಾತ್ರ ಮಾನ್ಯ ಸಿ.ಆರ್. ಇತ್ಯದ
 (ಎರಡು ವರ್ಷಗಳ ಅವಧಿಗೆ ಮಾತ್ರ)

B.R. Mudda K. 31/8/18
 ಮಹಿಳಾ ಸರ್ಕಾರ (ನಗರ ಮೀಸಲಣ-ಅಯುಕ್ತ)
 ಮಹಿಳಾ ಸರ್ಕಾರದ ಮಹಾಸಚಿವರ ಕಛೇರಿ
 30/8/18 30/8/18

TRANSLATED COPY

BRUHAT BANGALORE MAHANAGARA PALIKE

LICENCE
FOR CONSTRUCTION OF RESIDENTIAL COMPLEX
BUILDING

BBMP/Addl. Dir/JD North/LP/0203/17-18 No.A 40016

Building -1. 2 Stilt + Ground + 19 UF and
Partly 20th Floor

The Application filed by you M/s Wonder Project Development Pvt. Ltd., Kathedar of the property situated at Marathahalli Sub Division, Mahadevapura Zone, Bangalore City on 15.11.2017 requesting for licence to construct the building on the land bearing Sy.No.61/2, 62, 83/2, Kasavanahalli Village, Varthur Hobli, Bangalore East Taluk, Ward No.150, Mahadevapura Zone, Bangalore has been considered. The Hon'ble Commissioner, accorded approval on 20/08/2018 to sanction the said plan. The validity of the said Plan is 2 years only. The same will expire on 29/08/2020. They have paid the below mentioned fees vide this office Receipt No.RE-ibms.531-TP/000247 dated 24/8/2018.

1. Ground Rent Rs.2763842/- GST Rs.(18%) 497492/-
 2. Betterment Charges for building Rs.122837/-
 3. Licence Fee Rs.5629094/-
 4. Security Deposit Rs.6141872/-
 5. Copies of Plan fee Rs.344000/-
 6. Compound Wall fee Rs.30000/-
 7. Labour Welfare Fund at 1% Rs.94631/-
- Rounding Off Rs.232/-.

793

-2-

They have paid total amount of Rs.15624000/- ,
Rs.9368500/- in the name Building and Other Construction
Labour Welfare Board through NEFT
No.N235180615217817 vide Receipt No.HO.29381/2018
dated 23.08.2018.

Note: Please see the conditions mentioned at the
backside, you have to act accordingly. If it is noticed that
any one of the above conditions are violated, action will be
initiated under Sec.462 of the Bruhat Bangalore
Mahanagara Palike Act.

Sd/- 31/3/18
Joint Director of Town Planning (North)
Bruhat Bangalore Mahanagara Palike,
Bangalore

Date: 30/08/2018

//TRUE COPY//

TYPED COPYBBMP/Addl.Dir/JD NORTH/0203/2017-18

This Plan Sanction is issued subject to the following conditions

1. Sanction is accorded for the Residential Apartment Building at Khata No. 4131 Sy No. 61/2, 62, 63/2, Kasavanahalli Village, Varthur Hobli, Bangalore East Taluk, Ward No, 150, Mahadevapura Zone, Bangalore e.
 - a) Block - 1 Consisting of 2BF+GF+19UF & Part 20 UF only
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3. 2 Basement Floors area reserved for car parking shall not be converted for any other purpose.
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II. NOC Details

Sl. No.	Name of the Statutory Department	Reference No. & Date	Conditions imposed
1	Fire Force Department	GBC(1)/336/2017, dated:22.12.2017	All the conditions imposed in the letter issued by the Statutory Body should be adhered to
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3	Airport Authority of India	AAI/KIA/ATM/NOC/ 8068-66, dated:20.10.2016	

4	BESCOM	SEE/BCS/EE(O)/AEE-3/NOC-06/17-18/3520-22, dated:29.06.2017 & ಮು.ಅ(ಎ)/ಬೆಂಮಕ್ಕೇವ/ಅಇ/ಸಕಾಇ- 2/ಕ-148/17-18/8377-80, ದಿನಾಂಕ: 31.01.2018
5	SEIAA	SEIAA 114 CON 2017, dated:10.01.2018
6	BSNL	DE/SAN/BG/S-11/VOL XIII/20 Dated @ BG-41, dated:26.12.2016

III. The Applicant has paid the fees vide Receipt No. Re-
ifms331-TP/000247 dated:24-08-2018 for the following:-

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a) For Building		1,22,837-00
4. Security Deposit	:	61,41,872-00
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7. 1% Service Charge on Labour	:	
Cess to be paid to BBMP		94,631-00
	Total	1,56,23,768-00
	Say Rs.	1,56,24,000-00
8. Labour Cess	: Rs.93,68,000/-	Paid vide RTGS/NEFT No.N235180615217817 dated : 23.08.2018 Receipt No.HO/29381/2018

The Sanctioned plan as per Order of the Hon'ble
Commissioner Dated 20.08.2018 has been approved
subject to the conditions stipulated as per sanctioned
Building Plan No.JD TP (N)/S LP No.203/17-18,
dated 30.08.2018. Valid from 30.08.2018 to
29.08.2020 only (For a period of Two years only).

Sd/-31/1/18

Joint Director, (Town Planning-North),
Bruhat Bangalore Mahanagara Palike,
//TRUE COPY//

ವರದಿಯಾಗಿ ಲೆಕ್ಕ



BBMP/Add. Dy. Jd North/LP/0203/17-18
ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ

804

Bldg Plan for Block-2 of BF+GF+16UF part of 17UF
to 20 UF for Club House for 324 No.A 40084
residential units plus 36 EWS units - Total 360 R. units

ಸ್ವಲ್ಪ ಮಜಕೂರ್ಯಾರತೆಗಳಿಗೆ ಉಚಿತವಾಗಿ ಸೇರಿ ಡಿವಿಷನ್‌ನಲ್ಲಿ ದೇವಲಯದ ವಿವರಗಳನ್ನು
ಮೇಲೆ ಲೇಖಿಸಿ ಟ್ರಾನ್ಸಿಮಿಷನ್ ಡೆವಲಪ್‌ಮೆಂಟ್ ಟ್ರಸ್ಟಿ.ಆ.,

ನಂಬರು ಮನೆಗೆ ಮಾಲೀಕ / ವಾಸಸ್ಥಳದ ಮೇಲೆ ಟ್ರಾನ್ಸಿಮಿಷನ್ ಡೆವಲಪ್‌ಮೆಂಟ್
ಟ್ರಸ್ಟಿ.ಆ., ಅಂತಿಮ ಕ್ರಮದ ಸಂ: 4131, ಸರ್ವೆ ನಂ: 6112, 62, 6312 ಕೆರೆಮನಹಳ್ಳಿ
ಗ್ರಾಮ, ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಮಾದರಿ ನಂ:
ನೇವು 150, ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ನೇ ನಂಬರಿನಲ್ಲಿ ಕಟ್ಟಡ ಕಟ್ಟಬೇಕೆಂಬ ವಿಷಯ

ಕುರಿತು ಬರೆದ ಕೊಂಡ ತಾರೀಖು 15-11-17 ನಲ್ಲಿ ಕೊಟ್ಟ ಅರ್ಜಿ
ಮಾನ್ಯ ಚೀಫ್ ಎಂಜಿನಿಯರ್ ನಡವಳಿ ನಡವಳಿಯನ್ನು ದಿ: 21-05-19 ರಂದು
ಅನುಮೋದಿಸಿರುತ್ತಾರೆ. ನಡವಳಿ ನಡವಳಿಯ ಕಾಲ ಮಿತಿಯು 2 ವರ್ಷಗಳಿಗೆ
ಜಾರಿಯಲ್ಲಿರುತ್ತದೆ. ಅನುಮೋದನೆ ಯಾಗಿದ್ದು ದಿ: 27-05-2021 ರಂದು
ಅಂತ್ಯಗೊಳ್ಳುತ್ತದೆ. ಈ ಕಛೇರಿಯ ರಸೀದಿ ನಂ: RE-PLM 331-TP/000090
ದಿ: 28-05-19 ರಂದು ಸೆಲ್ ಬುಡಿಂಗ್ + GST ದಾ. 3411375-00; ಉತ್ತಮ
ಶುಲ್ಕ ದಾ. 128489-00; ಬೆರಿಳಿಲನಾ + ಲೈಸೆನ್ಸ್ ಶುಲ್ಕ ದಾ. 60,71,090-00
ಭದ್ರತಾ ಡೀವಲಪ್‌ಮೆಂಟ್ ದಾ. 64,24,434-00. ನಕ್ಷೆ ಶುಲ್ಕ ದಾ. 259000-00
ಸೂಚನೆ :- ಇದರ ಒಂಭಾಗದಲ್ಲಿ ಅಡಕವಾಗಿರುವ ಜಮೀನುಗಳನ್ನು ಗಮನಿಸಿ ಅದಕ್ಕೆ ಒಳಪಟ್ಟ
ನಡವಳಿಕೆಗಳನ್ನು ಅವುಗಳಲ್ಲಿ ಯಾವುದೇ ಒಂದು ಪರತುಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿರುವುದಾಗಿ ಕಂಡುಬಂದರೆ,
ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ಅಕ್ಟಿನ 462ನೇ ನಿಬಂಧನೆ ಮೇಲೆ ಕ್ರಮ ಜರುಗಿಸಲಾಗುವುದು.
ಶೇ 1% ಸಿವಿಲ್ ದಾ. 101364-00; ಬುಕ್ಸ್ ದಾ. 16,39,5000-00ಗಳನ್ನು
ಮಾನ್ಯತೆ ನೀಡಿರುತ್ತಾರೆ. ಇತರೆ ಕಾರ್ಮಿಕ ಕರ ಕಲ್ಯಾಣ ಮಂಡಳಿಗೆ ದಾ. 5018000-00
ಗಳನ್ನು NBT/RTGS ಮೂಲಕ ರಸೀದಿ ನಂ: HO/12831/2019 ದಿ:
27-05-19 ರಂದು ಮಾನ್ಯತೆ ನೀಡಿರುತ್ತಾರೆ.

ತಾರೀಖು 28ನೇ ಮೇ 2019 ಇಸವಿ

B.R. Muddebakar
Joint Director of Town Planning (North)
Bengaluru Municipal Corporation

BBMP/Addl.Dir/ JD NORTH/ 0203/2017-18

This Plan Sanction is issued subject to the following conditions

1. Modified Plan Sanction to site plan & plan sanction for the Residential Apartment (Block - 2) Building at Katha No: 4131, Sy No. 61/2, 62, 63/2, Kasavanahalli Village, Varthur Hobli, Bangalore East Taluk, Ward No. 150, Mahadevapura Zone, Bangalore is accorded.
 - 1) Modified sanction to site plan.
 - 2) Plan Sanction to Block - 2 Consisting of BF+GF+16 UF and Part of 17th to 20th UF including Club House. (324 Units + 36 EWS= 360 Units)
2. Sanction is accorded for Residential Apartment (Block - 2) Building use only. The use of the building shall not be deviated to any other use.
3. Basement Floor, Ground Floor, First Floor and Surface area reserved for car parking shall not be converted for any other purpose.
4. Development charges towards increasing the capacity of water supply, sanitary and power main has to be paid to BWSSB and BESCOM if any.
5. Necessary ducts for running telephone cables, cubicles at ground level for postal services & space for dumping garbage within the premises shall be provided.
6. The applicant shall construct temporary toilets for the use of construction workers and it should be demolished after the construction.
7. The applicant shall INSURE all workmen involved in the construction work against any accident / untoward incidents arising during the time of construction.
8. The applicant shall not stock any building materials / debris on footpath or on roads or on drains. The debris shall be removed and transported to near by dumping yard.
9. The applicant / builder is prohibited from selling the setback area / open spaces and the common facility areas, which shall be accessible to all the tenants and occupants.
10. The applicant shall provide a space for locating the distribution transformers & associated equipment as per K.E.R.C (Es& D) code leaving 3.00 mts. from the building within the premises.
11. The applicant shall provide a separate room preferably 4.50 x 3.65 m in the basement for installation of telecom equipment and also to make provisions for telecom services as per Bye-law No. 25.
12. The applicant shall maintain during construction such barricading as considered necessary to prevent dust, debris & other materials endangering the safety of people / structures etc. in & around the site.
13. The applicant shall plant at least two trees in the premises.
14. Permission shall be obtained from forest department for cutting trees before the commencement of the work.
15. License and approved plans shall be posted in a conspicuous place of the licensed premises. The building license and the copies of sanctioned plans with specifications shall be mounted on a frame and displayed and they shall be made available during inspections.
16. If any owner / builder contravenes the provisions of Building Bye-laws and rules in force, the Architect / Engineer / Supervisor will be informed by the Authority in the first instance, warned in the second instance and cancel the registration if the same is repeated for the third time.
17. Technical personnel, applicant or owner as the case may be shall strictly adhere to the duties and responsibilities specified in Schedule - IV (Bye-law No. 3.6) under sub section IV-8 (e) to (k).
18. The building shall be constructed under the supervision of a registered structural engineer.
19. On completion of foundation or footings before erection of walls on the foundation and in the case of columnar structure before erecting the columns "COMMENCEMENT CERTIFICATE" shall be obtained.
20. Construction or reconstruction of the building should be completed before the expiry of five years from the date of issue of license & within one month after its completion shall apply for permission to occupy the building.
21. The building should not be occupied without obtaining "OCCUPANCY CERTIFICATE" from the competent authority.
22. Drinking water supplied by BWSSB should not be used for the construction activity of the building.

B.R. Mudda *28/1/19*
 Joint Director of Town Planning (North)
 Bruhat Bangaluru Mahanagara Palike.

28/1/19

28/1/19

28/1/19

BBMP/Addl.Dir/ JD NORTH/ 0203/2017-18

23. The applicant shall ensure that the Rain Water Harvesting Structures are provided & maintained in good repair for storage of water for non potable purposes or recharge of ground water at all times having a minimum total capacity mentioned in the Bye-law 32(a).
24. The building shall be designed and constructed adopting the norms prescribed in National Building Code and in the "Criteria for earthquake resistant design of structures" bearing No. IS 1893-2002 published by the Bureau of Indian Standards making the building resistant to earthquake.
25. The applicant should provide solar water heaters as per table 17 of Bye-law No. 29 for the building.
26. Facilities for physically handicapped persons prescribed in schedule XI (Bye laws – 31) of Building bye-laws 2003 shall be ensured.
27. The applicant shall provide at least one common toilet in the ground floor for the use of the visitors / servants / drivers and security men and also entrance shall be approached through a ramp for the Physically Handicapped persons together with the stepped entry.
28. The Occupancy Certificate will be considered only after ensuring that the provisions of conditions vide Sl. No. 23, 24, 25 & 26 are provided in the building.
29. The applicant shall ensure that no inconvenience is caused to the neighbours in the vicinity of construction and that the construction activities shall stop before 10.00 PM and shall not resume the work earlier than 7.00 AM to avoid hindrance during late hours and early morning hours.
30. Garbage originating from Apartments / Commercial buildings shall be segregated into organic and inorganic waste and should be processed in the **Recycling processing unit** required capacity installed at site for its re-use / disposal (Applicable for Residential units of 50 and above and 5000 Sqm and above built up area for Commercial building).
31. The structures with basement/s shall be designed for structural stability and safety to ensure for soil stabilization during the course of excavation for basement/s with safe design for retaining walls and super structure for the safety of the structure as well as neighbouring property, public roads and footpaths, and besides ensuring safety of workman and general public by erecting safe barricades.
32. Sufficient two wheeler parking shall be provided as per requirement.
33. Traffic Management Plan shall be obtained from Traffic Management Consultant for all high rise structures which shall be got approved from the Competent Authority if necessary.
34. The Owner / Association of highrise building shall obtain clearance certificate from Fire Force Department every Two years with due inspection by the department regarding working condition of Fire Safety Measures installed. The certificate should be produced to the Corporation and shall get the renewal of the permission issued once in Two years.
35. The Owner / Association of highrise building shall get the building inspected by empanelled agencies of the Fire Force Department to ensure that the equipments installed are in good and workable condition, and an affidavit to that effect shall be submitted to the Corporation and Fire Force Department every year.
36. The Owner / Association of highrise building shall obtain clearance certificate from the Electrical Inspectorate every Two years with due inspection by the Department regarding working condition of Electrical installation / Lifts etc., The certificate should be produced to the BBMP and shall get the renewal of the permission issued that once in Two years.
37. The Owner / Association of the highrise building shall conduct two mock – trials in the building, one before the onset of summer and another during the summer and assure complete safety in respect of fire hazards.
38. Payment of Ground Rent for construction carried out beyond the two years period of plan sanction shall be made to the corporation as per bye law no. 3.8 note(i) of Building Bye-law-2003.
39. The Builder / Contractor / Professional responsible for supervision of work shall not materially and structurally deviate the construction from the sanctioned plan, without prior approval of the authority. They shall explain to the owner s about the risk involved in contravention of the provisions of the Act, Rules, Bye-laws, Zoning Regulations, Standing Orders and Policy Orders of the BBMP.
40. The Construction or reconstruction of building shall be commenced within a period of two (2) years from date of issue of licence. Before the expiry of two years, the Owner / Developer shall give intimation to BBMP (Sanctioning Authority) of the intention to start work in the form prescribed in Schedule VI. Further, the Owner / Developer shall give intimation on completion of the foundation or footing of walls / columns of the foundation. Otherwise the plan sanction deemed cancelled.

B.R. Mudda *28/5/19*
 Joint Director of Town Planning (North)
 Bruhat Bengaluru Mahanagara Palike.

28/5/19

28/5/19

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BBMP/Addl.Dir/ JD NORTH/ 0203/2017-18

41. All other conditions and conditions mentioned in the work order issued by the Bangalore Development Authority vide No. No.BDA/TPM/DLP-41/2016-17/2161/2017-18 dated: 07-03-2018 while approving the Development Plan for the project should be strictly adhered to.
42. The Owner Developer shall abide to the outcome of Hon'ble City Civil Court Order in respect of O.S No. 4287/2000.
43. The Owner / Developer shall abide to the outcome of Hon'ble N.G.T order in respect of appeal No. 54/2018.
44. The Owner / Developer during construction shall restrict the height of the already sanctioned Block - 1 to 63.20 m which should be inclusive of Appurtanance structures such as staircase Head Room, Lift Machine Room, O.H.T & lighting arrester as per H.A.L N.O.C.
45. In case of any false information, misrepresentation of facts, or pending court cases, the plan sanction is deemed cancelled.

Special Condition as per Labour Department of Government of Karnataka vide ADDENDUM (HosadaagiHoodike) Letter No. LD/95/LET/2013, dated: 01-04-2013

1. Registration of Applicant / Builder / Owner / Contractor and the construction workers working in the construction site with the "Karnataka Building and Other Construction workers Welfare Board" should be strictly adhered to.
2. The Applicant / Builder / Owner / Contractor should submit the Registration of establishment and list of construction workers engaged at the time of issue of Commencement Certificate. A copy of the same shall also be submitted to the concerned local Engineer in order to inspect the establishment and ensure the registration of establishment and workers working at construction site or work place.
3. The Applicant / Builder / Owner / Contractor shall also inform the changes if any of the list of workers engaged by him.
4. At any point of time No Applicant / Builder / Owner / Contractor shall engage a construction worker in his site or work place who is not registered with the "Karnataka Building and Other Construction workers Welfare Board"

Note:

1. Accommodation shall be provided for setting up of schools for imparting education to the children of construction workers in the labour camps / construction sites.
2. List of children of workers shall be furnished by the builder / contractor to the Labour Department which is mandatory.
3. Employment of child labour in the construction activities strictly prohibited.
4. Obtaining NOC from the Labour Department before commencing the construction work is a must.
5. BBMP will not be responsible for any dispute that may arise in respect of property in question.
6. In case if the documents submitted in respect of property in question is found to be false or fabricated, the plan sanctioned stands cancelled automatically and legal action will be initiated.

II. NOC Details

Sl No.	Name of the Statutory Department	Reference No. & Date	Conditions Imposed
1	Fire Force Department	NoGBC(1)/336/2017, dated: 22-12-2017	All the conditions imposed in the letter issued by the Statutory Body should be adhered to
2	Airport Authority of India	BANG/ SOUTH/ B/091727/ 171996, dated: 20-10-2016	
3	HAL	No ASC/DGM(AO)/131/14-17/783/2017 Dated: 11-01-20	
4	BSNL	DE/N/BG/S-11/VOL XIII/20, dated: 26-12-2016	
5	SEIAA	No. SEIAA/114/CON/2017. dated: 10-01-2018	
6	KSPCB	No: PCB/701/CNP/17/H-755 dated: 12-10-2018	
7	BESCOM	ಸಂಖ್ಯೆ: ಮು(ವಿ)/ಬಿಂಎಕ್ಸಿ/ಆರ್/ಸರ್ಕಾರ-2/8-148/17-18/8377-ನು ದಿನಾಂಕ: 31-01-2018	
8	BWSSB	No. BWSSB/EIC/CE(M)/ACE(M)-IV/DCE(M)-II/TA(M)-III/4421/2018-19 dated: 30-10-2018.	

B.R. Mudda 28/5/19
 Joint Director of Town Planning (North)
 Bruhat Bangaluru Mahanagara Palike.

28/5/19

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28/5/19

BBMP/Addl.Dir/ JD NORTH/ 0203/2017-18

III. The Applicant has paid the fees Rs. 1,63,95,000/- vide Onlie Receipt No. RE-ifms331-TP/000090 dated: 28-05-2019 for the following:-

i) Ground Rent	:	28,90,995-00
GST (18% of the Ground Rent)	:	5,20,380-00
ii) Betterment Charges : For Building	:	1,28,489-00
iii) Licence Fees & Scrutiny Fee	:	60,71,090-00
iv) Security Deposit	:	64,24,434-00
v) Plan copy charges	:	2,58,000-00
vi) 1% Service Charge on Labour Cess to be paid to BBMP	:	1,01,364-00
	Total :	1,63,94,751-00
	Round Off :	248-00
	Say Rs. :	1,63,95,000-00

LabourCess: 1) Rs. 5018000/- Paid vide RTGS/NEFT No.HDFCCR52019052779902772 dated: 27-05-2019 Vide Receipt No. HO/12831/2019 Dated: 27-05-2019.
 2) Rs. 50,18,000/- Paid vide RTGS / NEFT No. HDFCR 520/9052779905195 Dated: 27-05-2019 Vide receipt No. HO/12830/2019 Dated: 27-05-2019.

ಪರಿಷ್ಕೃತ ನಕ್ಷೆ:

ಟಿಪ್ಪಣಿ: ಈ ಹಿಂದಿನ ಸಮಸಂಖ್ಯೆ ಎಲ್.ಪಿ.ಸಂಖ್ಯೆ 203/17-18
 ದಿನಾಂಕ: 20-8-2018 ರಂತೆ ಅನುಮೋದಿಸಲಾಗಿರುವ ನಕ್ಷೆಯು ಅನರ್ಜಿತಗೊಂಡಿರುತ್ತದೆ.

ಇವುಮೂಲಾತಿಯನ್ನು ಮಾನ್ಯ ಆಯುಕ್ತರ ಆದೇಶದ ದಿನಾಂಕ 21-5-2019
 ಮೇರೆಗೆ: ಜಿ.ನಿ.ಸ.ಯೋ. (ಉ)/(ದ) ಎಲ್.ಪಿ. ಸಂಖ್ಯೆ 203/17-18
 ದಿನಾಂಕ: 28-5-2019, ಸಿಟಿ ಪ್ಲಾನ್ ನಕ್ಷೆ ಮೂಲಾತಿಯನ್ನು ವಿವರಿಸಿರುವ
 ಪರತಿಗೆ ಒಳಪಟ್ಟು ಅನುಮೋದಿಸಲಾಗಿದೆ. ದಿನಾಂಕ: 28-5-2019
 ರೀತಿ: 27-5-2021 ರವರೆಗೆ ಮಾತ್ರ ಮಾನ್ಯ ಸರ್ಕಾರದ
 (ಎರಡು ವರ್ಷಗಳ ಅವಧಿಗೆ ಮಾತ್ರ)

B.R. Mudda K 28/5/19
 ಜಂಟಿ ನಿರ್ದೇಶಕರು (ನಗರ ಯೋಜನೆ-ಉತ್ತರ)
 ಪ್ಲಾನಿಂಗ್ ವಿಭಾಗದ ಮಹಾನಗರ ಪಾಲಿಕೆ
 28/5/19 28/5/19 28/5/19

TRANSLATED COPY

BRUHAT BANGALORE MAHANAGARA PALIKE

LICENCE
FOR CONSTRUCTION OF RESIDENTIAL COMPLEX
BUILDING

BBMP/Addl. Dir/JD North/LP/0203/17-18 No.A 40084

Building Plan for Block-2 of BF + GF + 16 UF part of 17
UP to 20 UF for Club House for 324 residential units plus
36 EWS units- Total 360 R.unit.

The Application filed by you M/s Wonder Project Development Pvt. Ltd., Ower of the property situated at Marathahalli Sub Division, Mahadevapura Zone, Bangalore City on 15.11.2017 requesting for licence to construct the building on the bearing Katha No.4131, Sy.No.61/2, 62, 83/2, Kasavanahalli Village, Varthur Hobli, Bangalore East Taluk, Ward No.150, Mahadevapura Zone, Bangalore has been considered. The Hon'ble Commissioner, approved said plan on 28/05/19. The validity of the said Plan is 2 years only. The same will expire on 27/05/2021. They have paid Rs.3411375.00 towards Ground Rent + GST, Betterment Fee of Rs.128489.00, Scrutiny + Licence Fee of Rs.6071090.00, Security Deposit Rs.6424434.00, Copies of Plan Fee Rs.258000.00, Cess at 1% Rs.101364.00, totally amounting to Rs.1,63,95,000.00 vide this Office Receipt No.RE-ibms.331-TP/000090 dated 28.05.19. They have paid Rs.5018000.00 to other Labour Welfare Board through NEFT/RTGS vide Receipt No.HO/12831/2019 dated 27.05.19

Note: Please see the conditions mentioned at the backside, you have to act accordingly. If it is noticed that any one of the above conditions are violated, action will be initiated under Sec.462 of the Bruhat Bangalore Mahanagara Palike Act.

Sd/- 28/5/19
Joint Director of Town Planning (North)
Bruhat Bangalore Mahanagara Palike,
Bangalore

Date: 28th May 2019.

//TRUE COPY//

TYPED COPYBBMP/Addl., Dir/ JD NORTH/ 0203/2017-18

This Plan Sanction is issued subject to the following conditions

1. Modified Plan Sanction to site plan & plan sanction for the Residential Apartment (Block - 2) Building at Katha No: 4131, Sy No. 61/2, 62, 63/2, Kasavanahalli Village, Varthur Hobli. Bangalore East Taluk, Ward No. 150, Mahadevapura Zone, Bangalore is accorded.
 - 1) Modified sanction to site plan.
 - 2) Plan Sanction to Block-2 Consisting of BF+GF+16 UF and Part of 17th to 20th UF including Club House. (324 Units + 36 EWS 360 Units)
2. Sanction is accorded for Residential Apartment (Block - 2) Building use only. The use of the building shall not be deviated to any other use.
3. Basement Floor, Ground Floor, First Floor and Surface area reserved for car parking shall not be converted for any other purpose.
4. Development charges towards increasing the capacity of water supply, sanitary and power main has to be paid to BWSSB and BESCOM if any.
5. Necessary ducts for running telephone cables, cubicles at ground level for postal services & space for dumping garbage within the premises shall be provided.
6. The applicant shall construct temporary toilets for the use of construction workers and it should be demolished after the construction.

7. The applicant shall INSURE all workmen involved in the construction work against any accident / untoward incidents arising during the time of construction.
8. The applicant shall not stock any building materials / debris on footpath or on roads or on drains. The debris shall be removed and transported to nearby dumping yard.
9. The applicant / builder is prohibited from selling the setback area / open spaces and the common facility areas, which shall be accessible to all the tenants and occupants.
10. The applicant shall provide a space for locating the distribution transformers & associated equipment as per K.E.R.C (Es& D) code leaving 3.00 mts. from the building within the premises.
11. The applicant shall provide a separate room preferably 4.50 x 3.65 m in the basement for installation of telecom equipment and also to make provisions for telecom services as per Bye-law No. 25.
12. The applicant shall maintain during construction such barricading as considered necessary to prevent dust, debris & other materials endangering the safety of people / structures etc. in & around the site.
13. The applicant shall plant at least two trees in the premises.
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15. License and approved plans shall be posted in a conspicuous place of the licensed premises. The building license and the copies of sanctioned plans with specifications shall be mounted on a frame and displayed and they shall be made available during inspections.
16. If any owner / builder contravenes the provisions of Building Bye-laws and rules in force, the Architect / Engineer / Supervisor will be informed by the Authority in the first instance, warned in the second instance and cancel the registration if the same is repeated for the third time.
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18. The building shall be constructed under the supervision of a registered structural engineer
19. On completion of foundation or footings before erection of walls on the foundation and in the case of columnar structure before erecting the columns "COMMENCEMENT CERTIFICATE" shall be obtained.
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21. The building should not be occupied without obtaining "OCCUPANCY CERTIFICATE" from the competent authority.
22. Drinking water supplied by BWSSB should not be used for the construction activity of the building.
23. The applicant shall ensure that the Rain Water Harvesting Structures are provided & maintained in good repair for storage of water for non potable purposes or recharge of ground water at all times having a minimum total capacity mentioned in the Bye-law 32(a).
24. The building shall be designed and constructed adopting the norms prescribed in National Building Code and in the "Criteria for earthquake resistant design of structure" bearing No. IS 1893-2002 published by the Bureau of Indian Standards making the building resistant to earthquake.
25. The applicant should provide solar water heaters as per table 17 of Bye-law No. 29 for the building.
28. Facilities for physically handicapped persons prescribed in schedule XI (Bye laws - 31) of Building bye- laws 2003 shall be ensured.
27. The applicant shall provide at least one common toilet in the ground floor for the use of the visitors / servants / drivers and security men and also entrance shall be approached through a ramp for the Physically Handicapped persons together with the stepped entry.

28. The Occupancy Certificate will be considered only after ensuring that the provisions of conditions vide Sl. No. 23, 24, 25 & 26 are provided in the building.
29. The applicant shall ensure that no inconvenience is caused to the neighbours in the vicinity of construction and that the construction activities shall stop before 10.00 PM and shall not resume the work earlier than 7.00 AM to avoid hindrance during late hours and early morning hours.
30. Garbage originating from Apartments / Commercial buildings shall be segregated into organic and inorganic waste and should be processed in the Recycling processing unit required capacity installed at site for its re-use / disposal (Applicable for Residential units of 50 and above and 5000 Sqm and above built up area for Commercial building),
31. The structures with basement/s shall be designed for structural stability and safety to ensure for soil stabilization during the course of excavation for basement/s with safe design for retaining walls and super structure For the safety of the structure as well as neighbouring property, public roads and footpaths, and besides ensuring safety of workman and general public by erecting safe barricades
32. Sufficient Two wheeler parking shall be provided as per requirement.
33. Traffic Management Plan shall be obtained from Traffic Management Consultant for all high rise structures which shall be got approved from the Competent Authority if necessary.

34. The Owner / Association of highrise building shall obtain clearance certificate from Fire Force Department every Two years with due inspection by the department regarding working condition of Fire Safety Measures installed. The certificate should be produced to the Corporation and shall get the renewal of the permission issued once in Two years,
35. The Owner / Association of highrise building shall get the building inspected by empanelled agencies of the Fire Force Department to ensure that the equipments installed are in good and workable condition, and an affidavit to that effect shall be submitted to the Corporation and Fire Force Department every year.
36. The Owner / Association of highrise building shall obtain clearance certificate from the Electrical Inspectorate every Two years with due Inspection by the Department regarding working condition of Electrical installation / Lifts etc.. The certificate should be produced to the BBMP and shall get the renewal of the permission issued that once in Two years.
37. The Owner / Association of the highrise building shall conduct two mock - trials in the building, one before the onset of summer and another during the summer and assure complete safety in respect of fire hazards.
38. Payment of Ground Rent for construction carried out beyond the two years period of plan sanction shall be

made to the corporation as per bye law no. 3.8 note (i) of Building Bye-law-2003

39. The Builder / Contractor / Professional responsible for supervision of work shall not materially and structurally deviate the construction from the sanctioned plan, without prior approval of the authority. They shall explain to the owners about the risk involved in contravention of the provisions of the Act, Rules, Bye-laws, Zoning Regulations, Standing Orders and Policy Orders of the BBMP
40. The Construction or reconstruction of building shall be commenced within a period of two (2) years from date of issue of licence. Before the expiry of two years, the Owner / Developer shall give intimation to BBMP (Sanctioning Authority) of the intention to start work in the form prescribed in Schedule VI Further, the Owner / Developer shall give intimation on completion of the foundation or footing of walls / columns of the foundation. Otherwise the plan sanction deemed cancelled.
41. All other conditions and conditions mentioned In the work order issued by the Bangalore Development Authority vide No No.BDA/TPM/DLP-41/2016-17/2161/2017-18 dated: 07-03-2016 while approving the Development Plan for the project should be strictly adhered to.
42. The Owner Developer shall abide to the outcome of Hon'ble City Civil Court Order in respect of O.S No.428/2000.

-8-

43. The Owner / Developer shall abide to the outcome of Honble N.G.T order in respect of appeal No. 54/2018.
44. The Owner / Developer during construction shall restrict the height of the already sanctioned Block -1 to 63.20 m which should be inclusive of Appurtanance structures such as staircase Head Room, Lift / Machine Room, O.H.T & lighting arrester as per H.A.L., N.O.C.
45. In case of any false information, misrepresentation of facts, or pending court oases, the plan sanction is deemed cancelled.

Special Condition as per Labour Department at Government of Karnataka vide ADDENDUM (Hosadaagi/Hoodike) Letter No. LD/95/LET/2013, dated: 01-04-2013

1. Registration of Applicant / Builder / Owner / Contractor and the construction workers working in the construction site with the "Karnataka Building and Other Construction workers Welfare Board should be strictly adhered to
2. The Applicant/ Builder/ Owner / Contractor should submit the Registration of establishment and list of construction workers engaged at the time of issue of Commencement Certificate. A copy of the same shall also be submitted to the concerned local Engineer in order to inspect the establishment and ensure the registration of establishment and workers working at construction site or work place.

3. The Applicant/ Builder / Owner / Contractor shall also inform the changes if any of the list of workers engaged by him.
4. At any point of time No Applicant/ Builder / Owner / Contractor shall engage a construction worker in his site or work place who is not registered with the "Karnataka Building and Other Construction workers Welfare Board"

Note:

1. Accommodation shall be provided for setting up of schools for imparting education to the children of construction workers in the labour camps / construction sites.
2. List of children of workers shall be furnished by the builder (contractor to the Labour Department which is mandatory.
3. Employment of child labour in the construction activities strictly prohibited.
4. Obtaining NOC Item the Labour Department before commencing the construction work is a must,
5. BBMP will not be responsible for any dispute that may arise in respect of property in question.
6. In case if the documents submitted in respect of property in question is found to be false or fabricated, the plan sanctioned stands cancelled automatically and legal action will be initiated.

II. NOC Details :

Sl. No.	Name of the Statutory Department	Reference No. & Date	Conditions imposed
1	Fire Force Department	No.GBC(1)/336/2017, dated:22.12.2017	All the conditions imposed in the letter issued by the Statutory Body should be adhered to
2	Airport Authority of India	BAND/SOUTH/B/091727/171996, dated : 20.10.2016	
3	HAL	ASC/DGM(AO)/131/14-17/783/2017, dated:11.01.2018	
4	BSNL	DE/N/BG/S-11/VOL XIII/20, dated : 26.12.2016.	
5	SEIAA	No.SEIAA/114/CON/2017, dated:10.01.2018	
6	KSPCB	No.PCB/701/CNP/17/H-755 dated:12.10.2018.	
7	BESCOM	ಸಂಖ್ಯೆ: ಮು.ಇ(ವಿ)/ಬೆಂಮಕ್ಕೇದವ/ಅಇ/ಸಕಾಇ-2/ಕ-148/17-18/8377-80, ದಿನಾಂಕ: 31.01.2018	
8	BWSSB	No.BWSSB/EIC/CE(M)/ACE(M)-IV/DCE(M)-II/T(M)-III/4421/2018-19, dated:30.10.2018.	

III. The Applicant has paid the fees Rs.1,63,95,000/- vide Online Receipt No. RE-ifms331-TP/000090 dated:28.05.2019 for the following:-

i) Ground Rent	:	28,90,995-00
GST (18% of the Ground Rent)	:	5,20,380-00
ii) Betterment Charges	: for	1,28,489-00
Building		
iii) Licence Fee & Security Fee	:	60,71,090-00
iv) Security Deposit	:	64,24,434-00
v) Plan copy charges	:	2,58,000-00
vi) 1% Service Charge on Labour	:	1,01,364-00
Cess to be paid to BBMP		
Total	:	1,63,94,751-00
Round Off	:	248-00
Say Rs.	:	1,63,95,000-00

Labour Cess : 1)Rs. 5018000/- Paid vide RTGS/NEFT No. HDFCCR 52019052779902772 dated: 27.05.2019
Vide Receipt No. HO/1283/2019 Dated : 27.05.2019.

2)Rs. 50,18,000/- Paid vide RTGS/NEFT No. HDFCCR 520/9052779905195 dated : 27.05.2019
Vide Receipt No. HO/1283/2019 Dated : 27.05.2019.

REVISED PLAN

Note : The site plan of the property approved as per even number LP No. 203/17-18, dated 20.08.2018 is void.

The Sanctioned plan as per Order of the Hon'ble Commissioner Dated 21.05.2019 has been approved subject to the conditions stipulated as per sanctioned Building Plan No. JD TP (N)/S LP No. 203/17-18, dated 28.05.2019. Valid from 28.05.2019 to 27.05.2021 only (For a period of Two years only).

Sd/- 28/5/19

Joint Director, (Town Planning-North),
Bruhat Bangalore Mahanagra Palika,

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ಬಿಬಿಇ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ- III	ಬೆಂಗಳೂರು, ಬುಧವಾರ, ಜನವರಿ ೨೦, ೨೦೧೬ (ಪುಷ್ಯ ೩೦, ಶಕ ವರ್ಷ ೧೯೩೭)	ನಂ. ೧೧೩
Part- III	Bengaluru, Wednesday, January 20, 2016 (Pushya 30, Shaka Varsha 1937)	No. 113

FOREST, ECOLOGY & ENVIRONMENT SECRETARIAT NOTIFICATION

No. FEE 316 EPC 2015, Bengaluru, dated:19.01.2016

Whereas, Tanks/Lakes both in Urban and rural areas were serving as source of drinking water to people, animals and birds and helped in increasing the fertility of the lands through controlling soil erosion which in turn enhanced the agricultural production. Tanks served as habitat for aquatic fauna boosting fish production and most importantly increasing the ground water table. Lakes are considered as lung spaces of cities and help moderate vagaries of climate and maintenance of ambient temperatures. Construction activities, destruction of tanks and wetland systems have added to the deterioration of urban environment.

Whereas, siltation, pollution, encroachment of Raja Kaluves, construction of apartments and entry of untreated sewage into the tanks, have resulted in deterioration to the level of hyper eutrophication state in many Tanks / Lakes in the urban areas. The services that the tanks were rendering earlier are vanished in Bengaluru and other urban areas. Such tanks lakes are contrarily posing threat in many ways and causing environment and health hazards.

Whereas, the foams and ignition phenomena observed in the Bellandur Amani Lake and Varthur Lake in Bengaluru in the recent past are the manifestations of severity of the problem.

Whereas, the inspection and monitoring by the Central Pollution Control Board and the Karnataka State Pollution Control Board reveals that the following are the chief causes for deterioration of water quality in the said lakes.

1. Increasing discharge of untreated wastewater containing abnormal quantity of organic matter, phosphorus, oil & grease, chemicals from detergents & cleaners etc. over a long period and its settlement as sediment.
2. Oil and grease from industrial activity, sewage and garbage have accumulated in sewer lines and in some parts of Lake. Due to heavy rains, the oil & grease accumulated in the sewer lines and storm water drains, etc. have been flushed to the surface of the lake.

Whereas, the State Government in exercise of powers conferred under 18 (1) (b) of the Water (Prevention and Control of Pollution) Act 1974 have issued direction to the Karnataka State Pollution Control Board vide the Notification No. FEE 22 EPC 2009 (P-1), dated: 04.08.2010 to exempt the residential and commercial construction of less than 20,000 Square meter built up area from the consent mechanism within the sewerage areas wherein permission from Bangalore Water Supply and Sewerage Board (BWS&SB)/ BBMP/ Municipalities / Corporations is obtained to discharge sewage in sewer lines and charges paid to these authorities.

Whereas, the Central Pollution Control Board Vide No.A-19014/41/2006-MON/1242, dated:22.05.2015 have under section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act 1974 directed the Karnataka State Pollution Control Board to ensure that all apartments with more than 50 units shall treat sewage in their own STPs and reuse the treated sewage within its premises.

Whereas, the Karnataka State Pollution Control Board has a mandate to comply with the directions issued by the Central Pollution Control Board under Section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act, 1974.

Whereas, the Karnataka State Pollution Control Board vide letter No.PCB/CNP/10/GEN/15/277, dated:13.10.2015 have submitted the proposal to the Government for issue of direction under Section 5 of the Environment (Protection) Act, 1986 to the concerned

Planning Authority i.e Bangalore Development Authority (BDA) and Bruhath Bengaluru Mahanagara Palike (BBMP) to insist for installation of STPs in Residential Apartments with 50 units and above irrespective of existence of sewer line and for treatment of sewage to urban reuse standards and to reuse the same within their premises.

Whereas, it is opined that establishment of sewage treatment plants in Group Housing Projects, Commercial Establishments and such other Institutions help in prevention of pollution of water bodies apart from reducing the fresh water demand in such establishments as Bangalore is facing shortage of fresh water supply by BWS&SB.

Wherefore, in order to ensure treatment of sewage generated in the Group Housing Projects, Commercial Establishments and such other Institutions and to ensure reuse of treated water for non-potable purposes apart from ensuring prevention of pollution of lakes and other water bodies, the State Government hereby issue direction under section 5 of the Environment (Protection) Act, 1986 in exercise of the powers delegated to the State Government vide Notification No.S.O.152 (E), dated: 10.02.1988 to the Authorities listed in the Table-1 below as mentioned against each of such authorities.

Table - 1

Sl. No.	Designation of the Authority issued with the direction under section 5 of Environment (Protection) Act, 1986	Direction under section 5 of Environment (Protection) Act, 1986
1	2	3
1.	The Commissioner, Bruhath Bengaluru Mahanagara Palike (BBMP), N.R.Square, Bengaluru-560002.	Shall approve plan for construction of buildings and development of layout in respect of activities listed in Table-2 of this notification only after production of copy of Consent for Establishment (CFE) issued under the Water (Prevention and Control of Pollution) Act, 1974 by the Karnataka State Pollution Control Board for establishment of sewage treatment plant of appropriate capacity.
2.	The Commissioner, Bangalore Development Authority (BDA), T.Chowdaiah Road, Kumara Park West, Bengaluru - 560020.	
3.	The Commissioner, the Bangalore Metropolitan Region Development Authority (BMRDA), No.1, Ali Askar Road, Bengaluru-560052.	
4.	The Commissioner of all the City Corporations in the State	
5.	The Chairman, Bangalore Water Supply and Sewerage Board (BWSSB), Cauvery Bhavan, Bengaluru - 560009	Shall provide water connection to the activities covered under this direction in Table-2 only after production of copy of Consent for Establishment (CFE) issued under the Water (Prevention and Control of Pollution) Act, 1974 by the Karnataka State Pollution Control Board for establishment of sewage treatment plant of appropriate capacity.
6.	Director of Municipal Administration, V.V.Main Tower, Dr. B.R.Ambedkar Veedhi, Bengaluru-560001.	Shall ensure that the urban local bodies in the State coming under the jurisdiction of DMA approve plan for construction of buildings and development of layout in respect of activities listed in Table-2 of this notification only after production of copy of Consent for Establishment (CFE) issued under the Water (Prevention and Control of Pollution) Act, 1974 by the Karnataka State Pollution Control Board for establishment of sewage treatment plant of appropriate capacity.
7.	The Managing Director, Karnataka Urban Water Supply and Sewerage Board, No.6, JalaBhavan 1 st Stage, 1 st Phase, BTM Layout, Bannerghatta Road, Bengaluru - 560029	Shall provide water connection to the activities covered under this direction in Table -2, only after production of copy of Consent for Establishment (CFE) issued under the Water (Prevention and Control of Pollution) Act, 1974 by the Karnataka State Pollution Control Board for establishment of sewage treatment plant of appropriate capacity.

- 2 -

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Sl. No.	Designation of the Authority issued with the direction under section 5 of Environment (Protection) Act, 1986	Direction under section 5 of Environment (Protection) Act, 1986
1	2	3
8.	The Director, Town Planning, M.S Building, Bengaluru.	Shall approve plan for construction of buildings and development of layout in respect of activities listed in Table -2 of this notification only after production of copy of Consent for Establishment (CFE) issued under the Water (Prevention and Control of Pollution) Act, 1974 by the Karnataka State Pollution Control Board for establishment of sewage treatment plant of appropriate capacity.
9.	CEO & Executive Member, Karnataka Industrial Areas Development Board (KIADB), No. 49, East Wing, Khanija Bhavan, Race Course Road, Bangalore - 560001.	Shall approve plan for construction of buildings and development of layout in respect of activities listed in Table-2 of this notification either for their own use or for the occupiers only after production of copy of Consent for Establishment (CFE) issued under the Water (Prevention and Control of Pollution) Act, 1974 by the Karnataka State Pollution Control Board for establishment of sewage treatment plant of appropriate capacity.
10.	The Managing Director, BESCOM, CESCO, GESCOM, MESCOM and HESCO.	Shall provide permanent power connection to the activities covered under this direction at Table-2, only after <u>production of copy of Consent for Establishment (CFE) issued</u> under the Water (Prevention and Control of Pollution) Act, 1974 by the Karnataka State Pollution Control Board for establishment of sewage treatment plant of appropriate capacity. However, this direction shall not be made applicable for temporary connection provided for construction phase.
11.	The Member Secretary, Karnataka State Pollution Control Board, No. 49, Parisasra Bhavana, Church Street, Bengaluru.	Shall include the activities covered under this direction under the consent mechanism in accordance with the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Rules made thereunder and shall ensure that such activities listed in Table-2 also are established along with sewage treatment plant of appropriate capacity and mechanism for reuse of treated water is put in place as directed by CPCB. Such activities shall be issued with CFE / CFO following the due procedure of law, after ensuring permissibility of such activity.

The direction issued under this Notification in column 3 of the above Table-1 shall be made applicable for the activities listed in the Table-2 below:

Table - 2

Sl. No.	Activities that need to install Sewerage Treatment Plants (STP) compulsorily and ensure reuse of treated water
i)	All the residential Group Housing Projects / Apartments with 20 Units and above or having a total built up area of 2,000 square meter including basement shall install STP.
ii)	Commercial constructions Projects (Commercials Complexes, office, IT related activities etc.) with total built up area of 2,000 Squire meter and above shall install STP.
iii)	Educational Institutions with or without Hostel facility having total built up area of 5,000 Squire meter and above shall install STP.
iv)	Townships and Area Development Projects with an area of 10 acres and above shall install STP.

This direction will come to effect from the date of its publication in the Government Gazette.
The direction issued to the Karnataka State Pollution Control Board vide Government Notification No. FEE 22 EPC 2009 (P-1), dated: 04.08.2010 stands withdrawn.
By Order & in the Name of the Governor of Karnataka

ANDANAYYA MATHAD
Under Secretary to Government
(Ecology & Environment)
Forest, Ecology & Environment Dept.,



 Download Brochure



Fax: 080 - 22945105
Phone: 22945105

ANNEXURE A-4

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BANGALORE WATER SUPPLY AND SEWERAGE BOARD
2nd Floor, Cauvery Bhavan, K.G.Road, Bangalore-560009

No.BWSSB/EIC/CE(M)/ACE(M)-IV/DCE(M)-II/TA(M)-III/ 4421 /2018-19

Dated: 30/10/2018

To

M/s. Wonder Project Development Pvt. Ltd.,
No.80, Hulkul Ascent, 2nd Cross, Lavelle Road,
Bangalore-560001.

Sir,

Sub: Issue of No Objection Certificate (NOC) for proposed residential building Godrej HDIL at Sy. No.61/2, 62 & 63/2, Kasavanahalli Village, Varthur Hobli, Bangalore East Taluk, Bangalore in f/o M/s. Wonder Project Development Pvt. Ltd., (110 Villages of BBMP area)

- Ref: 1) Requisition letter dt: 15.06.2018.
2) No.BWSSB/EECMC-15/AEECMC-15-2/ 176 /18-19 dt:4.5.2018.
3) O.N. approved by 'C' dt:23.8.2018.
4) Circular No.BWSSB/EIC/CE(M)/ 562 /2018-19 dt:8.5.2018.
5) File No.1741

Please find herein enclosed a copy of plan endorsed for 'No objection Certificate' from BWSSB for providing water supply and underground drainage facilities, subject to the following conditions.

- 1) The builder/ developer has to pay the necessary prorata and other charges towards the building as specified by the Board prevailing at the time of sanction of water supply and sanitary connection.
- 2) Builder/ developer has to bear the cost of pipeline estimate for both water supply and U.G.D lines, if there is no network near by the premises or requires up gradation of existing system at the time of sanctioning of connection.
- 3) Board reserves the right the change tapping point for water supply and disposal point for sanitary at the time of sanctioning the connection depending on the requirement.
- 4) NOC issued should be produced at the time of availing connection along with plan.
- 5) The difference in amount collected towards NOC and GBWASP charges, between the proposed area & actual construction area shall be paid at the time of seeking water supply and sanitary connections.
- 6) Under any circumstances, the NOC charges collected will not be refunded.
- 7) The tertiary treated water supplied by BWSSB shall be used for construction purposes.
- 8) As per BWSSB Act Section 72(A) and relevant regulations, Rain Water Harvesting is mandatory, the applicant has to make necessary provisions for harvesting rain water. Letting out rain water into the Board sewer line is strictly prohibited as per Sec 72. The builder/ developer should not provide sanitary points in cellar or Basement floor.
- 9) As per Bangalore Sewerage regulation 4(A) Adoption of STP & dual piping system is mandatory for the below mentioned buildings
 - i) Residential buildings consisting of 20 and above apartments or measuring 2000 sqm and above whichever is lower; or
 - ii) Commercial building measuring 2,000 sqm and above; or
 - iii) Buildings of educational institutions measuring 5,000 sqmtrs and above.

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Accordingly the owner / developer has to set up suitable sewage treatment plant as per KSPCB and NGT orders for treating the waste water generated in their premises to achieve the standards. Consent for operation of STP from KSPCB is mandatory.

- 10) The applicant should not allow the untreated sewage out of the premises. The applicant is solely responsible for any environmental pollution due to the same.
- 11) The building including basement should be above the High Flood level of adjacent valleys, storm water drain, low lying area.
- 12) The orders of the National Green Tribunal (NGT) original application No.222/2014. Principal Bench New Delhi. Forward Foundation and others vs. State of Karnataka and others should be followed stringently.
- 13) STP operation log book should be maintained duly incorporating other details such as test results etc.,
- 14) Chartered energy meter should be installed for STP duly obtaining permission from BESCO.
- 15) Authorized personnel from Board & other Government Departments are empowered to inspect the STP without prior intimation & randomly at any time.
- 16) For NOC to layouts, the applicant has to ear-mark the land if required for construction of GLR, OHT, sump tank, pump house service station etc., and land should be handed over to BWSSB "free of cost".
- 17) If any BWSSB lines are passing through the premises, the necessary shifting charges has to be borne by the builder/ developers. Further, set back has to be provided as directed by Board for safety of the pipelines.
- 18) The builder/ developers should abide the "Acts, Rules and Regulations of BWSSB" from time to time.
- 19) BWSSB reserves the right to sanction or reject the water supply or UGD Connections without assigning any reasons. The quantity and pressure of water will not be assured.
- 20) Land acquired or notified for BWSSB infrastructure development or earmarked for BWSSB works should not be encroached or any structures constructed. If violated, penal action will be initiated.
- 21) Necessary approval should be obtained from BWSSB/Karnataka Ground Water Authority before sinking Borewells in the premises.
- 22) Water Supply & Sewage Connection for buildings in 110 villages will be given only after completion of Cauvery Stage-V which is likely to be completed by 2023. Till then developer / builder / owner will have to make their own arrangements for water.

The proposed residential building Godrej HDIL consist of Block-I & II each block consists of 2 BF + GF + 20 Upper Floor. The sital area is 51698.16 Smt. and with total built up area is 171755.37 Smt. The premises comes under the jurisdiction of 110 villages of BBMP area.

The Developer has also paid an amount of Rs.17,17,554/- towards No Objection Certificate charges vide receipt No. 65039 dt: 12.10.2018.

The Developer has also paid an amount of Rs.1,03,59,262/- towards Advance Probable Prorata charges vide receipt No. 65040 dt: 12.10.2018.

The Developer has also paid an amount of Rs.98,25,610/- towards Beneficiary Capital Contribution / GBWASP charges vide receipt No. 65041 dt: 12.10.2018.

The above NOC file is entered in the Central office register vide No.1741.

- Note: 1) Water supply to your premises cannot be assured.
- 2) The current NOC shall be only for residential property & the applicant shall obtain the revised NOC from BWSSB for any modification in the plan.
- 3) The cost of additional strengthening work or change in tapping / disposal point has to be borne by the builder / owner, at the time of sanctioning the water supply & UGD connection as per the prevailing rules and regulation.
- 4) NOC issued by the Board will be valid for three (3) years only from the date of issue of NOC. NOC issued will be revoked if any dispute arises at any stage

Yours faithfully

For
30/10/18
Chief Engineer(M)
BWSSB

O.C. Approved by CE(M)

30/10

T. C.
Ⓟ

Service of Additional Objection to the Affidavit dated 7.7.2020 and Report dated 29.06.2020 Appeal No. 54 of 2018

1 message

LIFE Office <litigation.life@gmail.com>

Wed, Aug 26, 2020 at 1:44 AM

To: amritasharma.advocate@gmail.com, vdcosta@luthra.com, hsharma@luthra.com
Bcc: meera@lifeindia.net.in, Rahul Choudhary <rahulchoudhary@gmail.com>

Dear All

Please find attached the scanned copy of the above captioned document in Appeal No. 54 of 2018 titled HP Rajanna v. Union of India & Ors.

yours sincerely

 Add. Objection to Affidavit Karnatka PCB_001.pdf

Meera Gopal
advocate
Counsel for the Appellant

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LIFE Office