

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 125 of 2017

And

Original Application No. 217 of 2017

IN THE MATTER OF:

Court on its own motion ...Applicant

Versus

State of Karnataka ...Respondent

AND

Dr. Kupendra Reddy ...Applicant

Versus

State of Karnataka ...Respondent

**AFFIDAVIT ON BEHALF OF BRUHAT BENGALURU MAHANAGARA
PALIKE (BBMP)**

I, B. T. Mohan Krishna, son of Late B.H Thammaiaha aged 58 years, working as Chief Engineer, Lakes Division, BBMP and I am well acquainted with the facts and circumstances of the case. I do hereby solemnly affirm and state on oath as follows.

1. I state that, the instant Affidavit is being filed as an explanation with respect to various compliances made by the BBMP in adherence with order dated 18.12.2019 passed by this Hon'ble Tribunal (order dated 18.12.2019) in the matter.

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2. I state that, pursuant to the Orders passed by this Hon'ble Tribunal, the aforementioned works have been executed by BBMP and that the said works are at various stages of execution. However, during the continuous progress to comply with the Orders passed by this Hon'ble Tribunal, the Hon'ble Government of India had declared Nationwide Lock Down since 23.03.2020 onwards, in view of the COVID-19. Hence, there has been no progress of work from 24.03.2020 upto 14.04.2020. Further, vide order dated 15.04.2020 Department of Health and Family Welfare, Government of India has classified Bengaluru Urban under Red Zone.

3. However, the BBMP has made the compliances in adherence to the order dated 18.12.2019 of this Hon'ble Tribunal which is annexed by way of the detailed compliance report filed on behalf of BBMP which is annexed herewith as Annexure-A1. The compliances relevant to the said departments are detailed herein below.

a) Para No. 9(4) of Order dated 18.12.2019

"No further channelization and concretization of Rajakaluves"

Compliance - The concretization of SWD is avoided in all big Rajakaluves having width of more than 4.00 mtrs. However, due to development/construction of buildings by side of Rajakaluves, the retaining walls are unable to withstand the exterior pressure. At these points after technical verification



'U' shaped drain is being constructed, with intermediate pervious section / holes in the form of circular openings for enabling recharge of ground water. Where width of the land which is available for Rajakaluve is more than 4.0 m channelization of storm water drain is being avoided in the outskirts of the city and natural flow of the Rajakaluves is allowed, especially the downstream flow of Vrushabhavathi Valley, Challaghatta Valley, Hebbal Valley and Kormangala Valley.

b) Para No. 9(6) of Order dated 18.12.2019

"The authorities must conduct a survey in the buffer zone of the lake to identify the encroachments and appropriate exercise should be undertaken to remove them"

Compliance - In compliance with the order, the Tashildar (East) conducted the survey of the lake and thereafter the Joint Commissioner, Mahadevapura Zone and Executive Engineer, Mahadevapura Zone with the assistance of Additional Director Land Records (East) have marked a 30 mtr buffer zone in Bellandur and Varthur Lake.

The Assistant Executive Engineer Marathahalli-sub division has identified 21 numbers of structures within 30mtr buffer zone of Bellandur lake and issued notices to the owners calling for the documents under Section 308 of Karnataka Municipal Corporation Act 1976.



The Assistant Executive Engineer Whitefield-sub division has identified 04 numbers of structures within 30mtr buffer zone of Varthur lake and issued notices to the owners calling for the Documents under Section 308 of Karnataka Municipal Corporation Act 1976. Further action under Karnataka Municipal Corporation Act 1976 under section 321 (1) (2) and (3) will be followed.

ii) As regard to encroachments removal on the Rajkaluves as on 12-02-2020, 1890 cases of Encroachments are removed and balanced 736 cases, survey work is in completed and removal of encroachments.

Further action could not be proceeded in view of COVID-19 epidemic and Lock down.

c) Para No. 9(7) of Order dated 18.12.2019

i) **“The Commission recommends that CCTVS should be installed at appropriate locations for ensuring that no C&D waste is dumped in the buffer zone area of the lake.”**

Compliance - As regards to installation of CCTV and street lights by BBMP at Bellandur Lake, BBMP has installed 54 No. of 360 degree CCTV cameras and 200 No. LED street lights at appropriate locations of lake boundary to ensure that no C&D waste is dumped and to monitor the constructions within buffer zone area.

Regarding the work of erecting 4 Nos of Watch tower at Bellandur lake area, 2 Nos of watch towers are completed and

B.T. M. Hanumanth

construction of remaining 2 Nos are in progress, the work could not be completed as reported earlier in view of the Covid-19 epidemic and also the major migration of construction workers and all effort will be made to commence the work.

Revised date of completion of watch tower will be by 30th September 2020.

BBMP is spending Rs198.00Lakhs to install CCTV, street Light and watch towers at Bellandur lake.

As regard to Varthur lake BBMP has installed 50 Nos 360 degree wireless cameras and 200 Nos of LED street lights at appropriate locations of lake boundary to ensure that no C&D waste is dumped and to monitor the construction in buffer zone area.

Regarding the work of erecting 4 Nos of Watch tower at Varthur lake area, 3 Nos of watch towers are completed and construction of remaining 1 No. are in progress, the work could not be completed as reported earlier in view of the Covid-19 epidemic and also the major migration of construction workers and all effort will be made to commence the work.

Revised date of completion of watch tower will be by 30th September 2020.

BBMP is spending Rs198.00Lakhs to install CCTV, street Light and watch towers at Varthur lake.

- ii) **“Security Guards should be deployed at the most vulnerable locations to keep vigilance on illegal**



Compliance - In view of physical guarding of Bellandur, Varthur and Agara lakes the C&D / Solid waste dumping has been controlled.

As regards to Construction and Demolition waste processing at present one private agency M/s Rock Crystals has established a 1000 MT capacity processing plant at Chikkajala at its own cost and the plant has just commenced its operation currently receiving 150 MT TO 200 MT daily for processing.

The work order has been issued to M/S Rubble Revival Private Ltd. to Design, Finance, Build, Operate, and transfer 750 MTPD construction and demolition waste processing facility and transferred the land measuring 10 Acres at Survey Number 50 of Kannur Village is handed over to the company on 20-02-2020 The Site handing over letter dated: 20-02-2020 is enclosed as Annexure-8 The plant is expected to operate in twelve months time. With this the combined capacity would be 1750 Tonnes Per Day.

d) Para No. 9(8) of Order dated 18.12.2019

“No new facility commercial or non-commercial purpose, to be permitted within the territorial jurisdiction of Municipal Corporations of catchment area of the lake “which generates sewage, until the commissioning of the STPs except public toilets. Authorities to any project or facility within the buffer zone.

Compliance- Maintenance of buffers in Storm Water Drains is based on the order of Hon’ble Supreme Court dated. 05-03-



2019 with respect to Civil Appeal No. 5016/2016 and other connected cases. The Government of Karnataka vide its letter No. UDD 536 Bembuswa 2017, dated. 16-03-2019 has issued directions to follow the orders of the Hon'ble Supreme Court

As per the order of the Hon'ble Supreme Court and directions of the Government, the Commissioner BBMP has ordered to follow the buffer as per the Zoning Regulation 2015 i.e., 30.00 mts for the lakes, 50.00 mts, 25.00 mts and 15.00 mts from the Centre of Primary Drain, Secondary Drain and Territory Drain respectively, while according permissions for Development / Re-development.

As per the Govt. Notification no. FEE 316 EPC 2015, Bengaluru, Dated. 19.01.2016, all residential group housing projects / apartments with 20 units and above or having a total built up area of 2000 sq.mts, for residential building, 2000 sq.mts of commercial building and 5000 sq.mts. of educational buildings, developments are permitted only after production of Consent for Establishment from KSPCB and the Occupancy Certificate is issued to occupy the buildings only after the installation of STP's and duly obtaining Consent for Operation of STP's from KSPCB.

e) Para No. 9(10) of Order dated 18.12.2019

"It is observed that structures, between 30-75 meters of Rajakaluves, which have already been constructed prior to 7.5.2015 (Forward Foundation Judgment) but are uninhabited not to be occupied without the prior permission

Unfortunately, in meanwhile, Government of India in its order dated 02.05.2020 permitted the movement of migrant workers who want to go to their residences. Due to which most of the migrant workers from other states have moved out of the site and have gone their native places. On the other hand, Bangalore being in the Red zone, no labourers from any other districts is allowed to enter Bangalore. This has resulted in acute shortage of labour force.

5. I state that, the BBMP having highest regards to the Orders passed by this Hon'ble Tribunal will try its level best to achieve complete compliances of the order dated 18.12.2019 in relation to the aforementioned works and comply with the orders passed by this Hon'ble Tribunal.

Bengaluru

Date: 04-08-2020


DEPONENT

Identified by Me

Sworn to Before Me

Advocate

No. of Corrections

VERIFICATION

Verified at Bengaluru on this 04th day of August, 2020 that the contents of the above affidavit are true and correct to my personal knowledge and on the information received and delivered are believed to be true and no material fact has been concealed.


DEPONENT