

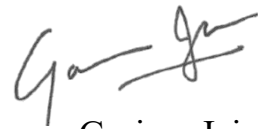
BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No.1219/2024

In the Matter of:

News Item titled "KPSCB directs BBMP to redirect sewage flow in Kodichikkanahalli" appearing in The Hindu dated 18.09.2024.

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Garima Jain
Advocate for Respondent No. 1
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Date : 14.07.2026

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
 Original Application No. 1219/2024

IN THE MATTER OF:

News Item titled "*KPSCB directs BBMP to redirect sewage flow in Kodichikkanahalli*" appearing in The Hindu dated 18.09.2024

AFFIDAVIT OF RESPONDENT NO. 1

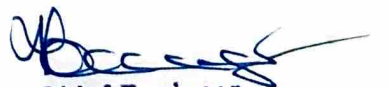
(BRUHAT BENGALURU MAHANAGARA PALIKE / GREATER
BENGALURU AUTHORITY)

I, Sri KV Ravi, S/o KC Vijaykumar, aged about 57 years, working as Chief Engineer, Bommanahalli Zone-2, Bengaluru South City Corporation, Bengaluru – 560 068, being duly authorized to swear this Affidavit on behalf of Respondent No. 1, do hereby solemnly affirm and state as follows:

1. I am aware of the facts and circumstances of the above case and am competent to swear this Affidavit. The statements made herein are true and correct to the best of my knowledge and belief, and the documents annexed hereto are true copies of their respective originals.
2. This Affidavit is filed in compliance with the directions issued by this Hon'ble Tribunal vide its Order dated 24.03.2026 in the above Original Application, wherein Respondent No. 1 was directed to examine and file a response with respect to the wall visible in the photographs annexed to the



NO. OF CORRECTIONS : 01/2


 Chief Engineer
 Bangalore South City Corporation
 Zone-2, Bommanahalli

Reply filed by the Central Pollution Control Board (CPCB) dated 13.01.2025.

3. Madivala Lake, located in Bengaluru South, measures an extent of approximately 275 acres and 13 guntas as per revenue records. The lake serves as a critical water body for the surrounding areas, and Respondent No. 1 is committed to its preservation and protection.

A. NATURE AND PURPOSE OF THE RETAINING WALL FORMING PART OF THE SWD WORKS

4. With respect to the wall/structure visible in the CPCB photographs, it is respectfully submitted that the said structure is a retaining wall constructed as part of the Storm Water Drain (SWD) works undertaken by the erstwhile BBMP Storm Water Drain Department. The said SWD works were executed using State Government funds with the specific objective of mitigating chronic flooding in the low-lying localities of Bilekahalli, Anugraha Layout Phases 1 and 2, Duo Layout, and Gulbarga Colony, which are situated below the bed level of the storm water drain.
5. As part of the SWD project, approximately 2.5 km of RCC retaining walls were constructed on both sides of the storm water canal/drain to channelise storm water flow and prevent inundation of the adjoining low-lying areas during heavy rainfall. The retaining walls were designed and constructed along the periphery of the lake following the contour of the existing lake boundary, and did not encroach upon or reduce the extent of



NO. OF CORRECTIONS : Nil

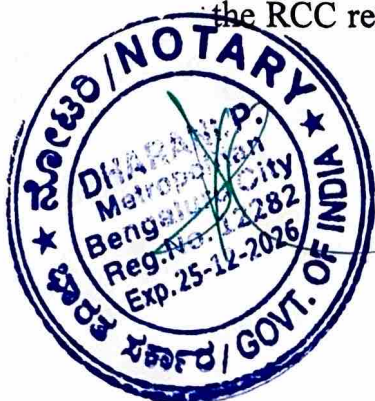

Chief Engineer
Bangalore South City Corporation
Zone-2, Bommanahalli

the lake water body. The construction was undertaken strictly within the bounds of the SWD alignment as sanctioned.

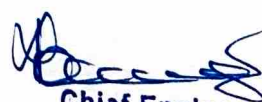
6. The SWD, constructed at the edge of the lake boundary, is situated between the lake and the adjoining residential areas. The SWD and the retaining wall facilitate the free flow of storm water during rainfall events. The SWD ensures that roadside drains from the adjoining areas discharge into it after the water level recedes, thereby minimizing waterlogging and flooding in the locality. An additional wet well has been constructed in Anugraha Layout to pump out accumulated rainwater during heavy rain events, as a complementary measure.

B. SANCTION AND TIMELINE OF CONSTRUCTION

7. Until the year 2016, Madivala Lake was under the jurisdiction of the Forest Department, which maintained a diversion drain channelising wastewater from the surrounding areas to the downstream of the lake. The RCC retaining walls forming part of the SWD works were constructed in the place of the said pre-existing diversion drain. Accordingly, the construction of the retaining walls has not resulted in any reduction in the surface area or the water-holding capacity of the lake.
8. The construction of the SWD and the retaining wall was duly sanctioned and executed under State Government funds. The RCC retaining wall on the right-hand side of the canal was executed in the year 2017-2018 and the RCC retaining wall on the left-hand side of the canal was executed in



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the year 2020–2021. Copies of the relevant work orders are annexed hereto and marked as Annexure – R1/A and Annexure – R1/B.

C. CPCB'S FINDINGS CORROBORATE THAT THE WALL WAS SANCTIONED AND SERVED A PROTECTIVE PURPOSE

9. The photographs annexed to the CPCB reply dated 13.01.2025, taken during the inspection on 19.11.2024, depict the aforesaid RCC retaining wall forming part of the SWD. The wall visible in the said photographs is an authorized construction/ a government-sanctioned infrastructure executed for the purpose of flood mitigation, as described above. Pertinently, the CPCB in its Reply dated 13.01.2025 has itself recorded, amongst the observations of the joint inspection dated 19.11.2024, that, “the SWD and Vakil Marina Layout was separated by a retaining wall on both the sides to avoid entry of sewage into the said layout and Madiwala lake.” The protective purpose of the retaining wall thus stands acknowledged in the CPCB’s own Reply.

10. It is significant that no observation recorded in the CPCB Reply attributes the pollution of Madivala Lake to the retaining wall. On the contrary, the remedial measures recommended by the CPCB *vide* its letter dated 27.11.2024 addressed to the Karnataka State Pollution Control Board do not require the removal of, or any alteration to, the retaining wall.

11. The retaining wall does not, in any manner, contribute to the pollution of Madivala Lake. On the contrary, the retaining wall acts as a physical barrier between the lake and the storm water drain, and is designed to



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keep the flow in the SWD separate from the lake water body, thereby preventing the entry of polluted water from the SWD into the lake. It is submitted that after the construction of the RCC retaining walls on both sides of the SWD, the sewage flowing in the SWD does not enter the lake.

12. Respondent No. 1 is fully committed to the protection and preservation of Madivala Lake and will abide by all orders and directions passed by this Hon'ble Tribunal in the instant application. Respondent No. 1 craves leave of this Hon'ble Tribunal to file additional submissions/documents, if required, upon further directions.

In light of the above, it is most respectfully submitted that the wall/retaining structure visible in the CPCB photographs is a government-sanctioned SWD infrastructure work executed for flood mitigation and did not reduce the extent of Madivala Lake. It is prayed that this Hon'ble Tribunal may be pleased to take the above on record.


DEPONENT

Bangalore South City Corporation
Zone-2, Bommanahalli

VERIFICATION

I, the deponent above named, do hereby verify and declare that the averments made in this Affidavit are true and correct to the best of my knowledge and belief, and nothing material has been concealed therefrom. The annexures are true copy of their original.

Verified at Bengaluru on this 09 day of July 2026.


DEPONENT

Bangalore South City Corporation
Zone-2, Bommanahalli



SWORN TO BEFORE ME


DHARANI P., M.A., LL.B.,
ADVOCATE & NOTARY PUBLIC
GOVT. OF INDIA
Shop No. 119, BBMP Complex,
Bommanahalli, Begur Main Road
BENGALURU - 560 068.

NO. OF CORRECTIONS :



BRUHATH BANGALORE MAHANAGARA PALIKE

No. EE/SWD/BMZ/WO/ 08 /17-18

Office of the Executive Engineer
Storm Water drain, Bommanahalli,
Jayangara Shopping Complex,
9th Floor, Jayanagara 4th Block,
Bangalore-560 011
Dated: 18/11/2017

To,

Sri. H. Srinivas Reddy,
#96, Hongasandra,
Begur main road,
Bommanahalli,
Bangalore-560 068

WORK ORDER

Sub:- Construction of RCC box drain by the side of Madivala lake from Bridge upto Duo Enclave layout in Billekahalli ward No. 188 in Bommanahalli zone from Ch: 0.00 to 1000.00m

- Ref:-** 1) Tender Notification No: EE/SWD/BH-Z/TEND/07/16-17, Dt: 20-08-2016.
2) Job code No: 188-18-000002.
3) Administrative approval order no: CE /SWD/ Admn/59/2016-17, Dt: 19-08-2016
4) Technical Sanction order no: CE/SWD/TS/64/2016-17, Dt: 19-08-2016
5) Agreement No. EE/SWD/BH Zone/Ag/08/17-18, Dated: 18-11-2017

By virtue of having executed the agreement by you on the same has been accepted by the competent authority of BBMP, you are here by directed to go ahead with the work by contacting the Assistant Executive Engineers SWD, Bommanahalli and complete the same within 12 Months (including monsoon period) from the date of issue of work order.

The contract value of the work is of Rs. 9,39,26,938.68 (Rupees Nine Crore Twenty Thirty Nine lakhs Twenty Six thousand Nine hundred and Thirty Eight and Sixty Eight Paise only) which is 2.08% above comparing the Issue rates for sanctioned estimate (SR 2015-16),

Enclosed:-

1. Copy of Agreement
2. Copy of Schedule-B (BOQ)

Executive Engineer
Storm water Drain
Bommanahalli Zone

Copy:

1. Asst. Executive Engineer for further needful Action
2. Copy of office file.

Received.
1/11/2017

Verified by me

Chief Engineer

Bangalore South City Corporation
Zone-2, Bommanahalli

BRUHATH BANGALORE MAHANAGARA PALIKE

No EE/SWD/BMZWO/01/20-21

Office of the Executive Engineer
Storm Water drain, Bommanahalli,
Jayangara Shopping Complex,
9th Floor, Jayanagara 4th Block,
Bangalore-560 011
Dated 09-04-2020

To,

Sri H Srinivas Reddy,
#96, Hongasandra,
Begur main road,
Bommanahalli,
Bangalore-560068.

WORK ORDER

Sub:- Construction /Remodelling of Primary, Secondary & Tertiary Drains, Culvert/bridges and all other allied works of SWD spread out at various locations in Bommanahalli Constituency of Bommanahalli Zone under CMNNY Scheme 2019-20, Bommanahalli Zone Package-02 (Action Plan SI No. 102)

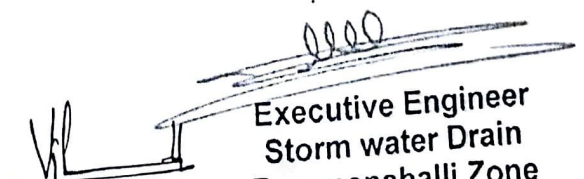
Ref:- 1. Agreement no: EE/SWD/Agreement/ 04/2020-21 dtd 09-04-2020
2. Job code No: 307-20-000025

By virtue of having executed the agreement by you and the same has been accepted by the Competent authority of BBMP, you are here by directed to go ahead with the work by contacting the Assistant Executive Engineer, SWD, Bommanahalli Zone and complete the same within 09 Months (including monsoon period) from the date of issue of work order.

The contract value of the work is of Rs. 22,80,60,500.60/- (Rupees Twenty Two Crores Eighty Lakhs Sixty Thousand Five Hundred & Sixty Paise Only) + 12 % GST.

Enclosed:-

1. Copy of Agreement
2. Copy of Schedule-B (BOQ)


Executive Engineer
Storm water Drain
Bommanahalli Zone
09-04-2020

Copy to:-

1. Asst. Executive Engineer for further needful.
2. Office copy.

Verified by me


09/7/26
Chief Engineer

Bangalore South City Corporation
Zone-2, Bommanahalli