

No: PCB/BCE/NGT OA No. 308 of 2022/2022-23/131

Date: 23 MAY 2023

To,
The Senior Environmental Officer
Infrastructure & Lake Development
No. 49, Parisara Bhavan, KSPCB
MG Road, Bengaluru 560 001

Sir,

Sub : Submission of Action Taken report on further remedial action taken w.r.t Hon'ble NGT OA No. 308 of 2022 in respect of construction of a massive multistoried building within the buffer zone of primary storm water drain, beside Halasuru Lake, adjacent to Conrad Hotel, by Gurudwara on Kensington Road, Bengaluru - reg.

- Ref** :
1. Hon'ble NGT, Principal Bench, New Delhi order dated 06.05.2022.
 2. This office action taken report w.r.t Hon'ble NGT OA No. 308 of 2022 for the order 27.07.2022.
 3. Hon'ble NGT OA No. 308 of 2022 order dated 10.11.2022
 4. This office action taken report w.r.t Hon'ble NGT OA No. 308 of 2022 for the order dated 10.11.2022, submitted on 20.02.2023.
 5. This office Action taken report vide No. PCB/BCE/NGT OA No. 308 of 2022/2022-23/1374, dated 08.03.2023.
 6. Hon'ble NGT OA No. 308 of 2022 order dated 15.03.2023
 7. Letter received from your section vide No. PCB 10 Infra NGT 2022/684, dated 09.05.2023.

With reference to the above subject, please find herewith enclosed the Action taken report on the further remedial action taken by incorporating the **State Wetland Authority response in the report (copy of the reply submitted by the State Wetland Authority is enclosed for kind reference)** with respect Hon'ble NGT, Principal Bench OA No. 308 of 2022 relating to Gurudwara on Kensington Road, opposite to Shanthi Apartment, Halasuru, Bengaluru in respect of encroachment and also impact on functionality of storm drain and ecology of Halasuru Lake.

This is for your kind information and further needful.

Enclosure: as above

Yours faithfully



Environmental Officer (I/c)
RO, Bengaluru City East

Action taken report of the Joint Committee Report as per the direction of the Hon'ble NGT passed in OA No. 308 of 2022 relating to Gurudwara on Kensington Road, opposite to Shanthi Apartment, Halasuru, Bengaluru in respect of encroachment and also impact on functionality of storm drain and ecology of Halasuru Lake

Preamble:

Sri. Vivek, Secretary of the RWA-Shanthi Apartment, Gangadhara Chetty Road, Halasuru, Bangalore has filed a petition/application at Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi with regard to construction of a massive multistoried building within the buffer zone of primary storm water drain, beside Halasuru Lake, adjacent to Conrad Hotel, by Gurudwara on Kensington Road, Bengaluru, its alleged that the construction will damage Halasuru Lake as well as the storm water drain, though complaint have been made to the authority, they have not taken any action and hence the same has been admitted in Hon'ble NGT, Principal Bench in the name of Original Application No. 308/2022.

The Hon'ble NGT, Principal Bench had passed an order dated 06.05.2022 with respect to Original Application NO. 308 of 2022 regarding massive multi-storeyed construction is being done within buffer zone of the primary storm water drain next to Halasuru Lake adjacent to Conrad Hotel, for the past few months in blatant violation of environmental norms by Gurudwara on Kensington road, opposite to Shanthi apartment. In the said order, Hon'ble NGT has appointed a Joint Committee comprising of **Deputy Commissioner, Bangalore Urban District, Officer from State Wetland Authority, Commissioner, Bruhat Bengaluru Mahanagara Palike and Senior Environmental officer from KSPCB, Bangalore** and directed the Joint Committee to inspect the area in question and to submit a factual as well as action taken report, if there is any violation found and also Karnataka State Pollution Control Board has been made as Nodal agency for co-ordination and for providing necessary logistics for this purpose.

In order to implement the Hon'ble NGT, Principal Bench order dated 06.05.2022, the Karnataka State Pollution Control Board had passed an Office Memorandum(OM) vide No. PCB 10 Infra NGT 2022/1490, dated 26.05.2022, consists of the following Departments. The Deputy Commissioner, Bangalore Urban District as Joint Committee Chairman.

1. Officer from State Wetland Authority, Department of Ecology and Environment, MS Building, 7th floor, Near Vidhana Soudha, Ambedkar Veedhi, Bengaluru 560 001 nominated as Member.
2. Officer from Bruhat Bengaluru Mahanagara Palike, NR Square, Bengaluru 560 002 nominated as Member.
3. Smt. Vijayalakshmi, Senior Environmental Officer, KSPCB, Nisarga Bhavan, Thimmaiah Road, Shivanagar, Bengaluru 560 079 nominated as Member.
4. Sri. R. Padmanabhan, Environmental Officer, Regional Officer, Bengaluru City East, KSPCB nominated as Member Convener.

Accordingly, the preliminary meeting has been conducted under the Chairmanship of the Deputy Commissioner scheduled on 23.06.2022 at 1:00 pm at the Deputy Commissioner (Bangalore Urban District) Meeting hall by calling the following Departments;

1. Special Commissioner, Projects, Bruhat Bengaluru Mahanagara Palike (BBMP) NR Square, Hudson circle, Bengaluru 560 002.
2. Chief Engineer, Storm Water Drain, BBMP, Jayanagar Shopping complex, 9th floor, Jayanagar 4th block, Bengaluru.
3. Chief Engineer WWM, Bangalore Water Supply and Sewerage Board (BWSSB), Cauvery Bhavan, Kempegowda Road, Bengaluru 560 009.
4. Chief Engineer, Minor Irrigation Department, Government of Karnataka, KR Circle, Bengaluru 560 001.
5. State Wet Land Authority represented by Principal Secretary office, Forest, Ecology & Environment Department, MS Building, Bengaluru.
6. Senior Environmental Officer, Bengaluru City, KSPCB, Nisarga Bhavan, Bengaluru.
7. Assistant Director of Land Records, Department of Survey Settlement and Land Records, Revenue Building, KR circle, Ambedkar Veedhi, Bengaluru 560 001.

Further, as per the instructions of the Deputy Commissioner, Bengaluru Urban District, the spot inspection of Gurudwara was carried out by Joint Committee on 01.07.2022 wherein the respondents and applicant Sri. Vivek was also accompanied for inspection. The Applicant Sri. Vivek present during joint inspection informed the Deputy Commissioner that neither the Shanthi society nor he has given any complaint against Halasuru Gurudwara for any reasons to National Green Tribunal or anyone else. He also sent a mail to the Hon'ble NGT through mail, on mail id judicial-ngt@gov.in on 01.07.2022. Copy of the mail is enclosed as **Annexure-I**.

During Joint committee inspection, Sri. Kuldeep Singh, Secretary of the Gurudwara was present and he informed that the Gurudwara is a Sikh temple existing since 1941 and this is the only one Gurudwara in Karnataka and Gurudwara management is running a public school commencing from 1st to 10th standard particularly for backward and downtrodden students with free education and food and he also informed that Gurudwara is located downstream to the Halasuru Lake. The Halasuru Lake situated in the upstream and there are no chances of entering water into the lake.

The observations made by the Joint Committee and action taken report, as per the direction of the Hon'ble NGT has been mentioned in detail and in this regard separate table is prepared as below:

TABLE

Direction No.	Subject of Directions	Observations of Joint Committee as on 01.07.2022	Action taken report
1	Encroachment	There was no encroachment of Halasuru Lake, observed during inspection.	<p>Bruhat Bengaluru Mahanagara Palike (BBMP), Special Commissioner (projects) submitted a report on 04.07.2022 as per the directions of Deputy Commissioner during Joint inspection.</p> <p>Executive Engineer, BBMP, Storm Water drain (SWD), East stated in their report that, previously Sri. Jasvinder Singh aged about 54 years and a resident of 46/2, 1st A Main, 6th E cross, Nanjappa Layout, Adugodi, Bengaluru has filed Writ Petition No. WP 52606/2015 (LB-BMP), the petitioner has filed a representation requesting The Commissioner, BBMP, Bangalore to remove the encroachment on the storm water drain adjacent to the Gurudwara Sri Guru Singh Sabha , Ulsoor, Bangalore. The Hon'ble High Court in their order dated 27.01.2016, directed the Commissioner; BBMP to consider the representation in accordance with law within a period of 03 months. Copy of the Writ Petition is enclosed as Annexure-II.</p>
			<p>Further, Sri. Jasvinder Singh has filed a Contempt Petition CCC (Civil) No. 632 of 2016 against Commissioner and Ex-Commissioner, BBMP , stated that they have disobeyed the Hon'ble High Court Order in writ petition No. WP No. 52606/2015 dated 27.01.2016 and requested to remove the encroachment on the storm water drain adjacent to the Gurudwara Sri Guru Singh Sabha , Ulsoor, Bangalore. Copy of the Contempt Petition is enclosed as Annexure-III.</p> <p>Further, Chief Engineer, SWD, BBMP has written a letter by rejecting the application by stating the below mentioned points.</p>

			<p>1. The main contention of the writ petitioner Sri. Jasvinder Singh is that the management of Sri. Guru Singh Sabha encroached the storm water drain adjacent to Gurudwara, Ulsoor, Bengaluru and to remove the said encroachment.</p> <p>2. Registered Gift deed dated 17.10.1952 executed by the then corporation of the city of Bangalore by gifting a property of measuring 4522 sqft situated in Kensington road, civil station, Bangalore in favour of Sri. Guru Singh Sabha. Copy of the Gift Deed is enclosed as Annexure-IV.</p> <p>3. Further, Corporation of Bangalore city has executed a Registered Lease Deed on 11.01.1980 in favour of Guru Singh Sabha for the land measuring 8284 sft over the municipal drain behind the existing building, Kensington Road, Ulsoor, Bangalore bounded by</p> <p>East by: Drain West by: Kensington Road North by : Private Property South by : Drain</p>
			<p>for a period of 50 years from 01.01.1981 on lease on payment of Rs.200/- as lease amount per annum and permitted to used the schedule land only for its purpose by covering the drain with RCC. Copy of the Lease Deed is enclosed as Annexure-V.</p> <p>Sri. Guru Singh Sabha further produced a resolution dated 13.07.1995 passed by then administrator of Bangalore Mahanagara Palike permitting to cover the storm water drain with permission of the Government of Karnataka. Copy of the order is enclosed as Annexure-VI.</p> <p>Thereafter the Government of Karnataka</p>

			<p>passed an order dated 29.05.1996 and permitted Sri. Guru Singh Sabha to cover the drain at its own cost with a condition the free flow of water should not be affected and when it required to clean at the cost of Gurudwara it should be clear and on the basis of Government order the then Executive Engineer sanctioned the plan on 06.06.1996 for covering the drain by erecting slab there will not be any problem for flowing of the water.</p> <p>Further, the BBMP, Special Commissioner, Projects also stated in their letter that, Gurudwara, Sri. Guru Singh Sabha has not made any problem to the public and Gurudwara management covered the drain by erecting the slab as permitted for parking of their vehicles and to facilitate the devotees for easy movement during festival seasons.</p> <p>Gurudwara management is running a public school commencing from 1st to 10th standard particularly for backward and downtrodden students with free education and food.</p> <p>Further, Chief Engineer, Storm Water Drain, BBMP has submitted a letter to Hon'ble High Court dated 18.11.2016 with respect to Contempt Petition CCC 632/2016, based on this High Court of Karnataka informed that the BBMP, Commissioner has complied with the order "The proceedings are dropped , No cost."</p> <p>Sri. Jasvinder Singh again filed writ petition No. 64158 of 2016 (LB-BMP) seeking to remove the encroachment on the SWD adjacent to the Gurudwara Sri. Guru Singh Sabha. The Hon'ble High Court of Karnataka dismissed the order on 19.01.2022 by ordering "Writ Petition is dismissed".</p>
Direction No. 2	Impact on functionality of storm	The committee observed during inspection, that, there was no obstacle for	Office of the Chief Engineer, Storm Water Drain, Bengaluru Mahanagara Palike informed in their dated 18.11.2016 stated

	drain	flow of water. The functionality of storm water drain is not affected, has the Gurudwara erected the retaining wall to height of about 4.5 mts on both side and also they have made the gradient slope for easy flow of water. Hence, there is no chance of stagnating the water and restriction of water flow.	that the activities of Sri. Guru Singh Sabha is not causing any inconvenience to public and covering of drain by erecting concrete slab over the drain is permitted and it is not causing any blockage of drain. Copy of the letter is enclosed as Annexure-VII .
Direction No. 3	Ecology of Halasuru Lake	<p>Gurudwara is located downstream to the Halasuru Lake and there is no chances of entry of sewage into the Halasuru Lake from the Gurudwara.</p> <p>The existing storm water drain of Gurudwara will receive water from surplus water from the Halasuru Lake and primary drain located adjacent to the Halasuru Lake, which ultimately joins Bellandur Lake.</p>	<p>Ulsoor lake is the first lake in its stream and covers an area of 41.5 Hectares (102.55 Acres) with a perimeter of about 3.1 km, located on the eastern side at Ulsoor, Bangalore. Ulsoor lake is maintained by Bruhut Bengaluru Mahanagara Palike (BBMP). Ulsoor lake receives storm water from two primary drains and one secondary drain. The Lake has two outlets one on its Southern Corner (near Gurudwar) and other on its South Western Corner (In front R.B.N.A.M.S. College). These outlets facilitate excess/overflow water flow to Bellandur Lake through Challagatta primary storm water drain. Ulsoor Lake is provided with earthen bunds on its Southern side serves as Main road called Murphy Road connects Murphy Town with Old Madras Road and it Northern Side as Annaswamy Mudaliar Road connects the area of Shivan Chetty Garden & Kensington Road serving as the Military Camp.</p> <p>This Ulsoor Lake water quality is monitored every month under the National Water Quality Monitoring Programme (NWMP) by the Karnataka State Pollution Control Board (KSPCB) at 03 locations namely</p> <ol style="list-style-type: none"> 1. Location 01- Halasuru Lake – near Temple 2. Location 01- Halasuru Lake – near Fishing Centre. 3. Location 01- Halasuru Lake – near Kalyani.

			Ulsoor Lake conforms to designated –best-use classification Class “D” i.e. water is fit for propagation of wildlife and fisheries and E-Irrigation, Industrial cooling, Controlled Waste Disposal.
Other issues observed during inspection:			
		<p>Gurudwara is Sikh temple existing since 1941 consisting of prayer hall, school & staff and pilgrims rooms. Now they taken up expansion activity such as by providing car parking in the basement floor, extension of prayer hall, extension of lunger hall and additional rooms for staff and pilgrims with installation of Sewage Treatment Plant. The expansion building configuration BF+ GF + 3UFs.</p> <p>Further, it was also observed that, the Gurudwara have not obtained statutory clearance from the Government departments such as BBMP, KSPCB, BWSSB, Fire and Safety etc with respect to expansion activity.</p>	<p>Karnataka State Pollution Control Board inspected the Gurudwara on 14.06.2022 and issued notice to the Gurudwara authority informed to apply for Consent for Operation for operation of Sewage Treatment Plant.</p>

After the Joint Committee inspection of Gurudwara for ascertaining the ground reality and after verification of action taken report submitted by the authorities, the Committee has derived certain short/medium and long term Remedial measures which is as below:

Recommendation of the Joint Committee about the remedial measures:

The Joint committee discussed in detail and recommended for Long Term Remedial measures.

Sl. No.	Activity	Department concerned
1	Frequent cleaning of accumulated floating debris /solid waste from the storm water drain	Gurudwara authority

2	To provide /install Trash barrier to the entry point of storm water drain located at Gurudwara	Gurudwara authority
3	Installation of designed appropriate screen to arrest entry floating debris into the drain at different locations before entering to water from SWD located at Gurudwara.	BBMP, SWD
4	Stoppage of sewage entering into the drain by identifying missing links of lateral sewer lines which are to be connected to the storm water drain.	BBMP & BWSSB
5	Regular monitoring of Halasuru Lake	KSPCB
6	To ensure the implementation of notification No. FEE 316 EPC 2015, dated 19.01.2016 issued by Forest, Ecology and Environment Secretariat with respect to installation of Sewage Treatment Plant and reuse of treated sewage	KSPCB

The action taken report was sent by the Board office, Legal cell to Hon'ble NGT on 06.07.2022.

The Hon'ble NGT directed in the order dated 27.07.2022 considering the Joint Committee report. In the order dated 27.07.2022, Hon'ble NGT directed that, notices along with copies of the applications and report of the Joint Committee and documents enclosed therewith be also issued to the President M/s Gurudwara Sri Guru Singh Sabha, Kensington road, Ulsoor, Bangalore, Chairman, State Wetland Authority, Commissioner Bruhat Bengaluru Mahanagara Palike (BBMP) and Bangalore Water Supply and Sewerage Board (BWSSB) requiring them to file their response to observations/recommendations made in the report of Joint Committee. Copy of the order is enclosed as **VIII**.

The status of measures implemented by the concerned Departments as per the Hon'ble NGT order dated 27.07.2022 are as follows;

Sl. No.	Activity	Department concerned	Status of Implementation
1	Frequent cleaning of accumulated floating debris /solid waste from the storm water drain	BBMP, SWD	BBMP, SWD has submitted a report along with the photographs vide their letter dated 02.11.2022 and reported that, the recommendation of the Joint Committee is complied. The debris and silt is being removed by Annual Maintenance Contract (AMC) of Storm Water Drain (SWD). Copy of the BBMP letter is enclosed as Annexure-IX .
2	To provide /install Trash barrier to the entry point of storm water drain located at Gurudwara	Gurudwara authority	Directions of Hon'ble NGT to provide/install trash barrier to the entry point of storm water drain located at Gurudwara was not implemented by Gurudwara. Executive Engineer, BBMP, SWD has addressed letter the President, Gurudwara for providing/installation of trash barriers to the

			entry point of SWD located at Gurudwara on 29.09.2022 and a reminder letter dated 19.10.2022.
3	Installation of designed appropriate screen to arrest entry floating debris into the drain at different locations before entering to water from SWD located at Gurudwara.	BBMP, SWD	BBMP, SWD has submitted the letter along with the photographs dated 02.11.2022 and reported that, a trash barrier has already been installed at Assaye road, Ganesha temple junction and tender has been called to provide 08 no's of trash barriers/screen and 08 no's of silt which is estimated and already tendered. The locations are marked in the map.
4	Stoppage of sewage entering into the drain by identifying missing links of lateral sewer lines which are to be connected to the storm water drain.	BBMP & BWSSB	<p><u>BBMP, SWD</u></p> <p>BBMP, SWD has submitted reply stating that, action to be initiated by BWSSB.</p> <p><u>BWSSB</u></p> <p>BWSSB has submitted a reply and reported that, The Executive Engineer, Central division, BWSSB has inspected the upstream side of Halasuru Lake and reports as 14 number of lateral UGD works has been taken up and has been linked to the existing sewer sub main. Further, they have reported that at present, there is no flow of sewage into the drain in the jurisdiction of Central division.</p> <p>The Executive Engineer, Northeast division, BWSSB has inspected the upstream side of Halasuru Lake and has reported that 17 number of lateral UGD works have been taken up and has been linked to the existing sewer sub-main to avoid flow of sewage into the drain.</p> <p>Further, The Executive Engineer, Northeast division has reported that there is flow of sewage from 165 quarters at MRS palya. In order to stop the entry of sewage, an estimate has been reported for Rs.25.00 Lakhs for laying 300 mm dia DWC line from MRS palya and link it to the existing sub mains. This work will be taken up and completed at the earliest.</p> <p>Apart from this, at the junction of JC Nagar main road, Munireddy Palya, it was observed that BBMP has laid a permanent concrete slab</p>

			in order to inspect the flow of sewage (if any) and to take up the in this particular stretch of the drain.
5	Regular monitoring of Halasuru Lake	KSPCB	<p>The Halasuru Lake water quality is monitored every month under the National Water Quality Monitoring Programme (NWMP) by the Karnataka State Pollution Control Board (KSPCB) at 03 locations namely</p> <ol style="list-style-type: none"> 4. Location 01- Halasuru Lake – near Gurudwara Temple 5. Location 01- Halasuru Lake – near Fishing Centre. 6. Location 01- Halasuru Lake – near Kalyani. <p>The analysis reports result shows that, the water quality of Halasuru Lake conforms to designated –best-use classification Class “D” i.e. water is fit for propagation of wildlife and fisheries and E-Irrigation, Industrial cooling, Controlled Waste Disposal.</p>
6	To ensure the implementation of notification No. FEE 316 EPC 2015, dated 19.01.2016 issued by Forest, Ecology and Environment Secretariat with respect to installation of Sewage Treatment Plant and reuse of treated sewage	KSPCB	<p>Gurudwara was once again inspected by the officers of KSPCB and drawn Mahazar on 04.08.2022. During the inspection continuation of construction activity was observed. Hence, KSPCB has issued show cause notice on 03.10.2022 and informed to apply & obtain Consent from the Board immediately also in the show cause notice itself, the Gurudwara authority were informed to submit their response to the observations/recommendations made in the joint committee report within 07 days on 03.10.2022.</p> <p>But, till 27.10.2022, the Gurudwara authority have neither submitted reply nor applied for Consent. Hence, a reminder show cause notice was issued on 27.10.2022 and informed to submit the reply within 03 days.</p> <p>Then also, the Gurudwara authority has not submitted reply. Hence, Regional office (RO), Bengaluru City East has recommended to Regional Senior Environmental officer (RSEO), Bengaluru city to issue Notice of Proposed Directions (NPD) on 31.10.2022. Hence, RSEO, Bengaluru city has issued NPD under</p>

		<p>Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 read with rule 34 of the Karnataka State Board for the Prevention and Control of Water Pollution (Procedure for Transaction of Business) and the Water (Prevention and Control of Pollution) Rules, 1976.</p> <p><u>Reply submitted by Gurudwara Authority</u></p> <p>In response to the show cause notice, the Gurudwara authorities have submitted reply to Regional office, Bengaluru City East, KSPCB on 31.10.2022 and the same is received by Regional office, Bengaluru City East, KSPCB on 02.11.2022 and stated the followings;</p> <ul style="list-style-type: none"> • Total built up area of the Gurudwara Sri Guru Singh Sabha which is getting renovated is less than 5000 sq.mt. • Gurudwara is a located downstream of the Ulsoor lake and water flow will not affect the flow of the lake in the storm water drain during rainy season. • It is also intimated that, floating devotees come and pay respect for a short period and leave the premises. Only few staff to look after the premises stay, hence, STP is not required. <p>Copy of the reply submitted by the Gurudwara authority to the show cause notice. Copy of the reply is enclosed as Annexure-X.</p>
		<p>The Gurudwara authorities have also submitted reply to the NPD issued by KSPCB on 02.11.2022 and same is received by Regional office, Bengaluru City East, KSPCB on 02.11.2022 and stated the followings;</p> <ul style="list-style-type: none"> • Gurudwara is registered under Sikh Gurudwara Act 1925 and also under registration of Society Act XXI of 1960 and this Guru singh Sabha is existing since 1941 and is established for convenience of devotees and school students. • Now started to expand the Gurudwara

			<p>by modifying existing building for providing few rooms, kitchen langar area for our pilgrims and the expansion activity of about 4000 Sq.mt area and not more than that.</p> <ul style="list-style-type: none"> • Further, they have reported that, they have executed registered lease deed on 11.01.1980 in favour of Guru Singh Sabha for land measuring 8284 Sq.ft over the municipal drain behind the existing building for a period of 50 years on lease on payment of Rs.200/- as lease amount/annum and permitted to use the scheduled land only for its purpose by covering the drain with RCC vide approval on 08.04.1983. • Also vide BBMP order dated 29.05.1996 the approval had given to cover the storm water drain which is located adjacent to Gurudwara for the purpose of multi-level vehicle parking and to facilitate devotees to utilize the area during festivals and other functions. • Further, the Gurudwara is running a Guru Harikishan public school from 1st to 10th Standard accommodating about 550 students from backward, down toddler's classes with free education & food and this school is constructed by
			<p>extending the roof cover SWD at first floor level by making provision for free flow of water in the SWD.</p> <ul style="list-style-type: none"> • Whereas, the Gurudwara is built at the downstream of the Halasuru lake and the proposed expansion built-up area is less than 5000 Sq. mt. Copy of building plan is enclosed. However, the building plan submitted by the Gurudwara is not approved by the competitive authority i.e BBMP. • Whereas, the Gurudwara is non-profit making organizations and not provide any sewage treatment plant and location have the full pledge underground sewage system provided by BWSSB. • Whereas, the Gurudwara authority reported that they will obtain necessary

			<p>permission from BWSSB and we have good sewer line and also the generated sewage will be discharging into BWSSB sewer line, same will be treated BWSSB terminal sewage treatment plant and will not pollute at any point of time.</p> <ul style="list-style-type: none"> As expansion activity is less than 5000 Sqmt and hence we are exempted from the notification vide No. FEE 316 EPC 2015 dated 19-01-2016 i.e. institutions/education institutions with or without hostel facility having built-up area of 5000 Sq.mt and above shall install Sewage Treatment Plant. <p>Copy of the reply submitted by the Gurudwara authority is enclosed as Annexure-XI.</p>
	<p>As per the directions of Hon'ble NGT order dated 27.07.2022. It was directed to send the report of the Joint committee to the Chairman, State Wetland authority and requiring them to file their response to observations/recommendations made in the Joint Committee report.</p>	<p>Chairman, State Wetland Authority</p>	<p>As per the directions of Hon'ble NGT order, the Joint Committee report was sent to the Chairman, State Wet Land authority on 10.10.2022 to file their response to observations/recommendations made in the Joint Committee report within 07 days.</p> <p>The reply was submitted by the State Wet land authority on 08.11.2022 stating that based on the observations and action taken report submitted by the Joint Committee, it is opined that the Joint Committee report can be accepted on the condition that the Gurudwara authorities should obtain statutory clearances from concerned Govt. departments as per Law and should commence operation only after getting Consent for Operation (CFO) for STP from State PCB and to treat sewage water before letting into the drains. The concerned Govt. departments and Gurudwara authorities should strictly carry out and monitor the activities prescribed in their long term remedial measures as recommended by the Joint Committee.</p>

			Copy of the letter submitted by the State Wetland Authority is enclosed as Annexure-XII.
Additional Information			
	Encroachment of Storm Water Drain by the Gurudwara authority.	BBMP, SWD	<p>Chief Engineer, SWD, East Division vide their letter dated 15.02.2021 has reported to the Joint Commissioner BBMP, East division that the Gurudwara Sri Guru Singh Sabha has encroached the Storm water drain and they have erected the unscientific RCC columns for the expansion activity and also they have erected the RCC slab by covering the storm water drain which is violation of Hon'ble NGT directions and in their letter, they have requested the Joint Commissioner, BBMP, East division to issue directions to the concerned chief engineer/s to take necessary action with respect to removal encroachment of storm water drain which is encroached by the Gurudwara.</p> <p>With respect to the above, the Chief engineer, SWD has addressed a letter dated 20.06.2022 to Technical assistant to Deputy Commissioner & Deputy Director, Surveyor regarding demarcation of boundary of storm water drain by Gurudwara.</p>
			<p>Further, Chief engineer, SWD, East division has addressed a letter to the Revenue Officer, Bengaluru Metropolitan Task Force (BMTF) and requested to remove the encroachment of storm water drain by the Gurudwara.</p> <p>After boundary fixation by the surveyor the same may be referred to concerned regional engineer to remove the encroachment of storm water drain.</p>

The Hon'ble NGT directed in the order dated 10.11.2022 considering the Joint Committee report and the Hon'ble NGT inter-alia passed the following order. Copy of the order is enclosed as **Annexure XIII**. In the order it is mentioned that;

6. None has appeared on behalf the President, M/s Gurudwara, Sri Guru Singh Sabha, Kensington Road, Ulsoor, Bengaluru and Chairman, State Wetland Authority.

8. Notice be again issued to the President, M/s Gurudwara, Sri Guru Singh Sabha, Kensington Road, Ulsoor, Bengaluru and Chairman, State Wetland Authority.

And directed KSPCB to take further remedial action by following due process of law and file its action taken report.

The status of measures implemented by the Concerned Departments as per the Hon'ble NGT order dated 10.11.2022 are as follows;

Sl. No.	Department/s	Status of Implementation
1	KSPCB	<p>As per the directions of Hon'ble NGT order dated 27.07.2022, a show cause notice was issued to the President, M/s Gurudwara Sri Guru Singh Sabha, Kensington road, Ulsoor, Bengaluru on 03.10.2022 & informed them to file their response to observations/recommendations made in the report of Joint committee. As there was no reply received from the Gurudwara authority, a reminder show cause notice issued on 27.10.2022 to submit the reply.</p> <p>As there was no reply received from the Gurudwara authority for the show cause notice and reminder show cause notice, RO, Bengaluru City East, KSPCB has recommended the RSEO, Bengaluru city zone, KSPCB to issue Notice of Proposed Directions (NPD) under Section 33(A) of Water (Prevention and Control of Pollution) Act, 1974, As per the recommendations of RO, Bengaluru City East, KSPCB, RSEO, Bengaluru City zone has issued NPD on 31.10.2022.</p> <p>On receipt of reply to the NPD, the Gurudwara authority have submitted a reply to the NPD along with building plan with BUA of 4272 sq.mt (45991 sft).</p> <p>On receipt of the building plan from the Gurudwara, KSPCB has addressed a letter to the Joint Commissioner, BBMP, East Zone, Bengaluru (as the BBMP is the competitive authority w.r.t plan approval) requested to verify the building plan with built up area and to submit the floor wise statement to this office on 22.11.2022, but, till date there is no reply received from the BBMP w.r.t building plan.</p>
2	BBMP	<p>Based on the hearing of Hon'ble NGT order dated 10.11.2022, a meeting was called by the BBMP under the chairmanship of Chief Commissioner, BBMP to discuss about the protection of Ulsoor Lake and its surroundings on 28.12.2022. As per the proceedings of the meeting, KSPCB has issued Office Memorandum on 29.12.2022 to inspect the Ulsoor Lake and its surroundings, to check whether any untreated effluent entering the Ulsoor Lake without treatment and to collect at least 04 samples from various points near the Ulsoor Lake & its surroundings.</p> <p>As per the directions of KSPCB, a Joint inspection was carried out with the officers of BBMP, BBMP, SWD & BWSSB and inspected the Ulsoor Lake and its surrounding area on 02.01.2023, 09.01.2023, 16.01.2023 &</p>

		23.01.2023 and collected the samples from various points. Based on the observations made a detailed inspection report is prepared. Copy of the inspection report is enclosed as Annexure-XIV .
3	KSPCB	As a follow up action, the officers of KSPCB inspected the Gurudwara on 15.02.2023 and observed that, construction is almost completed and its look like a temple and not look like a commercial establishment. The religious temple, is not classified under CPCB re categorization 2016 and the religious temples are not covering under the Purview of KSPCB.
5	KSPCB	The Halasuru Lake water quality is monitored every month under the National Water Quality Monitoring Programme (NWMP) by the Karnataka State Pollution Control Board (KSPCB) at 03 locations namely 1. Location 01- Halasuru Lake – near Gurudwara Temple 2. Location 01- Halasuru Lake – near Fishing Centre. 3. Location 01- Halasuru Lake – near Kalyani. The analysis reports result shows that, the water quality of Halasuru Lake conforms to designated –best-use classification Class “D” i.e. water is fit for propagation of wildlife and fisheries and E-Irrigation, Industrial cooling, Controlled Waste Disposal.
	Chairman, State Wetland Authority	Hon’ble NGT has issued a notice to the Chairman, State Wetland Authority for non-appearance before the Hon’ble NGT on 10.11.2022. In this regard, the State Wetland authority have approached the KSPCB and they have informed that, they have directly submitted the reply to the notice issued by the Hon’ble NGT. This is for kind information.
	Gurudwara, Sri Guru Singh Sabha	Hon’ble NGT has issued a notice to the President, Gurudwara Sri Guru Singh Sabha for non-appearance before the Hon’ble NGT on 10.11.2022. As a follow up action, the officers of KSPCB inspected the Gurudwara on 15.02.2023 and enquired about the reply submitted to the Hon’ble NGT, in this regard, the authority present during inspection informed that, the reply is yet to submit the Hon’ble NGT.

The case was there for hearing on 15.03.2023. In the hearing, in the interest of justice, Hon’ble NGT has given one more opportunity is granted to KSPCB to file Action Taken Report on the further remedial action taken by it and informed to filed **within 02 months by email at [judicial ngt@gov.in](mailto:ngt@gov.in)** preferably in the form of searchable PDF/OCR supported by PDF and not in the form of Image PDF.

Handwritten signature and date: 23/5/2023

**Environmental Officer (I/c)
RO, Bengaluru City East**

KARNATAKA STATE WETLAND AUTHORITY

(Constituted by Govt. of Karnataka)

No: FEE 113 ENG 2022

Department of Ecology & Environment,
Room No.710, 7th Floor, IV-Gate,
M.S. Building, Bangalore-560001.

Dated:08.11.2022

To,

Member Secretary,
Karnataka State Pollution Control Board,
Parisara Bhavan,
Church Street, Bangalore - 560001.

Sir,

Sub: Response to observation/ recommendation made in the report of Joint Committee in the matter of Hon'ble NGT order in OA No. 308/2022 - reg.

Ref: Letter No. KSPCB/BCE/2022-23/905, dated 10,10,2022 from Environmental Officer, Bengaluru City East, Karnataka State Pollution Control Board addressed to the Chairman, Karnataka State Wetland Authority.

This has reference to the letter cited above seeking response of State Wetland Authority pursuant to the order dated 27.07.2022 for the observation/ recommendation made in the report of Joint Committee constituted as per the order of Hon'ble NGT in OA No. 308/2022.

Accordingly, I am hereby forwarding the response of the Chairman, Karnataka State Wetland Authority to the observation/ recommendation made in the report of Joint Committee, copy of which is -enclosed herewith for further needful.

Yours faithfully,


(R. Gokul)Member Secretary,
Karnataka State Wetland Authority.

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Response to Observations / Recommendations made in the report of Joint Committee in the matter of Hon'ble NGT order in OA No. 308/2022.

The Hon'ble NGT with reference to OA 308/2022, has passed an order on 06.05.2022 and had constituted a Joint Committee comprising of State PCB, State Wetland Authority, Commissioner BBMP and Collector, Bangalore and State PCB being the nodal agency in order to have factual reports.

The Hon'ble NGT in its Order had directed the Joint Committee to mainly look into the encroachments, impact on functionality of storm drain and ecology of Halasuru lake.

As per the directions of Hon'ble NGT, the Joint Committee inspected the area on 01.07.2022 and had submitted report to Hon'ble NGT vide email dated 06.07.2022.

Further, the Hon'ble NGT in its Order dated 27.07.2022 for OA 308/2022, has directed Chairman, State Wetland Authority to file the response to observations / recommendations made by the Joint Committee. Accordingly, the response is filed below:

A. It is observed that the Joint Committee has submitted its report as per the directions of Hon'ble NGT with the following details:

- **Encroachment** : Joint Committee has informed that there is no encroachment in Halasuru Lake as observed during the inspection.
- **Impact on functionality of storm drain** : Joint Committee observed during inspection that there was no obstacle for flow of water. The functionality of storm water drain is not affected, as the Gurudwara erected the retaining wall to height of 4.5mtrs on both side and also they have made the gradient slope for easy flow of water. Hence there is no chance of stagnation of water and restriction of water flow.
- **Ecology of Halasuru lake** : Joint Committee has reported that the Gurudwara is located downstream to the Halasuru Lake and there is no chance of entry of sewage into Halasuru Lake from the Gurudwara. The existing storm water drain of Gurudwara will receive surplus water from Halasuru lake and primary drain located adjacent to the Halasuru Lake which will ultimately join Bellandur lake. In the report, it is also mentioned that Ulsoor Lake confirms to designated classification class "D" i.e water fit for propagation of wildlife and fisheries and irrigation, Industrial cooling, Controlled waste Disposal.

B. Further the Joint Committee in its inspection report has mentioned that for the ongoing expansion activities, the Gurudwara has not obtained statutory clearance from the Govt. Depts such as BBMP, KSPCB, BWSSB, Fire and Safety etc. for which the State PCB has issued notice to the Gurudwara authority and has informed them to apply for Consent For Operation for operation of sewage treatment plant.

Based on the observations and action taken report submitted by Joint Committee, it is opined that the Joint Committee report can be accepted on the condition that the Gurudwara authorities should obtain statutory clearances from concerned Govt. Departments as per law and should commence operation only after getting Consent For Operation for STP from State PCB and to treat sewage water before letting into the drains. The concerned Govt. agencies and Gurudwara authorities should strictly carry out and monitor the activities prescribed (Tabulated below) in their long term remedial measures as recommended by the Joint Committee.

Sl. No.	Activity	Department concerned
1	Frequent cleaning of accumulated floating debris /solid waste from the storm water drain	
2	To provide /install Trash barrier to the entry point of storm water drain located at Gurudwara	Gurudwara authority
3	Installation of designed appropriate screen to arrest entry floating debris into the drain at different locations before entering to water from SWD located at Gurudwara.	BBMP, SWD
4	Stoppage of sewage entering into the drain by identifying missing links of lateral sewer lines which are to be connected to the storm water drain.	BBMP & BWSSB
	Regular monitoring of Halasuru Lake	KSPCB
6	To ensure the implementation of notification No. FEE 316 EPC 2015, dated 19.01.2016 issued by Forest Ecology and Environment Secretariat with respect to installation of Sewage Treatment Plant and reuse of treated sewage	KSPCB


Chairman,
State Wetland Authority,
Karnataka.

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2.	To provide/install Trash barrier to the entry point of storm water drain located at Gurudwara	Gurudwara authority
3.	Installation of designed appropriate screen to arrest entry floating debris into the drain different locations before entering to water from SWD Located at Gurudwara	BBMP SWD
4.	Stoppage of sewage entering into the drain by identifying missing links of lateral sewer lines which are to be connected to the storm water drain	BBMP & BWSSB
5.	Regular monitoring of Halasuru Lake	KSPCB
6.	To ensure the implementation of notification No FEE 316 EPC 2015, dated 19.0.1.2016 issued by Forest Ecology and Environment Secretariat with respect to installation of Sewage Treatment Plant and reuse of treated sewage	KSPCB

Chairman,
State Wetland Authority,
Karnataka.