

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
APPEAL NO. 10 OF 2021

G.Devarajan
 S/o.Govindappa
 15th Gandhi Nagar, 2nd Street
 Reliance Backside
 Arumbakkam, Chennai – 600106

... Appellant

Versus

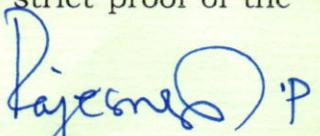
1. State of Tamil Nadu
 Rep by the Chief Secretary to Government
 Secretariat, Fort St.George. Chennai- 600009
2. State of Tamil Nadu
 Rep by the Principal Secretary to Government
 Public Works Department
 Secretariat, Fort St.George. Chennai- 600009
3. Tamil Nadu Housing Board
 Rep by its Chairman
 493, Anna Salai
 Nandanam, Chennai – 600035
4. State Environmental Impact Assessment Authority,
 Rep. by the Member Secretary
 3rd Floor, Panagal Maligai
 No.1, Jeenis Roaad, Saidapet, Chennai – 15

...Respondents

COUNTER AFFIDAVIT FILED BY FOURTH RESPONDENT

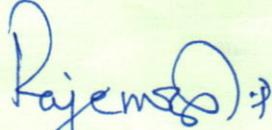
I, Tmt.P.Rajeswari, I.F.S., Member Secretary having office at SEIAA-TN, Third Floor, Panagal Maaligai, No1,Jeenis Road, Saidapet, Chennai-15,do here by solemnly affirm and state as follows;

1. I respectfully submit that I am the 4thRespondent herein and as such I am well acquainted with the facts and the circumstances of the case from the records available in this office.
2. I respectfully submit that at the outset, I deny all the averments and allegations made in the application Affidavit, except those that are specifically admitted hereunder and put the applicant to strict proof of the same.


 Member Secretary
 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
 Panagal Maligai, No.1, Jeenis Road,
 Saidapet, Chennai - 15

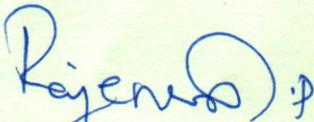
4/10

3. It is most respectfully submitted the EIA Notification, 2006 mandates prior Environmental Clearance (EC) for new projects or activities including expansion, or modernization of existing projects listed in its Schedule. The Category 'A' projects shall obtain EC from the Central Government and Category 'B' projects from the concerned State Level Environment Impact Assessment Authority (SEIAA)/Union Territory Environment Impact Assessment Authority (UTEIAA). For the building and construction projects with Built - up area >20000 sq. mtrs and <1,50,000 sq. mtrs falls under Schedule 8 (a) of category 'B' projects and the Proponent shall submit application seeking Environmental Clearance for the proposed building and construction projects along with Form -1, Form - 1 A, conceptual Plan, EMP and other necessary documents. The proposal would be placed before the State Expert Appraisal Committee (SEAC) for screening, scoping and appraisal. Based on the recommendations of SEAC, the proposal would be placed before the State Environment Impact Assessment Authority (SEIAA) for considering the issue of Environmental Clearance. After detailed discussion and deliberations as based on the documents furnished, Environmental Clearance is issued by the Authority.
4. It is respectfully submitted that the project proponent, M/s. The Executive Engineer & ADO, Anna Nagar Division - Tamil Nadu Housing Board, Chennai has submitted application for Environmental Clearance on 10.07.20.20, in Form-I, Pre- Feasibility report for the proposed Construction of Mixed Use Development (Residential & Commercial) at T.S.No.2, Block No.4 of Arumbakkam Village, Aminjikkarai Taluk (Earlier Egmore - Nungambakkam Taluk), Chennai District, Tamil Nadu.
5. It is most respectfully submitted that the project proponent has applied for total built up area 1,35,031.13 sq.m and land area 33,000 sq.m including (Block -I, 2 basement + Ground + 19 Floors and Commercial Block), (Block -II, Basement + Stilt + 19 Floors + 152 Dwelling Units), (Block-III, Basement + Stilt + 19 Floors + 152 Dwelling Units) and the EC was issued for the same vide SEIAA-TN Letter No.SEIAA-TN/F.No.7627/EC/8(a)/ 739/2020 dated: 23.01.2021. The proponent has also furnished PWD Inundation certificate vide Letter No.DB/T5 (3)/F-NOC-Arumbakkam/2020 dated 03.10.2020 from PWD.


 Member Secretary
 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
 Panagal Milligai, No.1, Jeemis Road,
 Sandapet, Chennai - 15

9/10

6. It is respectfully submitted that as per the EIA Notification, 2006, the proposal of building and construction projects having built up area > 20,000 sq.m < 1,50,000 sq.m is required to obtain prior Environmental Clearance. Since the proposed built up area is 1,35,031.13 sq.m project proponent has submitted application for EC in the prescribed format FORM- 1 & FORM-1A and Conceptual plan with required documents for the residential project for obtaining Environmental Clearance as the total built up area of the project exceeds 20,000 sq.m. The proposal comes under 8 (a) category as per the EIA notification 2006, Public consultation is not required.
7. It is respectfully submitted that the project proposal was placed in the 182nd meeting of State Level Expert Appraisal Committee Tamil Nadu (SEAC-TN) held on 17.10.2020. The project proponent gave detailed presentation. Based on the documents furnished and the presentation made by the proponent, the SEAC-TN decided to direct the project proponent to furnish the following details;
- i. The proponent shall submit the compliance/action taken for all the conditions stipulated in the PWD Inundation certificate Letter No.DB/T5 (3)/F-NOC-Arumbakkam/2020 dated 03.10.2020 with necessary documents/photographs.
 - ii. The proponent shall submit the Village Map, 'A' Register & FMB sketch for the proposed project site.
 - iii. The project site is abutting to River Cooum, hence the project proponent shall submit the detailed disaster management plan.
 - iv. The project proponent shall furnish the land use classification obtained from CMDA.
 - v. The project proponent shall revise the water balance as per the MoEF & CC guidelines for the building project.
 - vi. The project proponent shall submit the details of STP & GWTP system and the design details based on the characteristics of the sewage & grey water.
 - vii. The project proponent shall furnish the necessary permission from the CMWSSB for supply of fresh water.
 - viii. The project proponent shall furnish the necessary permission from the competent authority for the disposal of excess treated sewage for avenue plantation along with the revised EMP.

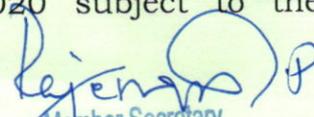

 Member Secretary
 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
 Panagal Malignai, No.1, Jeeni's Road,
 Salarpet, Chennai - 15

6/10

- ix. The proponent shall submit the revised solid waste management plan as per the National Building Code (NBC) Guidelines for the residential buildings.
- x. The proponent planned the children's park near to the RiverCooum and OSR in two different places. Hence the proponent shall furnish the revised lay out providing the Children's park in other side of the project site and OSR in one compact place with entry/exit. The revised layout shall be submitted accordingly.
- xi. The proponent shall revise proposal of rain water harvesting system by providing a greater number of rainwater collection sump instead of more numbers of rain water collection pits.
- xii. The contour levels of the proposed site shall be marked in the layout. Based on contour map, a detailed storm water drainage plan shall be prepared considering the flood occurred in the year 2015 and also considering the surrounding developments.
- xiii. The proponent shall calculate & furnish the height of the stack to be provided for the proposed DG set as per the MoEF& CC norms.

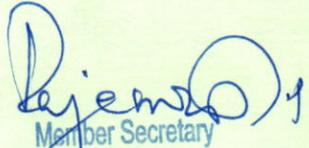
On submission of the aforesaid details furnished by the Proponent to office of SEIAA-TN on 19.11.2020, the subject was placed for appraisal again in the 188th meeting of SEAC-TN held on 18.12.2020. After detailed deliberations, SEAC-TN recommended the proposal for the grant of Environmental Clearance to SEIAA-TN subject to the following conditions in addition to standard conditions stipulated by the MoEF&CC:

- i. The proponent shall comply with all the conditions imposed in the NOC on inundation point of view issued by PWD/WRD vide Lr.No. DB/T5(3)/F-NOC-Arumbakkam/2020/dated 03.10.2020.
- ii. The project proponent shall provide Sewage treatment plant & Grey water treatment system as reported and continuously operate and maintain Sewage treatment plant & Grey water treatment system to achieve the standards prescribed by the TNPCB/CPCB.
- iii. The sludge generated from the Sewage Treatment plant shall be collected and dewatered using filter press and the same shall be utilized as manure for green belt development after composting.
- iv. The proponent shall make proper arrangements for the disposal of the excess treated grey water from the proposed site in Division 100 parks and nearby areas as detailed in the EE/Zone VIII/ GCC Lr.No.Zo.VIII No SPL 2020 dated 16.11.2020 subject to the conditions stated therein.


 Member Secretary
 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
 Panagal Maligai, No.1, Jeenis Road,
 Saidapet, Chennai - 15

7/10

- v. The project proponent shall provide entry and exit points for the OSR area Community Hall, play area as per the norms for the public usage as committed.
- vi. The project proponent shall necessarily comply with the provisions given under Construction & Demolition Waste Management Rules, 2016.
- vii. As reported, the proponent shall treat the Bio-degradable waste generated through Bio-methanation plant/ Organic Waste Converter & Non-Biodegradable waste shall be disposed to Authorized Recyclers.
- viii. The Proponent shall provide the dispenser for the disposal of Sanitary Napkins.
- ix. The proponent shall always ensure no waste of any type shall be disposed of in any other way than the approved one.
- x. The height of the stacks of DG sets shall be provided as per the CPCB norms.
- xi. The proponent shall earmark the greenbelt area with dimension and GPS coordinates all along the boundary of the project site with at least 3 meters wide and the same shall be included in the layout out plan to be submitted for CMDA/DTCP approval. The total green belt area should be minimum 15% of the total area and the same shall not be used for car parking.
- xii. Proper drainage facility should be provided for the entire above mentioned survey fields.
- xiii. The Proponent shall provide rain water harvesting sump of adequate capacity for collecting the rooftop, paved and unpaved road runoff as committed.
- xiv. The proponent shall ensure that, the storm water flows from the upstream side without any hindrance by designing the storm water drainage arrangement in accordance with the contour levels of the proposed project area and considering the surrounding development to avoid the future flood inundation at the project site.
- xv. Tapping of solar energy should be at least 10% of total energy consumption Solar energy usage mainly for the illumination of common areas, street lighting etc.,

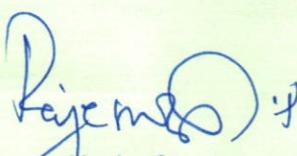

 Member Secretary
 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
 Panagal Maigai, No.1, Jeenis Road,
 Saradai, Chennai - 15

8/10

- xvi. Adequate fire protection facilities shall be installed including fire detectors, fire alarm and fire fighting system to guard the building against fire. All fire protection facilities shall be designed as per the National Building Code 2016. According to prospective plans, fire-fighting arrangements such as fire extinguisher, hose reel, wet riser, yard hydrant, automatic sprinkler system, manually operated electric fire alarm system, underground water storage tank, terrace tank, pumps shall be provided considering maximum building height as per NBC of India, 2016.
- xvii. All the mitigation measures committed by the proponent for the flood management, Evacuation plan, Solid waste disposal, Sewage treatment & disposal etc., shall be followed strictly.
- xviii. As per the MoEF&CC Office Memorandum F.No. 22-65/2017-IA.III dated: 30.09.2020, and 20/10/2020 the proponent shall furnish the detailed EMP mentioning all the activities as proposed in the CER and furnish the same before placing the subject to SEIAA.

8. It is respectfully submitted that the aforesaid proposal seeking Environmental Clearance was placed in the 418th meeting of SEIAA-TN held on 11.01.2021 & 12.01.2021. After detailed discussions the Authority unanimously accepted the recommendations of SEAC-TN and granted Environmental Clearance vide this office Letter No. SEIAA-TN/F.No.7627/EC/8(a)/739/2020 dated: 23.01.2021 subject to the conditions as recommended by SEAC-TN & normal conditions in addition to the following condition.

- i. The proponent shall ensure that the treated/untreated sewage/Grey water should not be disposed directly or indirectly to the nearby Coovum or inside / outside their premises.
- ii. The proponent shall necessarily obtain the Stability Certificate from the reputed institution/Government Institution before starting construction activity as the proposal is abutting the River Coovum.
- iii. The proponent shall ensure that the Solid waste generated should not be dumped in the Coovum River.
- iv. The proponent shall ensure that no material should be stored or dumped near the Coovum during constructional/operational phase.

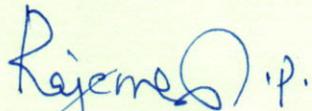

 Member Secretary
 STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
 Panagal Maligai, No.1, Jeemis Road,
 Saidapet, Chennai - 15

9/10

- v. As per the MoEF & CC office memorandum F.No.22-65/2017-IA.III dated: 30.09.2020 and 20.10.2020 the proponent shall furnish the detailed EMP to TNPCB, mentioning CER activities for Rs.599.70 lakhs as committed and the CER activities shall be carried out before obtaining CTO from TNPCB.

9. It is respectfully submitted that the Environmental Clearance was despatched on 30.01.2021.
10. It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to record the above mentioned facts and pass such order (or) any other orders as this Hon'ble Tribunal may deem fit and proper in this case and thus render justice.

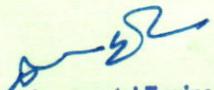
Solemnly affirmed at Chennai
on this 07th day of October 2021.
and signed his name in my presence.


4th Respondent

Member Secretary
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY - TN
Panagal Maligai, No.1, Jeemis Road,
Saidapet, Chennai - 15

10/10

Attesting Officer


Assistant Environmental Engineer
State Level Environment Impact Assessment Authority-Tamilnadu
Third Floor, Panagal Maligai
Saidapet, Chennai - 600 015