

**BEFORE THE HON'BLE HIGH COURT OF KARNATAKA AT
BENGALURU
Appeal No. 64/2024**

**Between
Neev Trust**

Appellant

**And
Karnataka State Pollution
Control Board**

Respondent

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Place: Bangalore

Date: 25.02.2025



Advocate for Respondent Board

A. Mahesh Chowdhary

**BEFORE THE HON'BLE HIGH COURT OF KARNATAKA AT
BENGALURU
Appeal No. 64/2024**

**Between
Neev Trust**

Appellant

**And
Karnataka State Pollution
Control Board**

Respondent

OBJECTIONS ON BEHALF OF THE RESPONDENT BOARD

1. The Respondent Board denies and disputes all the averments, contentions and allegations raised by the Appellant, in the present appeal and except what has been specifically admitted herein under, in writing, any omission on the part of the Respondent to deal with any specific averment, contention or allegation of the Appellant should not be construed as an admission on the part of the Respondent Board.
2. It is submitted that instead of para wise reply to the averments in the appeal, it is prayed that, allow the instant objections constituting an overall response to the appeal filed by the Appellant herein. Therefore, it is humbly prayed to read the same in totality for assessing the facts and nature of the case.
3. At the outset, Respondent submits that the above mentioned appeal is liable to be dismissed in limine as being misconceived and not maintainable in law and fact.

4. It is relevant to state that the present appeal has been filed seeking to quash the impugned notice dated 11.06.2024, reminder notice dated 11.07.2024 and the allied proceedings including the notice dated 04.12.2019, show cause notice dated 16.01.2020 and Notice of proposed directions dated 27.02.2020.

I. Genesis of levying environmental compensation

5. On 15.10.2019, Respondent had issued a combined consent for operation to the Appellant valid from 15.10.2019 to 30.09.2028. It is relevant to state that in light of the order passed by the Hon'ble NGT in OA No. 125/2017, the Respondent had inspected the premises of the appellant wherein it was found that the appellant was operating in violation and hence, environmental compensation for a sum of Rs 5 Lakhs was levied upon the Appellant for not being able to ensure proper functioning of STP and its parameters not meeting with the prescribed standard. A copy of the notice dated 04.12.2019 has been enclosed as **Annexure R1** for the kind perusal of this Hon'ble Tribunal.

II. Sufficient opportunity was given to the Appellant

6. The Respondent Board having no effective response from the appellant had issued a show cause notice on 16.01.2020 calling upon the Appellant to show cause of why any action under Section 33(A) of the Water Act shall not be taken as the Appellant has failed to pay the environmental compensation. A copy of the notice dated 16.01.2020 has been enclosed as **Annexure R2** for the kind perusal of this Hon'ble Court. On

24.02.2020, the Appellant had provided a reply however the same was not satisfactory.

7. Accordingly, on 27.02.2020, the Respondent Board had issued a notice of proposed wherein it was found that not only the appellant has failed to deposit the EC amount however the appellant has been continuously causing onslaught on the nature and natural water body. It is relevant to state that yet again the Respondent Board after issuing the proposed directions had called upon the Appellant to show cause why no action shall be taken against the Appellant. A copy of the NPD dated 27.02.2020 has been enclosed as **Annexure R3** for the kind perusal of this Hon'ble Court.
8. It is relevant to state that despite several notices being issued, the Appellant replied stating that no proper hearing was given to the appellant and instead of establishing that no further non-compliances exists, the appellant has issued a mechanical and a non-effective reply.
9. Accordingly, on 11.06.2024, after issuing several notices to the Petitioner, the Respondent had issued yet again a notice directing the Appellant to immediately remit the EC.

III. Impugned order is valid in the eyes of law.

10. The Respondent Board has adhered to all legal requirements and procedures while dealing with the Appellant's violations. Multiple notices and opportunities for compliance were

provided, demonstrating due diligence and adherence to the principles of natural justice.

11. Despite repeated opportunities, the Appellant failed to rectify the deficiencies in the operation of the STP, resulting in environmental degradation. The Appellant's responses were mechanical, non-substantive, and failed to demonstrate any corrective measures taken to address the violations.
12. The environmental compensation of Rs. 5 Lakhs was levied after a thorough inspection, in line with the Hon'ble NGT's directives. The Appellant's failure to meet prescribed standards for STP operations directly contributed to environmental harm, justifying the imposed penalty.
13. The appeal filed by the Appellant is devoid of merit, misconceived, and not maintainable in law or fact. The Appellant has not presented any credible evidence to challenge the legality of the notices or the imposition of environmental compensation.
14. The Respondent Board's actions are aimed at safeguarding the environment and ensuring compliance with statutory environmental standards. Allowing the present appeal would set a detrimental precedent, undermining the regulatory framework designed to protect environmental integrity.

Wherefore, it is most humbly prayed that this Hon'ble Tribunal to dismiss the Appeal in the interest of justice and equity.

Place: Bangalore

Date: 25.02.2025



Advocate for Respondent Board

A. Mahesh Chowdhary

Annexure R1

Bommanahalli

"NISARGA BHAVAN" 2nd FloorHummajal Road, 7th 'D' Main, Shivanagar,

Opp. Pushpanjali Theatre, Bengaluru -560 010

Phone : (O) 080 -23221552

ಬೆಂಗಳೂರು ನಗರ ಪಾಲಿಕೆ

"ನಿರ್ವಹಣಾ ಕಛೇರಿ", ಜಯೇ ಅಂಚಣು, ಶಿವನಗರ

7ನೇ 'ಡಿ' ಮುಖ್ಯ ರಸ್ತೆ, ಶಿವನಗರ

ಸುತ್ತರಾಜಕರ ಜಿಲ್ಲಾಪಾಲಿಕಾರದ ಎದುರು, ಬೆಂಗಳೂರು

ಫೋನ್: 080- 23221552

towards a cleaner Karnataka

//BY REGISTERED POST WITH ACKNOWLEDGMENT DUE//

No. PCB/RO-Bommanahalli/EC/2019-20

1708

Date

To,

The President/Secretary,
M/s. NEEV Academy,
Yamlur Main Road,
Kempapura Road, Bangalore-560 007.

Sir,

- Sub:** Imposing Environmental compensation (EC) for Non-compliances under the provisions of Water (Prevention and Control of Pollution) Act, 1974- Reg.
- Ref:** 1.Directions of Honorable NGT in the order dated 06.12.2018 in OA No. 125/2017 clubbed with OA NO. 217/2017.
2. Inspection of your project by the Officers of the Board dated: 04.07.2019.
3. Directions of Honorable NGT in the order dated 21.10.2019 in OA No. 125/2017.

With reference to the above subject, it is to bring to your notice that Honorable National Green Tribunal (NGT) has directed the Karnataka State Pollution Control Board cited ref(3) to levy Environmental Compensation for the non-complying apartments/township/commercial establishments under Para 19(13) which is reproduced as follows;

Sl. No.	Violation	Environmental damage
1	Where STP is required as per the EC/Consent, but, the facility has not constructed the STP despite generating sewage.	Rs. 10 Lakhs per month from the date of completion certificate or date of completion.
2	Where actual capacity of STP is less than the capacity is shown in the EC/Consent	Rs. 20,000/- per day from the date of inspection till final up gradation.
3	Where the number of flats/units actually constructed is more than the number of flats/units disclosed to KSPCB while obtaining Consent.	Rs. 1 Lakhs per unit per month from the date of construction until the grant of fresh requisite consent.
4	Where STP is not functioning or parameters are not being met or untreated sewage is being bypassed from the STP or being otherwise diverted.	Rs. 5 Lakhs per default.



The effluent of the project is not conforming to the standards prescribed for treated sewage. As per the analysis reports, it is not conforming to the standards prescribed for treated sewage (Copy enclosed). Hence, you are liable to pay Environmental Compensation of Rs. 5.00 Lakhs as per NGT order cited at ref(1), in the form of demand draft (DD) drawn in favour of Member secretary, KSPCB, Bengaluru within 15 days from the date of service of this notice, failing which action as deemed fit under the provisions of Law, will be initiated.

The receipt of this notice may please be acknowledged.

Enclosures: As Above


Yours faithfully,

Sd/-

Environmental Officer
Bommanahalli

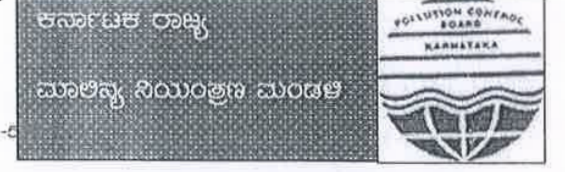
Copy to:

1. The Member Secretary, KSPCB, Bangalore (kind attention of Infrastructure section to maintain separate register for EC).
2. The Chief Finance Officer, KSPCB for information and to maintain separate account for EC.
3. The Law Officer, KSPCB for information and necessary action.
4. RSEO, Bengaluru South for information and necessary action.
5. Office copy.


Environmental Officer
Bommanahalli

Office of the Regional Officer
Karnataka State Pollution Control Board
Bengaluru Bommanahalli
"NISARGA BHAVAN" 2nd Floor
Thimmaiah Road, 7th 'D' Main, Shivanagar,
Opp. Pushpanjali Theatre, Bengaluru -560 010
Phone : (O) 080 -23221552

ಪ್ರಾದೇಶಿಕ ಅಧಿಕಾರಿಯವರ ಕಛೇರಿ
ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
ಬೆಂಗಳೂರು ಬೊಮ್ಮನಹಳ್ಳಿ
"ನಿಸರ್ಗ ಭವನ", ೭ನೇ ಅಂತಸ್ತು, ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ,
೭ನೇ 'ಡಿ' ಮುಖ್ಯ ರಸ್ತೆ, ಶಿವನಗರ
ಪುಷ್ಪಾಂಜಲಿ ಥಿಯೇಟರ್‌ನ ಎದುರು, ಬೆಂಗಳೂರು - ೫
ದೂರವಾಣಿ: ೦೮೦- ೨೩೨೨೧೫೫೨



towards a cleaner Karnataka

//BY REGISTERED POST WITH ACKNOWLEDGMENT DUE//

No. PCB/RO-Bommanahalli/EC/2019-20

2718

Date

To,

The President/Secretary,

M/s NEEV Academy,
Yamlur main road, Kempapura Road,
Bangalore-07

Show-cause Notice

Sir,

Sub: Non-payment of Environmental compensation (EC) charges levied for Non-compliances under the provisions of Water (Prevention and Control of Pollution) Act, 1974 by your apartment located at above said premises- Reg.

Ref: 1.Directions of Honorable NGT in the order dated 06.12.2018 in OA No. 125/2017 clubbed with OA NO. 217/2017.
2. Inspection of your project by the Officers of the Board dated 04.07.2019
3. Directions of Honorable NGT in the order dated 21.10.2019 in OA No. 125/2017.
4. This office notice imposing Environmental compensation (EC) dated 04.12.2019.
5. Directions of Hon'ble NGT in the order dated 18.12.2019 w.r.t OA No. 125/2017.

With reference to the above subject, it is to bring to your notice that Hon'ble National Green Tribunal (NGT) had directed the Karnataka State Pollution Control Board (KSPCB) cited ref (3) to levy Environmental Compensation for the non-complying apartments/township/commercial establishments under Para 19(13). Further, in-compliance to Hon'ble NGT directions, this office had issued a notice to you vide ref (4) for violation no.4. (STP is not functioning/parameters are not being met/untreated sewage is being bypassed from the STP/being otherwise diverted) as stated in the above said order wherein it was informed that, you are liable to pay Environmental Compensation charges (ECC) of Rs. 5 Lakhs within 15 days from the date of service of said notice.



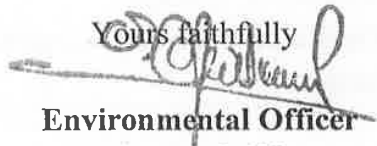
Further, in response to this, we have not received any payment for Environmental Compensation charges (ECC) of Rs. 5 Lakhs till date.

Meanwhile, Hon'ble NGT vide its order cited at ref (5) has directed the Board to recover the compensation charges by adopting coercive measures such as disconnection of electricity & water supplies.

Hence, in view of the above, you are hereby called upon to **"SHOW-CAUSE"** within **7 days** from the date of receipt of this notice, so as to why the Board shall not issue directions to BESCOM to cutoff power supply to your apartment under Section 33 (A) of Water (Prevention and Control of Pollution) Act, 1974 for non-payment of ECC.

The receipt of this notice may please be acknowledged. Failing to comply with the above within 7 days, action as deemed fit under the provisions of Law as stated above will be initiated without further notice.

Yours faithfully


Environmental Officer
Bommanahalli

Office of the Senior Environmental Officer
Karnataka State Pollution Control Board
Bangalore - South
"NISARGA BHAVAN", 3rd Floor,
Thimmaiah Road, 7th 'D' Cross,
Shivanagar, Bangalore - 560 010
Phone : 23228862

ಹಿರಿಯ ಪರಿಸರ ಅಧಿಕಾರಿಯವರ ಕಛೇರಿ
ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾನಿಟರಿಂಗ್ ಮತ್ತು
ಬೆಂಗಳೂರು ಜಿಲ್ಲಾ
"ನಿಸರ್ಗ ಭವನ", 3ನೇ ಮಹಡಿ,
ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ, 7ನೇ "ಡಿ" ಮುಖ್ಯರಸ್ತೆ,
ಶಿವನಗರ, ಬೆಂಗಳೂರು- 560 010.
ಫೋನ್ : 23228862

Annexure R3

ಮಾನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ

Towards a cleaner Karnataka

By Registered Post with Acknowledgment Due

464

No. PCB/SEO(BNG SOUTH)/NGT/BOM-NPD//2019-20/867

DATE:
27 FEB 2020

Notice of Proposed Directions Under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974, read with Rule 34 (4) of 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.

Sub: Non-payment of Environmental compensation (EC) charges levied for Non-compliances under the provisions of Water (Prevention and Control of Pollution) Act, 1974 by your apartment located at M/s. NEEV Academy, Yamlur main road, Kempapura Road, Bangalore-076 Reg.

Ref: 1. Directions of Honorable NGT in the order dated 06.12.2018 in OA No. 125/2017 clubbed with OA NO. 217/2017.
2. Inspection of your project by the Officers of the Board dated 04.07.2019
3. Directions of Honorable NGT in the order dated 21.10.2019 in OA No. 125/2017.
4. This office notice imposing Environmental compensation (EC) dated 04.12.2019.
5. Directions of Hon'ble NGT in the order dated 18.12.2019 w.r.t OA No. 125/2017.
6. Show-cause Notice issued by RO-Bommanhalli dated 16.01.2020.

Preamble:

With reference to the above subject, it is to bring to your notice that, Hon'ble National Green Tribunal (NGT) had directed the Karnataka State Pollution Control Board (KSPCB) cited ref (3) to levy Environmental Compensation for the non-complying apartments/township/commercial establishments under Para 19(13). Further, in-compliance to Hon'ble NGT directions vide dated 16.12.2018, this office had issued a notice to you vide ref (4) for violation of Sl.no.4. (STP is not functioning/parameters are not being met/untreated sewage is being bypassed from the STP/being otherwise diverted) wherein it was informed that, you are liable to pay Environmental Compensation charges (ECC) of Rs. 5 Lakhs within 15 days.

Further, in response to this, we have not received any payment for Environmental Compensation charges (ECC) of Rs. 5 Lakhs till date.



Meanwhile, Hon'ble NGT vide its order cited at ref (5) has directed the Board to recover the compensation charges by adopting coercive measures such as disconnection of electricity & water supplies. Hence, Show-cause notice was issued to your unit vide ref (6) for Non-payment Environmental Compensation charges (ECC) charges levied for non-compliances under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 by your apartment located at above said premises.

Therefore & in spite of giving ample opportunity to your apartment, you are continuously causing and being a part of the onslaught on the nature and the natural water body. This shows the colossal negligent attitude of your organization towards Pollution Control Laws meant for preservation of the Environment for all the inhabitants. In view of above and as per the direction of Hon'ble NGT order dated 18.12.2019, the Board is constrained to propose an action under Section 33(A) of Water (Prevention & Control of pollution) Act, 1974, read with Rule 34(4) of the Water (Prevention & Control of Pollution) Rules, 1976.

Proposed Directions:

In exercise of the powers conferred under Section 33(A) of Water (Prevention & Control of Pollution) Act, 1974, read with Rule 34 (4) of Karnataka State Board for the (Prevention & Control of Pollution) Rules, 1976, the designated officer, namely Senior Environmental Officer, Bengaluru-South Zonal Office, Karnataka State Pollution Control Board, proposes to give the following directions to the concerned Departments or Agencies or Authorities, as applicable:

The Managing Director, BESCOM, KR Circle, Bengaluru, to issue necessary directions to the concerned Executive Engineer/ Assistant Executive Engineer, to stop/cut off the power supply to your residential apartment forthwith and until further orders.


The Chairman, BWSSB, Cauvery Bhavan, K.G Road, Bengaluru to disconnect the water supply and cut off underground drainage connection to your residential apartment forthwith and until further orders.

The Commissioners of BBMP or BDA to cancel the sanctioned building plan and occupancy certificate of your residential apartment forthwith and until further orders.

You are hereby called upon to 'Show Cause' within 7 days time from the date of issue of this Notice of proposed directions, as to why, no such actions mentioned above shall not be initiated against your apartment. You may file your objections, if any, to the Designated Officer, namely the Senior Environmental Officer, Bengaluru South Zonal Office, Karnataka State Pollution Control Board, Nisarga Bhavan, 3rd Floor, Thimmaiah Road, 7th 'D' Main, Shivanagar, Bengaluru 560079. Non receipt of any communication within the stipulated time

limit will constitute opinion that you have nothing to say in the said matter leading to initiation of further action as proposed above.

**For and on Behalf of the
Karnataka State Pollution Control Board**


**Designated Officer and
Senior Environmental Officer** 26/2
Bengaluru- South Zonal Office, KSPCB

To,

The Occupier
M/s. NEEV Academy,
Yamlur main road, Kempapura Road,
Bangalore-07



[Service Copy : Objections] Appeal 63 of 2024 between IIM, Bangalore and KSPCB

Me Precinct Legal <highcourt@precinctlegal.com>
Wed, 26 Feb 2025 1:02:35 PM +0530 •
To "arkadeeppal" <arkadeep.pal@keystone.law>

Dear Arkadeep

Please find enclosed a copy of the objections filed by the KSPCB in the afore-said matter.

Rashi Singh
Associate

PRECINCT
LEGAL

No. 43, TNT Towers,
S-1, Infantry Road
Bangalore- 560 001
www.precinctlegal.com
+91 9980666846

📄 **1 Attachment(s)** • [Download as Zip](#)



Objections_IIM_KSPCB_25.02.2... .pdf
2.8 MB • 📄
