

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL BENCH
SOUTHERN ZONE, CHENNAI**

**Execution Application No.10 of 2023 (SZ)
IN
Original Application No.222 of 2014 (PB)**

IN THE MATTER OF:-

The Forward Foundation and Ors.

... **Applicant(s)**

Vs.

1. **State of Karnataka**
2. **Ministry of Environment and Forests Regional Office (SZ)**
3. **State Level Environment Impact Assessment Authority**
4. **Karnataka State Pollution Control Board**
5. **Bangalore Water Supply and Sewerage Board**
6. **Lake Development Authority**
7. **Karnataka Industrial Areas Development Board**
8. **Bangalore Development Authority**
9. **Mantri Techzone Private Limited**
10. **Core Mind Software and Services Private Limited**

... **Respondent(s)**

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SEEKING TO PLACE ON RECORD CERTAIN ADDITIONAL
DOCUMENTS

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Chandramouli Prabhakar

Date: 16th January 2025

Place: Chennai

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE,
CHENNAI

Execution Application No. 10 of 2023 (SZ)

In

Original Application No. 222 of 2014 (PB)

The Forward Foundation and Ors

... Applicant(s)

Vs.

State of Karnataka and 9 Ors

... Respondents

MEMO FILED ON BEHALF OF THE 9TH RESPONDENT FOR PLACING ON RECORD CERTAIN ADDITIONAL DOCUMENTS PERTAINING TO THE PROCEEDINGS PENDING BEFORE THE HON'BLE HIGH COURT OF KARNATAKA, BENGALURU BENCH IN W. P. No. 31168/2024 (GM-POL)

It is most respectfully submitted on behalf of the 9th Respondent is as follows:

1. A Memo dt 15-01-2025 has been filed on behalf of Respondent No. 09 before this Hon'ble Tribunal to place on record the Orders passed by the Hon'ble Karnataka High Court in W.P. No. 31168 of 2024 (GM-POL) before this Hon'ble Court vide Miscellaneous No. 3305111005212023/6.

Handwritten signature of Chandramouk Prabhakar

2. However, as the relevant documents in support of the said Writ Petition have not been placed on record vide such Memo, in order to place on record before this Hon'ble Tribunal in greater detail the reliefs sought, reasons for such Writ Petition and the scope of the proceedings pending before the Hon'ble Karnataka High Court, the 9th Respondent seeks leave of this Hon'ble Tribunal to place on record the following documents:

- i. **Annexure 1** – True Copy of Writ Petition, Synopsis and Dates and Events filed by Respondent No. 09 before the Hon'ble Karnataka High Court in WP No. 31168/2024 (GM-POL).
- ii. **Annexure 2** - True Copy of the Order dt 06.05.2024 passed by SEIAA communicated to Respondent No 09 on 18-05-2024 {Prayer (1) before the Hon'ble Karnataka High Court in WP No. 31168/2024 (GM-POL)}
- iii. **Annexure 3** - True Copy of the Demand Notice bearing No. PCB Infra OA 222 2014/716 dt 15.05.2023 issued by the Karnataka State PCB to Respondent No. 09 {Prayer (2) before the Hon'ble Karnataka High Court in WP No. 31168/2024 (GM-POL)}
- iv. **Annexure 4** - True Copy of the SCN bearing No. KSPCB/RSEO-BNG Sough/2024-25/300 dt 27.08.2024 issued by the Karnataka State PCB to Respondent No. 09 {Prayer (3) before the Hon'ble Karnataka High Court in WP No. 31168/2024 (GM-POL)}
- v. **Annexure 5** - True Copy of the Representation dt 24.05.2023 issued by the Respondent No. 09 to the Karnataka State PCB {Prayer (4) before the Hon'ble Karnataka High Court in WP No. 31168/2024 (GM-POL)}

 Chandramouk Rabhakar

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- vi. **Annexure 6** - True Copy of the Representation dt 15.06.2024 issued by the Respondent No. 09 to the SEIAA {Prayer (5) before the Hon'ble Karnataka High Court in WP No. 31168/2024 (GM-POL)} &
- vii. **Annexure 7** – True Copy of the Order dt 13-08-2018 passed by the Hon'ble NGT, Principal Bench in Appeal No. 82 of 2018

3. It is most humbly prayed that this Hon'ble Tribunal may be pleased to take this Memo and Documents pertaining to WP No. 31168/2024 (GM-POL) pending before the Hon'ble High Court of Karnataka on record and thus render justice.

Dated at Chennai on this the 16th day of January, 2025



COUNSEL FOR RESPONDENT NO. 9

IN THE HIGH COURT OF KARNATAKA AT
BANGALORE
ORIGINAL JURISDICTION

W.P. No. 31168 /2024

BETWEEN:

Agara Techzone Pvt Ltd

(Formerly known as Mantri Techzone Pvt Ltd
& formerly Manipal ETA Pvt Ltd)

A company incorporated under the
Companies Act, 1956.

Having registered office at:

No 41, Vittal Mallya Road, Bengaluru – 560 001.

Represented through its Authorised Signatory

Mr. B.S Ravishankar

...Petitioner

AND:

1. State of Karnataka

Ambedkar Vidhi, Vidhan Soudha,

Bengaluru – 560 00

Through its Chief Secretary

**2. State Level Environment Impact Assessment
Authority (SEIAA)**

Room No. 709, 7th Floor, MS Building

Bangalore – 560 001.

Represented by its Secretary

**3. Karnataka State Pollution Control Board
Parisara Bhavan,**

No. 49, 4th and 5th Floor,

Church Street,

Bangalore – 560 001.

Represented by its Senior Environmental officer

... Respondents

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**MEMORANDUM OF WRIT PETITION UNDER
ARTICLES 226 OF THE CONSTITUTION OF INDIA**

It is most respectfully submitted as follows:

1. Being aggrieved by
 - a. The Order dated 06.05.2024 passed by the 2nd Respondent Committee and communicated *vide* Letter dated 18.05.2024 to the Petitioner, rejecting the application for Amended Environmental Clearance (EC), Copy of the impugned Order dated 06.05.2024 produced along with Letter dated 18.05.2024 passed by the 2nd Respondent is produced herewith as **Annexure- A.**
 - b. the 3rd Respondent seeking payment of Rs. 117.35 Crores *vide* Environmental Compensation Demand Notice dated 15.05.2023 and Show Cause Notice dated 27.08.2024, the Petitioner has approached this Hon'ble Court. Copy of the Environmental Compensation Demand Notice dated 15.05.2023 issued by the 3rd Respondent is produced herewith as **Annexure - B.** Copy of the Show Cause Notice dated 27.08.2024 issued by the 3rd Respondent is produced herewith as **Annexure - C.**



2. The Petitioner is also before this Hon'ble Court seeking
 - d. Direction against the 3rd Respondent to consider the Petitioner's Letter dated 24.05.2023 seeking for assistance in obtaining an Amended EC from the 2nd Respondent's department. Copy of the Letter dated 24.05.2023 issued by the Petitioner to the 3rd Respondent is produced herewith as **Annexure - D**
 - e. direction against the 2ND Respondent to consider the Petitioner's letter dated 15.06.2024 seeking amended Environmental clearance and a Direction against the. Copy of the Letter dated 15.06.2024 issued by the Petitioner to the 2nd Respondent is produced herewith as **Annexure - E.**

BRIEF FACTS OF THE CASE

3. It is submitted that the Petitioner is a company registered under the Companies Act, 1956 and continues to exist under the Companies Act, 2013. The Petitioner was formerly known as Mantri Techzone Pvt Ltd & before that Manipal ETA Pvt Ltd and was incorporated with the objective of establishing Information and Technology Park with facilities such

as commercial and residential complexes, parks, education centers.

4. In the year 2004, a certain extent of land situated in Agara and Jakkasandra Village, Bengaluru was allotted to the Petitioner and another Company, namely Core Mind Software and Services Pvt Ltd, by the Karnataka Industrial Area Development Board (KIADB) vide notifications dated 23.04.2004 to set up a mixed development consisting of Software Technology Park, Commercial and Residential Complex, hotels, multi-level car parks etc. ('**Project**').
5. Pursuant to obtaining necessary approvals and permissions from various government authorities, financing, setting up men and machinery required for the purposes of commencing the Project, the Petitioner commenced construction in the year 2013.
6. Subsequently, in the year 2014, three Applicant entities namely, Forward Foundation, Praja RAAG & Bangalore Environment Trust approached the Hon'ble National Green Tribunal, Principal Bench and preferred Original Application No. 222/2014 against several governmental authorities, the Petitioner and M/s Core Mind Software and Services Pvt Ltd (both

being developers) alleging that the Project was exposing the eco system in and around the Agara and Bellandur Lakes causing severe threat of environmental degradation due to the alleged encroachment of the Ecologically Sensitive Areas in and around the lakes. The Applicants therein further sought for coercive and punitive action against the Petitioner and M/s Core Mind Software and Services Pvt Ltd.

7. The Hon'ble NGT, Principal Bench *vide* its Preliminary judgment dated 07.05.2015 constituted a committee and issued certain directions along with imposing a penalty of Rs.117.35 Crores on the Petitioner. Copy of the Judgement dated 07.05.2015 is produced herewith as **Annexure - F**.
8. The Petitioner challenged the Preliminary Judgement dated 07.05.2015 passed by the Hon'ble NGT before the Hon'ble Supreme Court of India in Civil Appeal No. 4829/2015. The Hon'ble Supreme Court *vide* Order dated 20.05.2015 was pleased to dispose the matter by holding that it would be appropriate for the Petitioner to file necessary application before the Hon'ble NGT seeking to recall the Order and decide the matter afresh on merits.



9. After reconsideration, the Hon'ble NGT vide its Judgement dated 04.05.2016 was pleased to re-affirm the environmental compensation of Rs. 117.35 Crores imposed on the Petitioner vide its Preliminary Judgement i.e dated 07.05.2015. The Hon'ble NGT further issued several general and specific directions required to be complied with by the Respondents therein. Copy of the Judgement dated 04.05.2016 passed in OA 222/2014 by the NGT is produced herewith as **Annexure - G**. The relevant conditions pertaining to the Petitioner are extracted hereinunder for easy reference.

" Specific Conditions/ Directions for Respondent 9;

....

10. ... Upon hearing, we are of the considered view that environmental compensation imposed upon Respondent No. 9 calls for no variation and the Respondent No. 9 should be called upon to pay the said amount of Rs. 117.35 Crores determined under the Judgment prior to commencement of any project activity at the site. ...

General Directions:

- 1. We direct SEIAA, Karnataka to issue amended order granting Environment Clearance within four weeks from today incorporating all the conditions as it may deem appropriate in light of this judgement and Inspection Note of the**

(Signature)

Expert Members. The Project Proponents would be permitted to commence activity only after issuance of amended Environmental Clearance order.

...

8. The amount of environmental compensation will be deposited prior to issuance of amended Environmental Clearance."

10. The Petitioner challenged the Judgment dated 04.05.2016 passed by the Hon'ble NGT in OA 222/2014 before the Hon'ble Supreme Court in Civil Appeal No. 5016/2016. The Hon'ble Court *vide* Order dated 12.05.2016 was pleased to stay the operation of the Direction passed by the NGT only in so far as the payment of Rs. 117.35 Crores as environmental compensation by the Petitioner herein was concerned and directed that status quo be maintained in the Project site. Copy of the Order dated 12.05.2016 passed in CA 5016/2016 is produced herewith as **Annexure - H**. The Order of status of status quo and stay on the payment of compensation was subsequently extended by the Hon'be Apex Court from time to time.

11. Thereafter, the Hon'ble Supreme Court *vide* its Final Order dated 05.03.2019 was pleased to partly set aside General Condition No.1 of the Second



Judgement and affirmed the Judgement dated 04.05.2016 passed by the Hon'ble NGT. Copy of the Final Order dated 05.03.2019 passed by the Hon'ble Apex Court in CA 5016/2016 is produced herewith as **Annexure - J.**

12. Thereafter, the Petitioner preferred a Review Petition bearing R.P (C) No. 1369/2019 before the Hon'ble Supreme Court. The Hon'ble Court was pleased to dismiss the review petition *vide* Order dated 06.08.2019 and the copy of the order is produced herewith as **Annexure - K.**

13. The Petitioner preferred Curative Petition bearing (Civil) No. 24/2020 before the Hon'ble Supreme Court. The Hon'ble Court was pleased to dismiss the curative petition *vide* Order dated 12.05.2020 and the copy of the order is produced herewith as **Annexure - L.**

14. During the pendency of CA 5016/2016 before the Hon'ble Supreme Court of India, the 2nd Respondent-SEIAA Karnataka *vide* its Order/Communication dated 23.02.2017 revoked the Environment Clearance issued to the Petitioner *vide* Letter No. SEIAA 30 CON 2011 dated 17.02.2012 on the ground that the

Petitioner had failed to comply with the Conditions/Directions issued by the Hon'ble NGT and furnish information regarding the same. Copy of the Order/Communication dated 23.02.2017 passed by 2nd Respondent is produced herewith as **Annexure - M.**

15. Thereafter, even the 3rd Respondent-KSPCB *vide* Order dated 08.03.2017 withdrew its Consent for Establishment issued in favor of the Petitioner. Copy of the Order/Communication dated 08.03.2017 passed by 3rd Respondent is produced herewith as **Annexure - N.**

16. In the meantime, Hon'ble NGT proceeded to ensure compliance of its directions and conditions of Judgement. The Hon'ble NGT *vide* its Order 24.03.2017 directed the Petitioner herein to file a statement of compliance of its directions passed on 04.05.2016. Thereafter on 26.05.2017, the NGT directed all Respondent Authorities to file a status report on the compliance of the Directions issued in its Judgement.

17. The Petitioner filed its detailed Statement of Compliance on 21.05.2018 before the NGT. Copy of

the Statement of Compliance filed by the Petitioner in OA 222/2014 is produced herewith as **Annexure - P**.

18. Thereafter, being aggrieved by the revocation/withdrawal of environment clearance by 2nd Respondent-SEIAA vide its Order dated 23.02.2017 the Petitioner filed Appeal No. 82/2018 before the Hon'ble NGT.

19. After perusing the compliance reports filed by the Respondents therein (including the Petitioner) the Hon'ble NGT passed Order dated 13.08.2018 disposing OA 222/2014 and Appeal No.82/2018 by passing the following observations and order as extracted hereinunder;

7. Learned counsel for the appellant at the outset stated that the appellant undertakes to comply with all the observations in the impugned order except that the demarcation is to be done by the Revenue Department. It is also stated that there will be no change in the original project layout except to the extent of complying with the directions of this Tribunal.

8. In view of above stand of the appellant, learned counsel for the SEIAA states that since there will be no change in the original project layout, the matter

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will be reconsidered and a fresh order passed on merits after adequate due diligence. To enable this to be done, the appellant may give a letter in terms of the above order to the SEIAA. The appellant may submit an appropriate plan in terms of the condition no. 7 of the general directions in the order of the Tribunal, in anticipation of the proposed clearance within 4 weeks from today. On application being filed, fresh order with regard to Environment Clearance be passed after examining the matter on merits. SEIAA may now take decision in the matter in terms of the directions already issued in the orders passed by the Tribunal. The Pollution Control Board may also pass a fresh order consistent with the above. This may be done within two months from today.

9. It is made clear that the project will proceed strictly in terms of conditions already imposed in the order of this Tribunal which will also be incorporated in any clearance which may be given. The project will thereafter be monitored by SEIAA as already directed. In the light of this order, Original Application No. 222 of 2014 and Appeal No. 82/2018 stands disposed of.

Copy of the Order dated 13.08.2019 passed in Appeal 82/2018 is produced herewith as **Annexure - Q**.



20. Thereafter, in accordance with the Order dated 13.08.2018 passed by the Hon'ble NGT, the Petitioner vide letter dated 29.10.2018 to the 2nd Respondent sought for re-issue of Environmental Clearance ('**EC**') for its Project. Copy of the Letter dated 29.10.2018 is produced herewith as **Annexure - R**. However, the 2nd Respondent failed to take any action towards the request made by the Petitioner.

21. The Petitioner vide Letter dated 30.05.2019 also requested the 1st Respondent to identify Kharab (B) lands, if any, allotted to the Petitioner in order to enable the Petitioner to make necessary changes to its development plan required for the purposes of Amended EC. However, till date the 1st Respondent has been unable to identify the existence of such lands within the area allotted to the Petitioner. Copy of the Letter dated 30.05.2019 issued to the 1st Respondent is produced herewith as **Annexure - S**. Despite the aforesaid representations made by the Petitioner, the Respondent authorities failed to take any action and comply with Orders passed by the Hon'ble NGT.

22. As stated above, the Curative Petition (Civil) No. 24/2020 filed by the Petitioner came to be dismissed



on 12.05.2020. Thereafter, pursuant to the relaxation of COVID protocols, the Petitioner once again vide representation dated 24.03.2021 to the 2nd Respondent-SEIAA sought for extension of Environmental Clearance which was earlier issued to the Petitioner *vide* Letter dated 17.02.2012. Further, the Petitioner in the said letter has clearly stated that it had complied with all the conditions/directions imposed by the Hon'ble NGT vide its Second Judgment that was within the control of the Petitioner except those cited in the representation as being incapable of compliance or affecting third party rights. Copy of Letter dated 24.03.2021 is produced herewith as **Annexure - T**. Having received no response, the Petitioner issued several reminder letters seeking for extension of Environmental Clearance from the 2nd Respondent - SEIAA between 2021 to 2024. Copy of all reminder letters are produced herewith as **Annexure- V to Annexure V9 Series**.

23. In the meantime, Citizen Action Forum, an NGO, one of the Respondent in OA No 222/2014 preferred Ex Application No. 8/2023 in OA 222/2014 before the NGT, Principal Bench which was subsequently transferred to the NGT, Southern Zone Branch and re-numbered as No. 10/2023 alleging that the Order of

the Hon'ble NGT qua Respondent No.9 (Petitioner herein) and M/s Core Mind Software and Services Pvt Ltd w.r.t payment of compensation and demolition of illegal constructions have not been complied with till date and that no effective action has been taken by the Respondent Authorities therein concerning the same. True Copy of the Execution Application No. 8/2023 in OA 222/2014 re-named as EX 10/2023 pending before the NGT, Southern bench is produced herewith as **Annexure - W.**

24. It is submitted that the Petitioner filed its Statement of Objections dated 02.03.2024 to the Execution Application No. 10/2023 filed by Respondent No. 11. True Copy of the Statement of Objections dated 02.03.2024 is produced herewith as **Annexure - X.**

25. Pursuant to the Orders of the Hon'ble NGT, Southern Zone Bench, the 1st Respondent filed its Compliance Report on the status of Compliance of the Directions issued by the Hon'ble NGT on 04.05.2016. Copy of the Compliance Report filed by the 1st Respondent is produced herewith as **Annexure - Y.** A perusal of the report filed by the 1st Respondent clearly shows that apart from the condition of payment of Rs. 117.35 Crores, there is no other report of non-fulfillment of

the conditions by the Petitioner herein. The said execution proceedings are pending as on date.

26. Thereafter, to the surprise of the Petitioner, the 2nd Respondent issued a reply dated 18.05.2024 vide Annexure - A along with a copy of the relevant portions of the Order dated 06.05.2024 passed by the 2nd Respondent Committee, and stated that the Petitioner's request for extension of EC was placed before the 250th SEIAA meeting held on 06.05.2024 and the committee concluded that *'Since the revocation of EC is in place, question of issuing the amended EC does not arise. If at all EC is required, the Project Proponent shall apply afresh for EC by incorporating all the conditions stipulated by the Hon'ble NGT including the deposit of Environment Compensation'*. A perusal of the extract of the proceedings provided by the 2nd Respondent shows that the committee observed that the Petitioner failed to comply with the conditions of the Second Judgement and specifically failed to deposit the Environmental Compensation of Rs. 117.35 Crores. The Committee further concluded that the EC granted to the Petitioner vide Letter dated 12.07.2012 stands revoked therefore the question of issuing fresh EC does not arise. Instead, the Petitioner ought to apply

for fresh EC by incorporating all conditions stipulated by the Hon'ble NGT including deposit of environmental clearance.

27. In response, the Petitioner issued a reply dated 15.06.2024 vide Annexure-E, to the 2nd Respondent stating that as per the directions of the Hon'ble NGT in its Second Judgement, the Petitioner should be called upon to pay the deposit of Rs. 117 Crores prior to commencement of any project activity at the site and further that the deposit was to be made prior to issuance of the amended Environmental clearance. The Petitioner also brought to the notice of the 2nd Respondent that it was ready to deposit the Environmental Compensation prior to issuance of the EC and that the Petitioner had complied with all the directions imposed on it.

28. Apart from the 3rd Respondent refusing to consider the Petitioners' representation seeking for Amended EC, the 3rd Respondent by mis-interpreting the Second Judgment passed by the NGT has issued an Environmental Compensation Demand Notice dated 15.05.2023 demanding payment of Rs. 117.35 Crores as Environmental Compensation. The Petitioner responded vide letter dated 24.05.2023 vide

Annexure – D, bringing it to the notice of the 3rd Respondent that the Environmental Compensation was due prior to issuance of EC by the 2nd Respondent. The Petitioner further stated that it was making all efforts to approach the 2nd Respondent and obtain an amended EC and even sought for the 3rd Respondent's help in ensuring that amended EC was issued to the Petitioner. Having received no response from the 3rd Respondent, the Petitioner made several requests vide reminder letters requesting the 3rd Respondent to assist the Petitioner in obtaining Amended EC. Copies of the letters issued by the Petitioner to the 3rd Respondent from 16.08.2023 to 03.04.2024 is produced herewith as **Annexure – Z to Annexure - Z8 Series.**

29. Despite receiving several communications from the Petitioner, the 3rd Respondent proceeded to arbitrarily issue a Show Cause Notice dated 27.08.2024 vide Annexure – C demanding that the Petitioner reply within 7 days stating why coercive action and criminal action should be initiated against the Petitioner.
30. The Petitioner issued a Reply dated 09.09.2024 to the show cause notice issued by the 3rd Respondent stating that the Petitioner was ready to pay the Environmental Compensation, however the same was



due to be paid prior to approval of the EC. The Petitioner further stated that it had complied with all the directions issued by the Hon'ble NGT and that only the direction pertaining to deposit of environmental compensation was pending and it was in the process of obtaining a valid consent from the board. The Petitioner also intimated that 3rd Respondent that it would submit all the required documentation, modification plan etc., along with or after obtaining Environmental Clearance certificate from the 2nd Respondent at the earliest before the 3rd Respondent.

31. The Petitioner is facing severe pressure from the Respondents to deposit the Environmental Compensation as directed by the Hon'ble NGT even before the same is due. The Respondent authorities are deliberately misinterpreting and mis-representing the Judgement dated 04.05.2016 and the Order dated 13.08.2018 passed by the Hon'ble NGT and are harassing the Petitioner herein to pay an exorbitant amount by issuing the Show Cause notices, Demand Notices and threatening to cancel the Petitioner's licenses and initiate criminal action. The Respondent Authorities are issuing directions to the District Commissioner to take steps to attach the Properties of Companies related to the Petitioner to collect the

Environmental Compensation. To date, the Petitioner has always assured us that the deposit of Environmental Compensation will be made. However, the Respondent Authorities instead of making premature demands for payment of Environmental Compensation ought to first comply with their directions issued by the Hon'ble NGT. This in turn would enable the Petitioner to make payment in accordance with the Judgement passed by the Hon'ble NGT.

32. Being aggrieved by the non-issuance of the amended EC by the 2nd Respondent in accordance with the Judgement/Orders of the Hon'ble NGT, Principal Bench, and the repeated demands for pre-mature deposit of Environmental Compensation with the threat of coercive action by the Respondent Authorities, the Petitioner has approached this Hon'ble Court.

33. The Petitioner has no other efficacious remedy and hence has approached this Hon'ble Court invoking its writ jurisdiction under Articles 226 of the Constitution of India, for the following and other grounds to be urged at the time of hearing.



34. The Petitioner has not filed any other writ petition about the subject matter of the Writ Petition either before this Hon'ble court or any other Court or Forum.

GROUNDS

35. It is submitted that, the Impugned Order passed by the 2nd Respondent rejecting the Petitioners' request for amended EC and the repeated demands made by the Respondent Authorities for payment of Environmental Compensation are illegal, perverse, without application of mind, violation of the principles of natural justice and hence are liable to be quashed.

36. The 2nd Respondent-SEIAA vide its letter dated 18.05.2024 i.e Impugned Order has rejected the request of the Petitioner for amended EC on the ground that the Petitioner has failed to comply with the conditions and directions imposed by the Hon'ble NGT and that the Petitioner has failed to pay the environment clearance amount of Rs.117.35 Crores. The said impugned Order is in complete violation of the Order dated 13.08.2018 and the Judgement dated 04.05.2016 passed by the Hon'ble NGT.

37. The Hon'ble NGT vide its judgment has imposed certain conditions and directions on the Petitioner



herein and other government authorities. Under General Directions No.1, the Hon'ble NGT has clearly directed the 2nd Respondent- SEIAA to issue an amended order granting Environmental Clearance to the Petitioner within four weeks from the date of the judgement i.e 04.06.2016. Further as per General Direction No. 8, the Hon'ble NGT has directed that the amount of environmental compensation is to be **deposited prior to issuance of amended Environmental Clearance**. The 2nd Respondent-SEIAA has mis-represented and mis-interpreted the conditions and directions passed by the NGT and has passed the impugned Order rejecting the application made by the Petitioner for amended EC.

38. Subsequent to the 2nd Respondent-SEIAA revoking the Petitioner's EC granted earlier, the Hon'ble NGT vide its Order dated 13.08.2018 in Appeal No.82/20218 permitted the Petitioner to make an application to the 2nd Respondent -SEIAA seeking for amended EC. On filing of the application by the Petitioner, the Hon'ble NGT directed the 2nd Respondent-SEIAA to examine the matter on merits and pass a fresh order.

39. In complete disregard to the aforementioned Order passed by the Hon'ble NGT, the 2nd Respondent vide

its impugned Order has stated that since the EC issued to the Petitioner stands revoked vide its Order dated 13.08.2018, an amended EC as requested by the Petitioner cannot be granted. The 2nd Respondent - SEIAA, has instead directed the Petitioner to apply afresh for an environmental clearance incorporating all the conditions stipulated by the Hon'ble NGT including deposit of the environmental clearance. The impugned Order passed by the 2nd Respondent is arbitrary and in complete violation of the Order dated 13.08.2018 passed by the NGT in Appeal No. 82/2018.

40. Firstly, the 2nd Respondent's demand towards the Petitioner directing it to make a fresh application for grant of EC against the terms of the Order passed by the Hon'ble NGT is arbitrary and void. Secondly, the Petitioner has made an application vide letter dated 29.10.2018 and thereafter again on 24.03.2021 to the 2nd Respondent seeking for issuance of Amended EC along with a report of the status of all the compliances required to be carried out by the Petitioner. A perusal of the Order passed by the 2nd Respondent clearly shows that the 2nd Respondent Committee has failed to take note of any of the compliances undertaken by the Petitioner. Apart from the compliance report filed



by the Petitioner before the 2nd Respondent, the Petitioner has also previously filed its compliance report before the Hon'ble NGT in 2018. Therefore, the 2nd Respondent having failed to take into account the compliance undertaken by the Petitioner, has passed the Impugned Order without any application of mind.

41. That, in complete disregard to the Judgment and Order passed by the Hon'ble NGT, the Respondent Authorities have repeatedly sought for the Environmental Compensation to be paid by issuing multiple Demand Notices and Show Cause Notices to the Petitioner. The said demands made by the Respondent Authorities are premature, arbitrary and illegal. Despite the Petitioner making several representations to the Respondent Authorities stating that the demands for Environmental Compensation would arise only at the stage of issuance of EC, and that the Petitioner is in the stage of making necessary application for issuance of the same, the Respondent Authorities have failed to consider the aforesaid reasons and continue to issue mechanical notices and demands with the threat of coercive action without taking into consideration the compliances already undertaken by the Petitioner.



42. At present, the 2nd Respondent has arbitrarily rejected the Petitioners request to issue Amended EC. Further, the 3rd Respondent has failed to co-ordinate and assist the Petitioner in obtaining Amended EC from the 2nd Respondent. It is submitted that until the Petitioner's request for amended EC is accepted and processed, the Petitioner's role of paying the environmental compensation amount does not arise. As per the conditions and directions of the Hon'ble NGT, the Petitioner can be called upon to pay the environmental clearance amount only before the EC is granted by the 2nd Respondent. The 2nd Respondent ought not to make the payment of the environmental compensation a pre-condition for consideration of its application seeking EC.

43. The Petitioner has sought for an amended EC in the year 2018 and once again in the year 2021 in accordance with the directions of the Hon'ble NGT. Despite the Petitioner having adhered to the Orders of the Hon'ble Tribunal and having issued requests and reminder letters for the same between 2019 to 2024, the 2nd Respondent has rejected the Petitioner's application on false and baseless grounds. The 2nd Respondent vide its impugned order has violated and mis-represented the directions passed by the

A

Hon'ble NGT and has continued to repeatedly harass the Petitioner seeking for pre-mature payment of the environmental compensation from the Petitioner. Further, without obtaining approval from the 2nd Respondent towards grant of amended EC, the 3rd Respondent cannot seek for demand of Environmental Compensation. Any demand by the 3rd Respondent regarding the same is a clear violation of the Orders passed by the Hon'ble NGT. Hence, on these grounds, the impugned order passed by the 2nd Respondent and the demand and show cause notices issued by the Respondents ought to be quashed.

44. Due to the non-action of the Respondent Authorities in complying with the directions of the Hon'ble NGT , the Petitioner is unable to make any progress towards finalizing a working plan and submitting the same before the Respondent authorities for approval. The delay by the Respondents authorities is causing severe financial loss to the Petitioner. The Petitioner has made several representations to the Respondent Authorities seeking for identification of Kharab lands and nalas running in the project lands. Theses identifications are essential for the Respondent to carry out its compliance of the Order passed by the Hon'ble NGT. However, the Respondent Authorities

have taken no steps regarding the same and are now harassing the Petitioner on the ground that the Petitioner has failed to comply with the Order passed by the Hon'ble NGT. Further, without the 2nd Respondent issuing an amended EC, the Petitioner cannot approach the 3rd Respondent and make necessary applications in compliance with the Order of the Hon'ble NGT.

45. That the Petitioner has already invested in huge sums of money, man and machinery in the present Project. The delay caused by the Respondent authorities in performing and completing the conditions imposed on them by the Hon'ble NGT is greatly affecting the Petitioner herein. The Petitioner is unable to commence its Project due to the Respondent Authorities illegally withholding the necessary permissions required for the Petitioner to restart its Project. Hence on these the Petitioner ought to be allowed.

GROUND FOR INTERIM RELIEF

46. The Petitioner has complied with all the conditions imposed by the Hon'ble NGT for the purpose of making an application for the amended EC. The 2nd and 3rd Respondents demand towards payment of environmental compensation is premature, illegal and



bad since the 2nd Respondent is yet to consider the Petitioner's application for amended EC in accordance with the conditions stipulated by the Hon'ble NGT. The Respondent authorities are making repeated demands for payment of environmental compensation without having complied with the conditions imposed on them by the Hon'ble NGT. Only upon completion of the conditions imposed on the Respondent Authorities, the Petitioner can submit an appropriate plan to the 2nd Respondent towards the grant of amended EC. Further, the 3rd Respondent can only seek payment of Environmental Compensation upon the Petitioner's application being approved by the 2nd Respondent. The Petitioner has a good case on merits. Moreover, the Petitioner being a reputable company, the reputation of the Petitioner institution will be at stake if the Interim Order prayed for herein is not granted. Hence, the prayer for interim relief.

PRAYER

WHEREFORE, considering the above, this Hon'ble Court may kindly be pleased to



1. Issue a Writ of certiorari to quash the Order dated 06.05.2024 passed by the 2nd Respondent and communicated to the Petitioner vide Letter dated 18.05.2024 bearing No. SEIAA 30 CON 2011 at **Annexure - A.**
2. Issue a Writ of certiorari to quash the Demand Notice bearing No. PCB Infra OA 222 2014/716 dated 15.05.2023 issued by the 3rd Respondent at **Annexure - B.**
3. Issue a Writ of certiorari to quash the Show Cause Notice bearing No. KSPCB/RSEO-BNG South/2024-25/300 dated 27.08.2024 issued by the 3rd Respondent at **Annexure - C.**
4. Issue a Writ of Mandamus directing the 3rd Respondent to re-consider the letter dated 24.05.2023 bearing Ref No. MTPL/DD/002/2023-24 issued by the Petitioner at **Annexure - D.**
5. Issue a Writ of Mandamus directing the 2nd Respondent to re-consider the letter dated

15.06.2024 bearing Ref No:
MTPL/DD/005/2024-25 for amended EC at
Annexure - E in accordance with the Judgement
passed by the Hon'ble NGT, Principal Bench
dated 04.05.2016.

6. Issue any other Writ, Order or Direction and
grant such other and further reliefs as this
Hon'ble Court deems fit and proper under the
circumstances of this case, in the interest of
justice and equity.

INTERIM PRAYER

Pending disposal of this Writ Petition, the Petitioner
prays that this Hon'ble Court may be pleased to stay
the demand of Rs. 117.35 Crores raised by the 3rd
Respondent vide Demand Notice dated 15.05.2023 at
Annexure - B, and Show Cause Notice dated
27.08.2024 at Annexure - C and the letter dated
18.05.2024 issued by the 2nd Respondent at Annexure
- A, and grant such other and further reliefs as this

Hon'ble court deems fit and proper under the circumstances of this case, in the interest of justice and equity



BANGALORE

**ADVOCATE FOR PETITIONER
(ANISH ACHARYA)**

DATE: 14/11/2024

ADDRESS FOR SERVICE:

*Anveshana Advocates and Consultants
No. 24/2, 7th Cross, 9th Main
Swimming Pool Ext, HN Layout,
Malleswarama, Bengaluru - 560 003.*

**IN THE HIGH COURT OF KARNATAKA AT
BANGALORE
(ORIGINAL JURISDICTION)**

W.P. NO. 31168 /2024

BETWEEN:

AGARA TECHZONE PVT LTD

...PETITIONER

AND

STATE OF KARNATAKA & ORS

...RESPONDENTS

SYNOPSIS

DATES	LIST OF EVENTS
2004	In the year 2004, a certain extent of land situated in Agara and Jakkasandra Village, Bengaluru was allotted to the Petitioner and another Company to set up a mixed development.
2013	Pursuant to obtaining necessary approvals and permissions from various government authorities the Petitioner commenced construction.
2014	Three NGO's approached the Hon'ble NGT, Principal Bench and preferred OA No. 222/2014 against several governmental authorities, the Petitioner and others alleging encroachment of the Ecologically Sensitive Areas in and around the lakes.
07.05.2015	The Hon'ble NGT, Principal Bench vide its Preliminary judgment constituted a committee and issued certain directions along with imposing a penalty of Rs.117.35 Crores on the Petitioner.

20.05.2015	The Petitioner challenged the Preliminary Judgement before the Apex Court in CA No. 4829/2015. The Hon'ble Supreme Court was pleased to dispose the matter directing the Hon'ble NGT to decide the matter afresh on merits.
04.05.2016	After reconsideration, the Hon'ble NGT was pleased to re-affirm the environmental compensation of Rs. 117.35 Crores imposed on the Petitioner and issued several general and specific directions required to be complied by the Respondents therein.
12.05.2016	The Petitioner challenged the Judgment dated 04.05.2016 passed by the Hon'ble NGT in OA 222/2014 before the Apex Court in CA 5016/2016.
23.02.2017	During the pendency of the above Civil Appeal, the 2nd Respondent-SEIAA Karnataka vide its Order/Communication revoked the Environment Clearance issued to the Petitioner in 2012 on the ground that the Petitioner had failed to comply with the Conditions/Directions issued by the NGT.
08.03.2017	The 3rd Respondent-KSPCB withdrew its Consent for Establishment issued in favour of the Petitioner.



13.08.2018	Being aggrieved by the revocation/withdrawal of Environment Clearance by 2 nd Respondent, the Petitioner filed Appeal No. 82/2018 before NGT. The NGT directed the 2 nd Respondent to re-consider its Revocation Order afresh and pass a fresh Order for Petitioner's Environment Clearance.
29.10.2018	The Petitioner vide letter to the 2 nd Respondent sought for re-issue of Environmental Clearance for its Project in accordance with the Order passed in Appeal No. 82/2018, but received no response.
05.03.2019	In the meantime, the Hon'ble Supreme Court vide Final Order was pleased to partly set aside General Condition No.1 of the Judgement dated 04.05.2016 and affirmed the rest of the Judgement passed by the Hon'ble NGT.
24.03.2021	Pursuant to the relaxation of COVID protocols, the Petitioner vide letter to the 2 nd Respondent once again sought for re-issue of Environmental Clearance for its Project.
2023	Citizen Action Forum, an NGO preferred Ex Application No. 8/2023 in OA 222/2014 alleging that the conditions imposed by the NGT, Principal Bench was not complied with and the same is pending as on date.


15.05.2023	The 3 rd Respondent issued an Environmental Compensation Demand Notice demanding payment of Rs. 117.35 Crores from Petitioner.
24.05.2023	The Petitioner vide Reply Letter to the 3 rd Respondent stated that the Environmental Compensation was due prior to issuance of EC by the 2 nd Respondent as per Condition No. 8 of the 2016 Judgement.
2021 to 2024	Having received no response from both the 2 nd and 3 rd Respondent, the Petitioner issued several reminder letters seeking for extension of Environmental Clearance from the 2 nd Respondent – SEIAA and co-operation and assistance from the 3 rd Respondent.
18.05.2024	Suddenly, the 2 nd Respondent issued letter stating that the Petitioner's request for extension of EC was placed before the 250 th SEIAA meeting held on 06.05.2024 and was rejected on the ground that the Petitioner has not complied with the conditions imposed by the NGT and that since revocation of EC was in place, question of issuing amended EC does not arise.
15.06.2024	The Petitioner issued a reply to the 2 nd Respondent stating that as per Condition No.8 of the Hon'ble NGT in its 2016 Judgement, the Petitioner should be called upon to pay the deposit of Rs. 117 Crores prior to commencement of any



	project activity at the site and further that the deposit was to be made prior to issuance of the amended Environmental clearance.
27.08.2024	The 3 rd Respondent proceeded to arbitrarily issue a Show Cause Notice stating why coercive action and criminal action should be initiated against the Petitioner for failing to pay Rs. 117.35 Crores.

Being aggrieved by the, Order dated 06.05.2024 passed by the 2nd Respondent Committee and communicated *vide* Letter dated 18.05.2024 to the Petitioner, rejecting the application for Amended Environmental Clearance (EC), the Demand Notice dated 15.05.2023 and the Show Cause Notice dated 27.08.2024 issued by the 3rd Respondent, Petitioner has filed the present petition seeking to quash the aforesaid letters and demands and has sought for re-consideration of its representations *vide* letter dated 15.06.2024 issued to the 2nd Respondent seeking for amended EC and Letter dated 24.05.2023 issued to the 3rd Respondent seeking for assistance in obtaining Amended EC from the 2nd Respondent.

BENGALURU
DATE


ADVOCATE FOR PETITIONER
(ANISH ACHARYA)

**39****ANNEXURE - 2****State Level Environment Impact Assessment Authority-Karnataka**

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

No. SEIAA 30 CON 2011

Date: 18.05.2024

To,

✓ M/s Mantri Techzone Pvt. Ltd
Mantri House, 41, Vitta Mallya Road,
Bangalore - 560001

Sir,

Sub:- Request for Extension of Validity of EC No. SEIAA 30 CON 2011 dated 17.02.2012 - reg.

Ref:- 1) Environmental Clearance No. SEIAA 30 CON 2011 dated 17.02.2012
2) Your letter No. MTPL/DD/003/2024-25 dated 04.05.2024.
3) Proceedings of 250th SEIAA Meeting held on 6th May 2024.

This is with respect to your good office letter mentioned under ref (2), wherein it has been requested this Authority for Extension of Validity of Environmental Clearance issued vide ref (1).

The request has been placed before the 250th SEIAA meeting held on 6th May 2024 and it is concluded that *'Since the revocation of EC is in place, question of issuing the amended EC does not arise. If at all EC is required, the Project Proponent shall apply afresh for EC by incorporating all the conditions stipulated by Hon'ble NGT including the deposit of Environment Compensation.'*

Extract of the 250th SEIAA meeting proceedings enclosed herewith for your kind information and necessary action.

Yours faithfully

(B.P. Ravi.)

Member Secretary,
SEIAA, Karnataka

top all approach roads, the proposal given by the Project Proponent is in consonance with EC conditions.

This is for your consideration and necessary action."

The Authority after detailed deliberation took note of the following:

1. Recommendation of Project proposal by KSCZMA by proposing adequate mitigation measures to protect Olive Ridely Turtle Nestle, fisherman and local villagers and subsequent letter addressed by the Principal Secretary, Forest, Ecology and Environment, Bengaluru to Secretary, MoEF&CC.
2. Proposed Road option was part of EIA which was presented during the appraisal of Project and EIA is unalienable part of EC issuing process.
3. Legal opinion of Advocate, SEIAA in the subject Proposal wherein it is stated that formation of Road is in consonance with the Specific Condition No.39 prescribed in the EC issued for the Project.
4. MoEF&CC reply to KSCZMA with respect to scope of appraisal.

After a thorough discussion, the Authority has come to conclusion that proposed Four lane connectivity is part of an earlier integrated EC+CRZ clearance granted for the project. The Project Proponent shall take necessary action by adhering to the conditions prescribed by KSCZMA/SEIAA and any other competent Authority within the validity period mentioned therein. This decision was made based on the details of the EIA and Specific Condition No. 39 prescribed in the EC issued for the Project.

250.2. Additional Agenda (With permission of Chair) :

- 250.2.1. Construction of mixed-use development with residential, retail, hotel, office, SEZ & Non-SEZ at Sy. No. 9/1 P, 12P, 13/11P, 9/2, 9/3, 9/4, 9/5, 9/6, 9/7, 9/8, 9/9, 10/P, 13/1, 13/2, 13/3, 13/4, 13/5, 13/6, 13/7, 13/8, 13/9, 13/10, 13/12, 13/13, 13/14, 13/15, 13/16, 13/17, 13/18, 13/19, 13/20, 13/21, 14, 15/1A, 15/1B, 15/2, 15/3, 15/4, 15/5, 15/6, 15/7, 15/8, 15/9, 15/10, 15/11, 15/12, 15/13, 15/14, 15/15, 15/16, 15/17, 15/18, 15/19, 15/20, 15/21, 15/22, 15/23, 15/24, 15/25, 16/1P, 17, 18/1, 18/2, 18/3, 19/1, 20/1, 20/2P, 20/3, 21/1A, 21/1B, 21/2, 21/3, 21/4, 22, 23, 24, 25, 27, 28/1, 28/2, 29/P, 30/1AP, 30/1BP, 30/2P, 30/3P, 33/P, 40/P, 41/P, 42/P, 44, 45, 46, 47, 48, 49, 50 & Sy. No. 16P, 19/2, 26, 7P, 32 of Agara Village & Sy. No. 7P of Jakkasandra Village, Begur Hobli, Bangalore South Taluk, Bangalore by M/s Mantri Techzone Private Limited (formerly called Manipal ETA P Ltd.) - Request for extension for validity of EC by Project Proponent.

The project proponent had obtained Environmental Clearance vide letter No. SEIAA 30 CON 2011 dated 17-02-2012 for construction mixed use development with

residential, retail, hotel, office, SEZ & Non-SEZ project on a plot area of 2,76,070.75 Sq.m. The Total Built-up area was 13,50,454.98 Sq.m. The project consisted of Residential with 748 dwelling units in 2 blocks (Block 1 consists of Block A with 2B+G+14 UF & Block B with 2B+G+10UF and Block 2 consists of 2B+G+14UF), Retail, Hotel (five star & two star hotel consists of 636 rooms) & office building consisted of 3B+G+11UF, SEZ consisted of 3B+G+11UF and Non-SEZ consisted of 3B+G+12UF. Total parking space proposed was for 14,675 cars. Total water consumption was 4,587 KLD. The total wastewater discharge was 3,869 KLD. It was proposed to construct seven Sewage Treatment Plant with a capacity of 825 KLD (Retail), 225 KLD (Office), 1475 KLD (SEZ), 205 KLD (Residential Block1), 550 KLD (Residential Block 2), 480 KLD (Five Star Hotel) and 160 KLD (Two Star Hotel). The project cost was Rs. 2347 Crores.

Subsequently the above said EC has been revoked by SEIAA, Karnataka on 23-02-2017 as per the orders of Hon'ble NGT, New Delhi in original Application No. 222 of 2014 dated 4th May 2016.

The proponent vide letter dated 03-12-2018 had requested restoration of Environmental Clearance.

The Authority during the meeting held on 26th December 2018 perused the request made by the proponent and decided to invite proponent to Authority meeting.

Subsequently, the proponent was invited to the Authority meeting held on 10.01.2019. The Authority perused the request submitted by the proponent vide letter dated 10th January 2019 that they will not be able to be present as their technical team will be out of station and requested to provide another opportunity. The Authority decided to provide one more opportunity to the proponent for appearing before the Authority and providing required clarifications.

The proponent vide letter dated 19.07.2019 have submitted the additional details and information in respect of the projects and requested to provide an opportunity to present the proposal before the Authority

The Authority during the meeting held on 27th August 2019 perused the details and took note of the submissions made by the proponent vide letter dated 19.7.2019. The Authority after discussion, decided to invite the proponent with all details including compliances on the conditions imposed by the National Green Tribunal, New Delhi vide order dated 7.5.2015 and subsequent orders.

The proponent was invited to the Authority meeting vide letter dated 15.10.2019.

The proponent appeared before the Authority and explained the project in brief. The Authority noted that the proponent was required to comply with the directions dated 4th May 2016 issued by the Hon'ble National Green Tribunal on O.A. No. 222 of 2014. The Authority vide letter No. SEIAA 30 CON 2011 dated 10.05.2016 had called upon the proponent to comply the directions of the Hon'ble NGT and to submit all the required documents/ information to enable the Authority to issue amended Environmental Clearance in terms of the directions issued by the Hon'ble Tribunal. As the required details were not received, the Authority vide letter No. SEIAA 30 CON 2011, dated 23.02.2017 had revoked the Environmental Clearance granted vide letter No.

SEIAA 30 CON 2011, dated 17th February 2012. The project authorities filed appeal No. 82 of 2016 before the Hon'ble National Green Tribunal requesting to set aside the above said order. The project authorities made a submission before the Hon'ble Tribunal that they undertake to comply with all the observations in the impugned order except to the demarcation is to be done by the Revenue Department. They also stated that there will be no change in the original project layout except to the extent of complying with the directions of the Tribunal. The Hon'ble Tribunal while disposing of the appeal directed that the appellant may submit an appropriate plan in terms of condition No. 7 of the General Directions in the order of the Tribunal within four weeks from the date of disposal i.e., 13.08.2018. The Tribunal also ordered on application being filed fresh order with regard to Environmental Clearance be passed after examining the matter on merit. The Tribunal has also ordered that the SEIAA may take decision in the matter in terms of the directions already issued in the orders passed by the Tribunal. Whereas, the proponent submitted letter to the Authority on 29.10.2018 without the details of compliance and after the lapse of times stipulated by the Hon'ble Tribunal.

In the meantime, the Hon'ble Supreme Court have ordered on 05.03.2019, that Civil Appeal No. 5016 of 2016 and Civil Appeal Nos. 8002-8003 of 2016 filed by the appellants/respondent nos. 9 and 10 are dismissed. The impugned judgment and order in so far as appellants/respondent Nos. 9 and 10 are concerned is sustained.

The Respondent No. 9 cited in the above-mentioned orders of the Hon'ble Supreme Court is M/s Mantri Techzone Pvt. Ltd. In view of the above order of the Hon'ble Supreme Court the project authorities are bound to comply with all the direction of the Hon'ble NGT. The Authority therefore directed the representatives of the project authorities to adhered to the directions of the letter dated 10.05.2016 of this Authority and to submit all the information /document sought by the Authority thereon. The Authority decided to consider the application submitted by the project proponent after the submission of all the relevant information and documents.

The project proponent vide letter received on 24.03.2021 requesting for Extension of Environmental Clearance issued Vide letter No. SEIAA 30 CON 2011 dated 17.02.2012.

The Authority perused the request made by project proponent during the meeting held on 2nd July 2021 and after deliberation deferred for verification of court cases.

M/s Mantri Tech Zone Private Limited has made series of request to this office to extend the EC granted for the project in order enable them to comply with all direction issued by the Tribunal and sustained by the Hon'ble Supreme Court of India.

The Authority after detailed deliberation took note of the following:

1. Hon'ble Supreme Court in 5016 of 2016 upheld the Order of Hon'ble NGT w.r.to Respondent No.9 & 10 in OA No.222 of 2014 where in Tribunal had

- imposed Environment Compensation for the M/s Mantri Techzone Pvt Ltd., and Mind Core Software Solution and directed SEIAA to issue amended EC by incorporating all conditions stipulated in the order after depositing the Environmental Compensation by the project proponent.
2. SEIAA had revoked the EC issued for the Project owing to noncompliance of Conditions imposed in the NGT order.
 3. Hon'ble NGT vide its order in Appeal No. 82 of 2018 has not set aside the revocation order issued by the SEIAA but directed to issue amended EC within 4 weeks after ensuring the conditions stipulated in OA No.222 of 2014.
 4. Despite revocation of EC in place, PP is requesting Authority for issuing amended EC as per the order of NGT in OA No.82 of 2018 without complying the conditions stipulated in EC and depositing Environmental Compensation.
 5. Validity of the EC issued for the project is not in currency which has expired on 16.02.2019.
 6. Series of request made by Project Proponent to issue an Extension of Validity of EC by citing prerequisite of EC in validity to comply with the direction stipulated by Hon'ble NGT and sustained by Hon'ble Supreme Court.
 7. The monitoring agency can be asked to regularly submit the status of said project on the decisions of Hon'ble SC / NGT, to the Government and SEIAA.
 8. Imposing interest component of Environment Compensation is to be legally ascertained.

With the above noting, Authority has concluded that, since the revocation of EC is in place, question of issuing the amended EC does not arise. If at all EC is required, the Project Proponent shall apply afresh for EC by incorporating all the conditions stipulated by Hon'ble NGT including the deposit of Environment Compensation.

250.2.2. Residential Building Project at Sy. Nos. 13/2, 30/1(P), 30/2, 32, 33/1, 33/2, 33/3, 34/1, 36(P), 38/2, 39/2, 40/1, 40/2, 40/3, 41/1, 41/2, 41/3, 42, 43/1, 43/2, 43/3, 44/1A, 44/1B, 44/2, 44/3, 45/1, 45/2, 46/1A, 46/1B, 46/1C, 46/1D, 46/2, 47/1, 47/2, 47/3, 47/4, 48/1, 48/2, 48/3, 49, 50/1 TO 5, 51, 52/1 TO 4, 53/1, 53/1B, 53/2, 54, 59/1, 70/2&3, 70/4, 70/5, 71/1, 71/2, 73/1, 73/2, 73/3, 73/4, 74/3, 75/1, 75/2, 76, 77, 78, 79/2, 83, 84, 85, 86, 87 of Chikkabanahalli Village, BidarahalliHobli, Bengaluru East Taluk, Bengaluru Urban by M/s. Prestige Projects Pvt. Ltd. - Online Proposal No.SIA/KA/INFRA2/422864/2022 (SEIAA 153 CON 2022). - Reply to legal notice served by Sri. Jagan Kumar J S/o Sri. Jayaraman K.

The project proponent had obtained Environmental Clearance vide letter No. SEIAA 153 CON 2022 dated 26.03.2023 for construction of Residential Development Project on a plot area of 2,99,878.99 Sqmt (74 Acres 4 Guntas). The total built up area was 8,95,032.4 Sqmt. The proposed project comprises 3,627 apartment units, 88 Villas with 3 Clubhouses. Apartments - Buildings 1 to 8 (19 Towers) Villas - Buildings 9 to 96

ಕಾಲ್ / Fax : 080-25588321
 ಇಮೇಲ್ / E-mail : ho@kspcb.gov.in
 ವೆಬ್‌ಸೈಟ್ / Website : http://kspcb.gov.in



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ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
 Karnataka State Pollution Control Board

"ಪರಿಸರಭವನ", 1 to 5th Floor, No.49, ಚರ್ಚ್‌ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ, ಭಾರತ
 "Parisara Bhavana", 1st to 5th Floor, # 49, Church Street, Bengaluru - 560 001, Karnataka, INDIA
 No. PCB Infra OA 222 2014 / 216

Date: 15 MAY 2023

Environmental Compensation Demand Notice

ರವಾನಮಾಡಿದ

Subject:

Remittance of Environmental Compensation.

References:

1. National Green Tribunal Original Application No.222 of 2014.
2. Meeting held at KIADB Head Office on 18.01.2023.

As per records of the Board, it has been observed that the Environmental Compensation amounting to Rs. 117.35 Cr levied by the National Green Tribunal, in the matters related to Original Application No.222 of 2014, has not been paid by you yet. The same matter has already been conveyed to your representatives during the Meeting held in the KIADB on 18.01.2023. In view of the above, you are hereby directed to remit the above mentioned Environmental Compensation amount to the KSPCB in the form of Demand Draft drawn favoring Member Secretary, payable at Bengaluru, forthwith. Failing to pay the compensation will constrain the Board to resort to further procedures as per law.

Draft approved by Member Secretary

Sd/-

Member Secretary

To:

The Managing Director & Occupier,
 Mantri Tech Zone Private Limited,
 Mantri House, No. 41, Vittal Malya Road,
 Bengaluru 560 001.

Copy to:

1. Member Secretary, State Environmental Impact Assessment Authority, M S Building, Bengaluru, for kind information.
2. Chief Executive Officer & Chief Executive Member, KIADB, No. 49, 4th & 5th Floors, East Wing, Khanija Bhavana, Race Course Road, Bengaluru 560 001, for kind information.

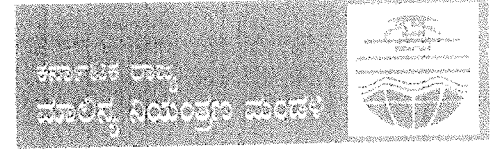
Senior Environmental Office
 Infrastructure & Lake Development

"ಸ್ವಚ್ಛತೆ ಏಕೆಂದರೆ ನಮ್ಮ ನೆಲೆ. ನೆಲೆ ನಮ್ಮ ಜೀವನ"

AVOID USE OF PLASTICS- BE 'ECO' FRIENDLY

Officer 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 ಕಲುಷಿತತೆ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
ಬೆಂಗಳೂರು ದಕ್ಷಿಣ
"ನಿಸರ್ಗ ಭವನ", 3ನೇ ಮಹಡಿ,
ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ, 7ನೇ 'ಡಿ' ಮುಖ್ಯ ರಸ್ತೆ,
ಶಿವನಗರ, ಬೆಂಗಳೂರು-560 010.
ಫೋನ್ : 23228862



towards a cleaner Karnataka

REF ID :

No. KSPCB/RSEO-BNG South/ 2024-25/ 300

Dated: 27 AUG 2024

To,

The Authorized Signatory
M/s. Mantri Techzone Pvt. Ltd.
No.41, Mantri House,
Vittal Malya road,
Bangalore- 560001.

"Showcause Notice"

Sir,

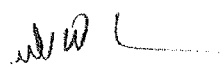
Sub: Payment of Environmental Compensation charges as per Hon'ble NGT OA No.222/2014 order dated: 7.05.2015 with respect to proposed Residential Buildings, Retail Building, Hotel & Office Building and Non SEZ Office Building having built up area of 13,50,454.98 Sq.m at sy nos. 9/1P, 12P, 13/11P, 9/2, 9/3, 9/4, 9/5, 9/6, 9/7, 9/8, 9/9, 10/P, 13/1, 13/2, 13/3, 13/4, 13/5, 13/6, 13/7, 13/8, 13/9, 13/10, 13/12, 13/13, 13/14, 13/15, 13/16, 13/17, 13/18, 13/19, 13/20, 13/21, 14, 15/1A, 15/1B, 15/2, 15/3, 15/4, 15/5, 15/6, 15/7, 15/8, 15/9, 15/10, 15/11, 15/12, 15/13, 15/14, 15/15, 15/16, 15/17, 15/18, 15/19, 15/20, 15/21, 15/22, 15/23, 15/24, 15/25, 16/1P, 17, 18/1, 18/2, 18/3, 19/1, 20/1, 20/2P, 20/3, 21/1A, 21/1B, 21/2, 21/3, 21/4, 22, 23, 24, 25, 27, 28/1, 28/2, 29/P, 30/1AP, 30/1BP, 30/2P, 30/3P, 33/P, 40/P, 41/P, 42/P, 44, 45, 46, 47, 48, 49, 50 & Sy. No. 16P, 19/2, 26, 7P, 32 of Agara Village and Sy. No. 7P of Jakkasandra Village, Begur Hobli, Bangalore South Taluk, Bengaluru. Agara Village and Jakkasandra Village, Begur Hobli, Bangalore South Taluk, Bengaluru-reg.

Ref: 1. Hon'ble NGT order OA 222/2014 dated: 7.05.2015
2. BO Om no.2072 dated: 19.07.2023
3. Inspection of your project site on 18.07.2023.
4. RO-Bommanhalli office notice No. 1838 dated:09.02.2024.

With reference to above subject, your attention is hereby invited where in Hon'ble NGT in its order OA No.222/2014 has issued certain directions in respect of violation of EC conditions & accordingly Board has directed you to pay Rs.117.35 crores as Environmental Compensation (5% of total project cost). But till date you have not paid the said amount to Board thus by violating the directions of Hon'ble NGT order. In this regard, already RO-Bommanhalli has issued letter and informed to pay the said amount vide letter cited as ref (4), as it is required to submit the compliance report to the Hon'ble NGT. But, till date your have not paid the above said EC Charges of Rs.117.35 crores and it is highly regretted.

In view of the above, you are hereby called upon to **show cause within 7 days** from the date of receipt of this letter as to why this office shall not initiate the following actions to,

1. Recommend to issue Closure directions under Sec 31 (A) of Air (Prevention and Control of Pollution) Act, 1981 and under Sec 33(A) of Water (Prevention and Control of Pollution) Act, 1974 for operating without the valid consents of the Board.



Senior Environmental Officer,
Karnataka State Pollution Control Board
Bangalore South


2. To file criminal case in the court of law for above non compliance, which may result in imprisonment for a term which shall not be less than **one year and six months** but which may extend to **Six years and with fine**.

You may furnish the reply detailing reasons for non compliance and specific action proposed / initiated to comply in this regard failing which it is presumed that you are nothing to say in the matter & this office will proceed with initiating further course of action as per law.

Receipt of this letter may please be acknowledged.

Yours faithfully,


Senior Environmental Officer
Zonal Officer- Bng South

 3/11/11

Ref: MTPL/DD/002/2023-24

Date: 24-05-2023



mantri

To,
The Senior Environmental Office,
KSPCB,
 Infrastructure & Lake Development
 Parisara Bhavan, 1st to 5th Floor, #49,
 Church Street, Bengaluru, Karnataka 560001
 Bengaluru-560001

Sir/Madam,

Sub: Remittance of Environmental Compensation.

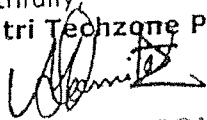
Ref.No.: 1. Environmental clearance letter no. SEIAA:30:CON:2011 dt.17-02-2012
 2. Application for EC extension to SEIAA dt. 24-03-2021
 3. KIADB meeting notice No KIADB/JDTP/FCN:43650/2022-23 dt. 16-01-2023
 4. MTPL letter to KIADB with letter no. MTPL/DD/024/2022-23 dt. 16-02-2023
 5. KSPCB letter with vide no. PCB Infra OA 222 2014/716 dt. 15-05-2023.
 6. MTPL reminder letter to SEIAA with vide no. MTPL/DD/001/2023-24 dt. 20-05-2023

1. With reference to above cited subject, for the said project, we have obtained the Environmental clearance with vide no. SEIAA: 30: CON 2011 dt. 17-02-2012 (Ref.no.1).
2. As per the direction of Hon'ble National Green Tribunal in OA No 222 of 2014 and Hon'ble Supreme Court in Civil Appeal No 5016 of 2016; we have requested to SEIAA to issue extension of Environmental clearance vide our application Ref no 2 on 24-03-2021, However as on today we are unable to receive extension of Environmental Clearance hence on 20-05-2023 we have once again requested to SEIAA to issue extension of Environmental Clearance. We are awaiting the response from SEIAA.
3. Thereafter several times we have followed up at SEIAA officials, but not able to get their response or approval on our application.
4. In spite of all our efforts, till today we haven't got any response from SEIAA and as per The Hon'ble National Green Tribunal order in OA no 222 of 2014 it is clearly mentioned in page no 11 under general condition no 8

"The amount of environmental compensation will be deposited prior to issuance of amended Environmental Clearance. Therefore, we are requesting to your authority to kindly help us to obtain extension of EC from SEIAA.

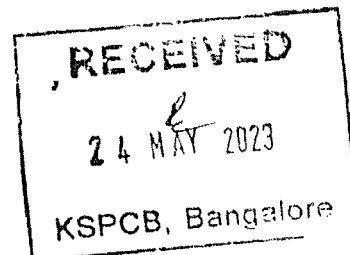
5. Considering the above, we have already invested huge money for development of the project and same is held up in the project. In this regard we would like to request you to help us to get the Environmental clearance extension from SEIAA so that we will oblige to your request in letter with vide no. PCB Infra OA 222 2014/716 dt. 15-05-2023 and deposit amount.

Thanking You,
 Yours Faithfully,
 M/s Mantri Techzone Pvt. Ltd.


 Authorized Signatory

Encl: As mentioned above

Mantri Techzone Private Limited
 CIN : U45201KA2003PTC033023



48

<Track on www.indiapost.gov.in>
<Dial 18002866060> <Near Banka Stay Site>
RK587350831H IVR:8275587350831
RL MUSEUM ROAD S.O <560025>
Counter No:3,15/06/2024,14:47
To:THE MEMBER SEC,M S BUILDING
PIN:560001, Bengaluru G.P.O.
From:AMBIKA S V,VITTAL MALLYARD
Wt:50gms Ack Fee:3.00,REG-17.0
Amt:41.30,Taxr:6.30,Net.Paid:41.00(Cash)
<Track on www.indiapost.gov.in>



mantri

Ref: MTPL/DD/005/2024-25

Date: 15-06-2024

To,

The Member Secretary

The State Environment Impact Assessment Authority (SEIAA)
Forest, Ecology & Environment Department,
M. S. Building, Bangalore-560001

ANNEXURE - 6

Sir/Madam,

Sub: SEIAA proceedings dt. 18-05-2024 for Extension of Validity of EC No. SEIAA 30
CON 2011 dt. 17-02-2012

- Ref.No.:**
1. Environmental clearance letter no. SEIAA:30:CON:2011 dt.17-02-2012
 2. Application for EC extension to SEIAA dt. 24-03-2021
 3. KIADB meeting notice No KIADB/JDTP/FCN:43650/2022-23 dt. 16-01-2023
 4. MTPL letter to KIADB with letter no. MTPL/DD/024/2022-23 dt. 16-02-2023
 5. KSPCB letter with vide no. PCB Infra OA 222 2014/716 dt. 15-05-2023;
 6. MTPL reminder letter to SEIAA with vide no. MTPL/DD/001/2023-24 dt.20-05-2023
 7. MTPL reply to KSPCB notice dt. 15-05-2023 with letter no. MTPL/DD/002 /2023-24 dt.24-05-2023
 8. KSPCB letter with vide no. PCB Infra OA 222 2014/1534 dt. 23-06-2023;
 9. MTPL reply to KSPCB notice dt. 23-06-2023 with letter no. MTPL/DD/003 /2023-24 dt.16-08-2023
 10. MTPL Reminder Letter to KSPCB with vide no. MTPL/DD/004/2023-24 dt. 02-09-2023
 11. MTPL Reminder Letter to KSPCB with vide no. MTPL/DD/005/2023-24 dt. 09-10-2023
 12. MTPL Reminder Letter to SEIAA with vide no. MTPL/DD/006/2023-24 dt. 09-10-2023
 13. MTPL Reminder Letter to KSPCB with vide no. MTPL/DD/008/2023-24 dt. 06-11-2023
 14. MTPL Reminder Letter to SEIAA with vide no. MTPL/DD/007/2023-24 dt. 06-11-2023
 15. MTPL Reminder Letter to KSPCB with vide no. MTPL/DD/010/2023-24 dt. 02-12-2023
 16. MTPL Reminder Letter to SEIAA with vide no. MTPL/DD/009/2023-24 dt. 02-12-2023
 17. MTPL Reminder Letter to KSPCB with vide no. MTPL/DD/012/2023-24 dt.05-01-2024
 18. MTPL Reminder Letter to SEIAA with vide no. MTPL/DD/011/2023-24 dt. 05-01-2024
 19. MTPL reminder letter to KSPCB with vide no. MTPL/DD/014/2023-24 dt.03-02-2024
 - 20.MTPL Reminder Letter to SEIAA with vide no. MTPL/DD/013/2023-24 dt. 03-02-2024
 21. KSPCB letter with vide no. KSPCB/RO-BOM/EO/DEO/2023-24/838 dated. 09-02-2024
 22. MTPL Reminder Letter to SEIAA with vide no. MTPL/DD/016/2023-24 dt. 05-03-2024

23. MTPL reminder letter to KSPCB with vide no. MTPL/DD/017/2023-24 dt.05-03-2024
24. MTPL Reminder Letter to SEIAA with vide no. MTPL/DD/002/2024-25 dt. 03-04-2024
25. MTPL reminder letter to KSPCB with vide no. MTPL/DD/001/2024-25 dt.03-04-2024
26. MTPL Reminder Letter to SEIAA with vide no. MTPL/DD/003/2024-25 dt. 04-05-2024
27. MTPL reminder letter to KSPCB with vide no. MTPL/DD/004/2024-25 dt.04-05-2024
28. 250th SEIAA proceedings held on 06-05-2024 and letter dt. 18-05-2024 received on 22-05-2024

1. As per the direction of the Hon'ble National Green Tribunal, New Delhi, we have filed our application before the SEIAA on 24-1-2021 and same is pending before the SEIAA for consideration.
2. It is bring to you kind notice that the subsequent to the Order dated 07-05-2015, the Hon'ble National Green Tribunal vide Order dated 04-05-2016 in OA No. 222/2014 was pleased to in the operative portion of its Order direct that;-

Though, at the time of hearing prior to passing the Judgment, we had heard the parties on all aspects but still we have provided re-hearing to the parties on all issues with emphasis on imposition of 9 environmental compensation including the quantum. Upon hearing, we are of the considered view that environmental compensation imposed upon Respondent No. 9 calls for no variation and the Respondent No. 9 should be called upon to pay the said amount of Rs. 117.35 Crores determined under the Judgment prior to commencement of any project activity at the site.

And also the general condition No 8 it was directed that:

"The amount of environmental compensation will be deposited prior to issuance of amended Environmental Clearance. Copy of the Order enclosed herewith for you kind perusal and to take appropriate steps to issue amended EC to the project proponent as directed.

3. Further vide your letter, you have mentioned that your authority has inspected our project on 18-7-2023 without our knowledge. As on today your authority have aware that we have not started the development activities in project lands. We request your authority kindly share the inspection report for our records and reference.
4. As per the direction of the Hon'ble National Green Tribunal we are ready to deposit the entire Environmental Compensation prior to issuance of amended Environmental Clearance. It is pertinent to note that we have complied all the directions imposed, to buttress this fact, the various authorities (after due inspection of the site) and project proponent have filed their compliance before the Hon'ble NGT, in 2018 itself. Therefore, we are requesting you to issue amended EC and the project proponent is bound by the Order of the Hon'ble NGT and anticipating your response in this regard.
5. Also, please note that we requested for issue of extension of EC vide our application dated 24-03-2021 and series of reminder letters submitted every month, but we were surprised to receive letter dated 18-05-2024 that we have to apply a fresh EC application by incorporating all the conditions stipulated by Hon'ble NGT

including the deposit of Environmental Compensation. Kindly note that as per NGT order, we are supposed to get amended Environmental Clearance within 4 weeks and deposit the Environmental Compensation prior to issue of Environmental Clearance.

6. Hence, we request you to re-consider the matter and issue extension of validity of Environmental Clearance at the earliest.

Thanking You,

Yours Faithfully,

**For, M/s Agara Techzone Pvt. Ltd.
(Formerly Known as M/s Mantri Techzone Pvt. Ltd.)**



Authorized Signatory

Encl: As mentioned above

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 222/2014
(M.A. No. 1089/2017, M.A. No. 482/2018 & M.A. No. 1115/2018)
(Civil Appeal No. 5016/2016 & 10992/2016)

And
Appeal No. 82/2018
(M.A. No. 899/2018, M. A. No. 1220/2018 & M. A. No. 1221/2018)

IN THE MATTERS OF :-

**Forward Foundation & Ors. Vs. State of Karnataka & Ors.
And
Mantri Techzone Private Limited
Vs.
State Environment Impact Assessment Authority – Karnataka & Anr.**

**CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Original Application No. 222/2014:

Present: Original Applicant: Mr. Sajan Poovayya, Sr. Adv., Mr. Shubham Kulshreshtha, Adv. for Forward Foundation
Respondent No. 8: Mr. Ankur S. Kulkarni, Ms. Shweta S. Parihar, Advs(BDA)
Respondent No. 9: Mr. Shekhar G. Devasa, Mr. S. Mahesh, Mr. Manish Tiwari, Advs.
Mr. Devraj Ashok, Adv. for State of Karnataka
Mr. Devashish Bharuka and Mr. Ravi Bharukha, Advs. for R-10
Mr. Attin Shankar Rastogi and Mr. Prateek Yadav, Advs.
Mr. Sajan Poovayya, Sr. Adv., Mr. Saransh Jain, Advs. For NBF and CAF
Mr. Sajan Poovayya, Sr. Adv., Mr. Shubham Kulshreshtha, Adv.

Appeal No. 82/2018:

Present: Applicant: Mr. Shekhar G. Devashish, Mr. S. Mahesh and Mr. Manish Tiwari, Advs.
Respondents: Mr. Devraj Ashok, Adv. for State of Karnataka
Mr. Sajan Poovayya, Sr. Adv., Mr. Vikram Hegde, Advs. For FF, PR BET

Date and Remarks	Orders of the Tribunal
<p align="center">Item Nos. 05 & 06 August 13, 2018 R</p>	<p>1. The appellant was allotted land for setting up of Software Technology Park, Commercial and Residential complex, hotel and Multi Level Car Parks at Bangalore.</p> <p>2. The project was evaluated by the State Level Expert Appraisal Committee (SEAC) which was subject matter of challenge before this Tribunal in Original Application No. 222/2014 disposed on 04.05.2016 on the ground that it</p>

	<p>Item Nos. 05 & 06</p> <p>August 13, 2018</p> <p>R</p>	<p>will adversely affect the sensitive area. It was also stated that there was violation of conditions subject to which permission for proceeding with the project was granted.</p> <p>3. After consideration of the rival submissions and reports of the experts, this Tribunal, vide order dated 04.05.2016, issued following directions:</p> <p><i>“63. On the facts and in the light of the materials on record we find that it is absolutely necessary to issue the following general and specific directions.</i></p> <p><u>“General Conditions or directions:</u></p> <p>1. <i>In view of our discussion in the main Judgment, we are of the considered view that the fixation of distance from water bodies (lakes and Rajkalewas) suffers from the inbuilt contradiction, legal infirmity and is without any scientific justification. The RMP – 2015 provides 50m from middle of the Rajkalewas as buffer zone in the case of primary Rajkalewas, 25m in the case of secondary Rajkulewas and 15m in the tertiary Rajkulewas in contradiction to the 30m in the case of lake which is certainly much bigger water body and its utility as a water body/ wetland is well known certainly part of wet land. Thus, we direct that the distance in the case of Respondents Nos. 9 and 10 from Rajkulewas, Waterbodies and wetlands shall be maintained as below:-</i></p> <p><i>(i) In the case of Lakes, 75m from the periphery of water body to be maintained as green belt and buffer zone for all the existing water bodies i.e. lakes/wetlands.</i></p> <p><i>(ii) 50m from the edge of the primary Rajkulewas.</i></p> <p><i>(iii) 35m from the edges in the case of secondary Rajkulewas</i></p> <p><i>(iv) 25m from the edges in the case of tertiary Rajkulewas</i></p> <p><i>This buffer/green zone would be treated as no construction zone for all intent and purposes. This is absolutely essential for the purposes of sustainable development particularly keeping in mind the ecology and environment of the areas in question.</i></p> <p><i>All the offending constructions raised by Respondents Nos. 9 and 10 of any kind including boundary wall shall be demolished which falls within such areas. Wherever necessary dredging operations are required, the same should be carried out to restore the original</i></p>
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	<p>Item Nos. 05 & 06</p> <p>August 13, 2018</p> <p>R</p>	<p>capacity of the water spread area and/or wetlands. Not only the existing construction would be removed but also none of these Respondents - Project Proponent would be permitted to raise any construction in this zone.</p> <p>All authorities particularly Lake development Authority shall carry out this operation in respect of all the water bodies/lakes of Bangalore.</p> <p>2. The capacity of the existing STPs to treat sewage is 729 MLD, whereas another 500 MLD sewage is proposed to be treated in 10 upcoming STPs. In this context, all the STPs operating in the area whether Government or privately owned, should meet the revised standards notified by CPCB / MoEF.</p> <p>3. Bangalore city receives treated potable water of 1360 MLD from river Cauvery whereas the requirement is for another 750 MLD and the entire area falls in critical zone in terms of ground water exploitation. Information reveals that only one million litre per month of STP treated water is used by builders for construction purposes. For this reason, the BWSSB issues partial NOC to various residential and commercial projects in respect of supply of potable water. In this context, following directions need to be issued:</p> <ol style="list-style-type: none"> i. At the time of grant of EC, the water requirement for the construction phase and operation phase should be considered separately. Due consideration should also be given for identification of source of supply of water and this should be a pre-requisite for grant of EC. ii. All the project proponents should necessarily use only treated sewage water for construction purpose and this should be reflected in EC as a condition for construction phase. iii. Wherever the quality of treated sewage water does not conform to the quality needed for construction, necessary upgradation in STP should be undertaken immediately. <p>Specific Conditions/Directions for Respondent 9;</p> <p>In addition to the above directions which should be equally part of EC condition in respect of respondents nos. 9 & 10, following specific conditions shall apply to respondent no. 9:</p> <ol style="list-style-type: none"> i. Reclaimed area of the lake to the extent of 3 acres 10 guntas in survey no. 43 should be restored to its original condition at the cost of project proponent. The possession of this area
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	<p>Item Nos. 05 & 06</p> <p>August 13, 2018</p> <p>R</p>	<p>should be restored by Respondent No. 9 to the concerned Authorities immediately. In addition, a buffer zone of 75 m should be provided between the lake and the project area and this should be maintained as green area.</p> <p>ii. In the remaining area, where primary Rajkalewa is abutting the project area, 50 m buffer zone on the side of the project area from the edge of the rajkalewa should be maintained as green belt.</p> <p>iii. Several irrigation canals or tertiary rajkalewas taking off from the Agara tank were passing through the area of respondent no. 9, and serve the dual purpose of irrigating paddy fields and disposal of surface run off (storm water drains) during rainy season. However on account of the activities of the project, these drains have been totally obliterated. For the purpose of proper disposal of storm runoff from the entire area falling between the Agaralake and the Belandur Lake, respondent no. 9 must provide required number of storm water drains based on proper hydrological study. These storm drains should have a buffer zone of 15 m on either bank maintained as green belt.</p> <p>iv. The cumulative quantity of earth excavated for the construction of project is around 4 lakhs cubic meters in the depth range of 0 to 9 meters. This has created huge hillock like structure obstructing the natural flow pattern of surface runoff from AgaraLake side to Balendur Lake side or primary Rajkalewas. For this purpose, during construction phase garland drain should be constructed around the existing dumping site for safe disposal of runoff to the Rajkalewas. For the disposal of excavated material, a proper muck disposal plan duly approved by SIEAA shall be prepared. In any case the plan should ensure that no muck/sediment flows into Rajkalewas and/or Belandurlake.</p> <p>v. The Kharab land identified by Revenue Dept. admeasuring 1 acre 2 guntas should be demarcated and maintained separately as green belt.</p> <p>vi. The entire green belt created under the directions of this Tribunal should not to be considered as part of green belt of the project as part of EC condition and will be over and above the green belt as indicated in the EC.</p> <p>vii. In view of the heavy traffic load in the adjoining Sarjapur road, a proper study on the basis of traffic density, foot falls expected, etc., a proper plan needs to be prepared and the concept of service road exclusively for the project needs to be worked out and additional parking space created within the project area and incorporated as a part of the overall</p>
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	<p>Item Nos. 05 & 06</p> <p>August 13, 2018</p> <p>R</p>	<p><i>project layout, within a period of 3 months.</i></p> <p>10. <i>Though, at the time of hearing prior to passing the Judgment, we had heard the parties on all aspects but still we have provided re-hearing to the parties on all issues with emphasis on imposition of environmental compensation including the quantum. Upon hearing, we are of the considered view that environmental compensation imposed upon Respondent No. 9 calls for no variation and the Respondent No. 9 should be called upon to pay the said amount of Rs. 117.35 Crores determined under the Judgment prior to commencement of any project activity at the site. Respondent No. 10 has not commenced any actual construction activity but has carried out various preparatory steps including excavation and deposition of huge earth by creating a hillock at the premises in question and a site office.</i></p> <p><i>Thus, considering cumulative effect on environment and ecology due to various breaches in that behalf by Respondent No. 10 and the fact that the remedial measures can more effectively be taken by the Respondent No. 10, we reduce environmental compensation payable by Respondent No. 10 to Rs. 13.5 crores (3% of the stated project cost instead of 5% as imposed in the original judgment).</i></p> <p><u>General Directions:</u></p> <ol style="list-style-type: none"> 1. <i>We direct SEIAA, Karnataka to issue amended order granting Environmental Clearance within four weeks from today incorporating all the conditions stated in this judgement and such other conditions as it may deem appropriate in light of this judgment and Inspection Note of the Expert Members. The Project Proponents would be permitted to commence activity only after issuance of amended Environmental Clearance order.</i> 2. <i>SEIAA Karnataka and MoEF shall ensure regular supervision and monitoring of the project and during the construction and even upon completion to ensure that activity is carried out strictly in accordance with the conditions of the order granting Environmental Clearance, this Judgment, Notification of 2006 and other laws in force.</i> 3. <i>The distances in respect of buffer zone specified in this judgment shall be made applicable to all the projects and all the Authorities concerned are directed to incorporate such conditions in the projects to whom Environmental Clearance and other permissions</i>
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	<p>Item Nos. 05 & 06</p> <p>August 13, 2018</p> <p>R</p>	<p>are now granted not only around Belandur Lake, Rajkulewas, Agara Lake, but also all other Lakes/ wetlands in the city of Bengaluru.</p> <p>4. We hereby direct the State of Karnataka to submit a proposal to the MoEF for demarcating wetlands in terms of Wetland Rules 2010 as revised from time to time. Such proposal shall be submitted by the State within four weeks from today and the MoEF shall consider the same in accordance with law and grant its approval or otherwise within four weeks thereafter. After such approval is granted by MoEF, the State would issue notification notifying such areas immediately thereafter in accordance with Rules and law.</p> <p>5. Both the Respondents Nos. 9 and 10 shall ensure that debris or any construction material that has been dumped into the Rajkulewas, or on their Banks and on the buffer zone of wetlands should be removed within four weeks from today. In the event they fail to do so, the same shall be removed by the Lake Development Authority along with the State Administration and recover charges thereof from the said Respondents.</p> <p>6. There is a serious discrepancy even in regard to the measurement of land as far as Respondent no. 9 is concerned. Admittedly the Respondent has been allotted and is in possession of land admeasuring 63.94 acres, though Environmental Clearance has been granted for 2,92,636.03 Sq. Meters which is equivalent to 72.22 acres. For this reason alone, Environmental Clearance cannot be given effect to. While issuing the amended Environmental Clearance, SEIAA Karnataka shall take into consideration all these aspects and, if necessary, would require Respondent no. 9 to submit a fresh layout plant and the entire project may be revised in accordance with law.</p> <p>7. Both the Respondents (Project Proponents) shall submit an appropriate plan in view of the conditions imposed in this judgment and the amended Environmental Clearance that would be issued.</p> <p>8. The amount of environmental compensation will be deposited prior to issuance of amended Environmental Clearance.”</p> <p>4. This Tribunal passed a further order on the same day, in light of the discussion in the main judgment already referred to above, and directed that as a condition</p>
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	<p>Item Nos. 05 & 06</p> <p>August 13, 2018</p> <p>R</p>	<p>precedent for re-commencement of the project, following conditions will be required to be observed:</p> <p><i>“In view of our discussion in the main judgment, the documents placed before the Tribunal and particularly keeping in view the Inspection Note prepared after site inspection by the two Hon’ble Expert Members of this Bench, we find it necessary for the Tribunal to impose certain conditions and issue appropriate directions, as a condition precedent for these projects to re-commence and/or complete their projects in accordance with law.”</i></p> <p>Thereafter, the conditions already quoted above were reiterated.</p> <p>5. On consideration of the matter in the light of the direction of this Tribunal, the SEIAA Karnataka vide the order dated 23.02.2017, revoked the environmental clearance earlier granted on 17.02.2012. The reasons for revocation mentioned in the said order are as follows:</p> <p><i>“Whereas, based on your reply and the submissions made by your representatives, namely, Smt. Sowmya Somaprakash, Shri V. Damothiran and Shri Jagadish M. the Authority made the following observations:</i></p> <p>(a) <i>By way of preparing revised layout plan, the project is completely revamped from the point of view of usage, building configuration and number of buildings which resulted in change in the environmental footprint from that of the project for which already Environmental Clearance has been sanctioned vide letter No. SEIAA 30 CON 2011 dated 17th February, 2012.</i></p> <p>(b) <i>You have submitted that 3 Acres 10 Guntas land in Sy. No. 43 is not included in the plan and is not encroached/reclaimed by you. This is in contradiction with the orders of the Hon’ble NGT. You have submitted revised layout plan during the meeting, deleting the portions of the land which Hon’ble Tribunal have referred to, which amounts to miss representation of facts to the Authority to obtain E.C.</i></p> <p>(c) <i>Details of dredging operations required to restore the original capacity of the water spread area and or wetland is not provided by you.</i></p> <p>(d) <i>It is reported that hydrological study has been commissioned by you and the report is yet to be</i></p>
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	<p>Item Nos. 05 & 06</p> <p>August 13, 2018</p> <p>R</p>	<p>received. However, storm water drains are provided in the plan even without referring to the hydrological study based on the village map. This cannot be accepted as there are lot of changes in the terrain of the land including dumps of excavated earth, which requires hydrological study to decide the drainage pattern of the area in the changed situation.</p> <p>(e) Garland drains are not provided around the existing dump for safe disposal of run-off to the Rajakaluwe/lake, as directed by the Hon'ble NGT.</p> <p>(f) The Kharab land of 1 Acre 2 Guntas identified by the Revenue Department has not been demarcated and maintained separately as greenbelt as per the directions of the Hon'ble NGT.</p> <p>(g) Greenbelt area to be maintained as per the Environmental Clearance and greenbelt to be developed in buffer zone of lake/Rajakaluwe/storm water drain/kharab land are not indicated separately in the revised plan.</p> <p>(h) Details of parking provided over and above indicated in the Environmental Clearance is not provided. The service road is interrupted by a private property and there is no continuity of road.</p> <p>Whereas, the Authority opined as per the revised layout plan, the project proposal submitted by you is entirely different from the project for which Environmental Clearance has been granted and no specific details with regard to ensuring compliance to the orders of the Hon'ble NGT is forthcoming.</p> <p>Whereas, the Authority further opined that amended Environmental Clearance cannot be granted without a fresh appraisal to ensure environmental sustainability.</p> <p>Whereas, the Authority also opined that you have not fully complied the orders of the Hon'ble National Green Tribunal and the observations made in the inspection note of the Expert Members of the Hon'ble Tribunal and after compliance of the order, you have not furnished the details/information required for amendment of Environmental Clearance as per Hon'ble NGT even after giving sufficient opportunity to you.</p> <p>Whereas, the Authority therefore decided to revoke the Environmental Clearance granted to you vide letter No. SEIAA 30 CON 2011 dated</p>
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	<p>Item Nos. 05 & 06</p> <p>August 13, 2018</p> <p>R</p>	<p><i>17th February, 2012 with immediate effect.</i></p> <p><i>Whereas, the Authority also observed that revoking the Environmental Clearance granted will not absolve you off from paying cost of environmental damages if any caused due to such violations.</i></p> <p><i>Wherefore, the Environmental Clearance granted to you vide letter No. SEIAA 30 CON 2011 dated 17th February, 2012 stands revoked with immediate effect, pending initiation of credible action for the violations of E.C. conditions and other environmental damages, if any.”</i></p> <p>6. Aggrieved by the above order, present appeal no. 82/2016 has been preferred.</p> <p>7. Learned counsel for the appellant at the outset stated that the appellant undertakes to comply with all the observations in the impugned order except that the demarcation is to be done by the Revenue Department. It is also stated that there will be no change in the original project layout except to the extent of complying with the directions of this Tribunal.</p> <p>8. In view of above stand of the appellant, learned counsel for the SEIAA states that since there will be no change in the original project layout, the matter will be reconsidered and a fresh order passed on merits after adequate due diligence. To enable this to be done, the appellant may give a letter in terms of the above order to the SEIAA. The appellant may submit an appropriate plan in terms of the condition no. 7 of the general directions in the order of the Tribunal, in anticipation of the proposed clearance within 4 weeks from today. On application being filed, fresh order with regard to Environment Clearance be passed after examining the matter on merits. SEIAA may now take decision in the matter in terms of the</p>
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<p>Item Nos. 05 & 06</p> <p>August 13, 2018</p> <p style="text-align: center;">R</p>	<p>directions already issued in the orders passed by the Tribunal. The Pollution Control Board may also pass a fresh order consistent with the above. This may be done within two months from today.</p> <p>9. It is made clear that the project will proceed strictly in terms of conditions already imposed in the order of this Tribunal which will also be incorporated in any clearance which may be given. The project will thereafter be monitored by SEIAA as already directed.</p> <p style="text-align: center;">In the light of this order, Original Application No. 222 of 2014 and Appeal No. 82/2018 stands disposed of.</p> <div style="text-align: right; margin-top: 20px;"> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (Dr. Jawad Rahim)</p> <p>....., JM (S.P. Wangdi)</p> <p>....., EM (Dr. Nagin Nanda)</p> </div>
	<p>13.08.2018</p>



EA 10 of 2023 (NGT-SZ) - Service of Memo dt 16-01-2025 & documents filed on behalf of Respondent No 9

To varun.kasthuri@catalystlaw.in • rajatshaw178@gmail.com • darpan.advocate@gmail.com • vasanthhk72@gmail.com • Mrgk@krslegal.in <mrgk@krslegal.in> • varuni.mohan@induslaw.com • Smaran Shetty <smaran.shetty@catalystlaw.in> Copy Vandhana Prabhu <vandhana.prabhu@pclawchambers.com> • Aakash Athimoolam <aakash.athimoolam@pclawchambers.com>

To

1. **Mr. Varun Kasthuri and Mr. Smaran Shetty, M/s. Catalyst Law, Ld.** Counsel for Applicant in EA 10 of 2023
2. **Mr. Rajat Johathan Shaw and Mr. K M Darpan, Ld.** Counsel for Respondent No's 1 & 7
3. **Mr. H K Vasanth, Ld.** Counsel for Respondent No 3
4. **Mrs. Varuni Mohan, Ld.** Counsel for Respondent No 10

Dear Madam / Sir,

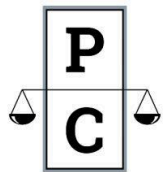
Subject : EA No. 10 of 2023 (SZ) in OA No. 222 of 2024 (PB) - Service of Memo dt 16-01-2025 along with Additional Documents filed on behalf of Respondent No 9 before the Hon'ble NGT - Reg.

I represent the interests of my Client M/s. Agara Techzone Private Limited (formerly known as M/s. Mantri Techzone Private Limited), Respondent No 9 in the above matter pending before the Hon'ble NGT, Southern Zone, Chennai.

In continuation to my Email yesterday (15-01-2025), please find enclosed along with this Email the Scanned Copy of a Memo and Documents being filed before the Hon'ble Tribunal to place on record the Writ Petition filed before the Hon'ble Karnataka High Court and other relevant documents for the purpose of placing on record the nature, scope and reliefs sought before the Hon'ble Court for your records and reference.

I request you to kindly acknowledge the receipt of the same.

Thanking You,
Yours Sincerely,



Law Chambers

Chandramouli Prabhakar

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- EA 10 of 2023 (NGT SZ) - Memo dt 16-01-2025 and Additional Documents filed on behalf of Respondent No 09.pdf (8 MB)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI

E.A No. 10 of 2023 (SZ)

In

O.A No. 222 of 2014 (PB)

The Forward Foundation and Ors

... Applicant(s)

Vs.

State of Karnataka and 9 Ors

... Respondents

**MEMO FILED ON BEHALF OF THE 9TH RESPONDENT
FOR PLACING ON RECORD CERTAIN ADDITIONAL
DOCUMENTS PERTAINING TO THE PROCEEDINGS
PENDING BEFORE THE HON'BLE HIGH COURT OF
KARNATAKA, BENGALURU BENCH IN W. P. No.
31168/2024 (GM-POL)**

CHANDRAMOULI PRABHAKAR (MS. 4136/2015)

R. PRITHVIRAJ PANDIAN (MS. 422/2015)

R. VANDHANA PRABHU (MS. 8002/2021)

AAKASH ATHIMOOLAM (MS. 8842/2023)

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