

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI ORIGINAL APPLICATION No. 84
OF 2021**

IN THE MATTER OF:

Sri Alluri Raju,

Telangana & Others

.....Applicant(s)

Versus

M/s. Legend Estates Private Limited,

Hyderabad and others

.....Respondent(s)

**REPORT OF THE JOINT COMMITTEE CONSTITUTED IN THE
O.A. No. 84 OF 2021 IN THE MATTER OF Sri ALLURI RAJU &
OTHERS, R/o KOKAPET, HYDERABAD VS M/s. LEGEND
ESTATES PRIVATE LIMITED, HYDERABAD AND OTHERS
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI**

Place: Hyderabad

Date: 19.07.2021

**REPORT OF THE JOINT COMMITTEE CONSTITUTED IN THE
O.A. No. 84 OF 2021 IN THE MATTER OF Sri ALLURI RAJU &
OTHERS R/o KOKAPET VS M/s. LEGEND ESTATES PRIVATE
LIMITED, HYDERABAD AND OTHERS BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI**

1. Introduction

The Hon'ble National Green Tribunal, Southern zone, Chennai vide order dated 22.03.2021 appointed a Joint Committee comprising the members of (1) Senior Officer from Ministry of Environment, Forests and Climate Change, (MoEF& CC) Regional Office, Chennai, (2) Senior Officer from Telangana State Environment Impact Assessment Authority (TSEIAA) (3) Senior officer from the Telangana State Pollution Control Board (TSPCB) to look into the issue and submit factual as well as action taken report, if there is any violation found. The Joint Committee has directed to ascertain as to whether there was any violation of conditions committed by the project proponent enumerated in the Environmental Clearance caused on account of the operation of the Sewage Treatment Plant (STP) and also whether there is any change of position of the Sewage Treatment Plant (STP) than from the permitted place as alleged in the application and if there is any violation found what is the nature of action taken by the regulators against the project proponent in respect of the same.

In the above said order Hon'ble NGT nominated senior officer from Ministry of Environment Forest, Regional Office, Chennai to be part of Joint Committee in the said matter. It is submitted that the new Integrated Regional Office, Hyderabad of MoEF&CC was established vide order 1-5/2013-ROHQ dated 13.08.2020 having its jurisdiction of entire Telangana.

Therefore, the said matter has been forwarded to IRO, MoEF&CC, Hyderabad for necessary action. Deputy Director General of Forest (DDGF, Central) has nominated Dr. E. Arockia Lenin, Scientist C, IRO, Hyderabad, MoEF&CC to be part of the committee, as IRO, MoEF&CC, Hyderabad is also under the Administrative control of DDGF(C).

2. Constitution of the Joint Committee:

In compliance with the directions of Hon'ble NGT, the Joint Committee has been constituted comprising the following members based on the Officers deputed/ nominated from the authorities concerned:

1. Dr. E. Arockia Lenin, Scientist C, Integrated Regional Office, MoEF&CC, Hyderabad.
2. Shri. G. Gangadhar, JCEE, TSPCB/Secretary, State Expert Appraisal Committee (SEAC),
3. Shri. B.V. Bhadra Girish, SEE(FAC), TSPCB, Hyderabad

3. Terms of Reference (ToR) to the Joint Committee:

The Terms of reference (ToR) to the Joint Committee referred therein the Order dated 22.03.2021 of Hon'ble NGT in the above matter inter-alia include the following:

1. To ascertain as to whether there was any violation of conditions committed by the project proponent enumerated in the Environmental Clearance (EC) caused on account of the operation of Sewage Treatment Plant (STP) and also,
2. whether there is any change of position of the Sewage Treatment Plant (STP) than from the permitted place as alleged in the application and,

3. If there is any violation found what is the nature of action taken by the regulators against the project proponent in respect of the same

4. Background:

Environmental clearance by SEIAA:

SEIAA has accorded Environmental clearance to Shri. B. Nageshwara Rao, MD, M/s. Legend Estates Pvt. Ltd., vide letter No. SEIAA/AP/PRD-372/2013, dated 25.10.2013 for Residential construction project 'Legend Chimes Phase-2' at survey Nos. 211, 211/A, AA, E, EE, U, UU, RU, RUU, 212/A, E, EE, U, UU RU, 213/A, AA, E, EE, U, UU, RU, 186/A to EE, 190/A to EE, 189/A to EE, 191/A to EE, 192/A to EE, 199, 199/A & AA, 200,201, 202,204, 204/A & AA, 205/A & AA, 206, 206/P, 206/A, AA, E, EE, U, UU, 208, 208/A, 209, 210, 186/U, 187/U 190/U, 191/U, 192/U at Kokapet (V), Rajendranagar (M), Rangareddy District. As per EC, the capital cost of the project is Rs. 150.0 Crores. Total plot area of the project is about 1,20,117.0 Sq.m. The total built-up area is 81,311.0 Sq.m. The total Road widening area is 537.0 Sq.m., Green area is 12,259.0 Sq.m. The proposed project is a Residential construction project to accommodate 264 units consists of 5 Types viz., Type-A (G+2) with 28 units; Type-B (G+2) with 18 units; Type-C (G+2) with 80 Units; Type-D (G+2) with 63 Units; Type-E (G+2) with 21 Units and LIG & EWS (G+2) with 54 Units. It is proposed to provide parking for 2 Nos. of four wheelers and 2 Nos. of two wheelers for each individual unit. It is proposed to provide Club house, Sewage Treatment Plant (STP), Tot lots/open spaces, MSW segregation point, Swimming pool, D.G. Sets for emergency supply-3x380 KVA etc., It is noted that the location of Legend Chimes Phase-I is adjacent to Legend Chimes Phase-II project.

Housing Layout approval by HMDA: Project authority has been accorded approval for draft housing layout for net site area of 1,16,312.52 Sq. mtrs by Metropolitan Commissioner, Chief Planning Officer (KPR), HMDA vide letter No. 105307/LO/Plg/HMDA/2013, dated 31.05.2014. (Producing file no. 372/MP2/PLG/HMDA/2009, dated 30.05.2014). As per the approval plan, the project authority is allowed to sell open plots/villas in Plot No. 1 to 6, (7 & 8 LIG Housing Plots) 9 to 34, (35 LIG Housing Plots) 36 to 111 and (112 EWS Housing Plots) 113 to 125, 137 to 186, (185 EWS Housing Unit), 186 to 210. The project authority shall not be permitted to sale the plots/villas & area which is mortgaged in favour of HMDA i.e., from Plot Nos. 126 to 136 (11 Nos.) to an extent of 3234 Sq.mtrs. with a built up area to an extent of 4501.55 Sq.mtrs. i.e. 5% of unit as per G.O.Ms. No. 168 MA dated 07.04.2012.

Consent for Establishment & Consent for operation from TSPCB:

Project authority has not been obtained CFE & CFO from Telangana State Pollution Control Board.

5. Meeting of the Joint Committee:

The meeting of the Joint Committee was held on 07.07.2021 at premises of project site. All the members of joint committee were attended in the said meeting. Apart from Joint committee member, representatives from HMDA were also participated during the said meeting. As part of natural justice and as consented by all the members of Committee, applicant was invited to attend the meeting to express his views. Applicant was present during the meeting followed by site visit. On behalf of project authority, Shri. M. Sunil Kumar, Legal department, K. Govinda Chowdary, Project Manager and members from Legend Chimes Phase-2 association were attended. During the meeting of Joint Committee, members discussed

the facts, issues & prayers in the above case and the Terms of the Reference (ToR) to the Joint Committee referred therein the Order dated 22.03.2021 of Hon'ble NGT.

6. Observations of Joint Committee in compliance with Terms of Reference (TOR) issued by Hon'ble NGT, SZ.

1. To ascertain as to whether there was any violation of conditions committed by the project proponent enumerated in the Environmental Clearance caused on account of the operation of Sewage Treatment Plant (STP) and also,

Observation of Joint Committee: It is observed that conditions No. i and xii of Occupational phase of environmental clearance accorded by SEIAA vide letter No. SEIAA/AP/PRD-372/2013, dated 25.10.2013 are referring to the installation & operation of STP and precautionary measures to be taken up by the project authority during occupational phase, and the said conditions: i and xii are given below,

Condition No. i (Occupational Phase) *“The installation of Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Discharge of treated sewage shall conform to the norms and standards of the Andhra Pradesh Pollution Control Board. Sewage Treatment Plant should be monitored on regular basis. No waste water shall discharge outside the premises until outlet is connected to public sewer line. Till such time, the excess treated sewage, if any, is to be discharged into an artificial pond within the premises and can be utilized for recreational purpose”*

Condition No. xii (Occupational Phase): Adequate measures should be taken

to prevent odour problem from solid waste processing plant and STP

- It is submitted that the project authority did not follow the above stipulated of EC conditions pertaining to installation of STP. The project authority has committed violations in terms of installation of STP, which means that the STP is supposed to be installed and operational before occupation or handing over to tenants. In this case, the project authority has allowed occupying tenants without completion of STP which leads to present conflict between applicant and association of phase-II.
- The EC granted was valid for 5 years (Subsequently, increased to 7 years) i.e., upto 24.10.2020 from the date of issue on 25.10.2013. The project authority has not obtained renewed/extended EC for the project.
- It is submitted that the project authority did not obtain Consent for Establishment and Consent for Operation from Telangana State Pollution Control Board (TSPCB) which is mandatory as per EC general condition No. ii.
- It is submitted that Project authority did not submit half yearly compliance reports to the SEIAA & Ministry's Regional Office as it is mandatory as per general condition No. iii & iv.

Further observations:

- During the interaction with the applicant & Residents association, it was informed that the project authority Sri B. Nageshwara Rao, MD, M/s. Legend Estates Pvt. Ltd., is no more taking interest in the implementation of the project. The residents association itself implementing the project by investing funds collected from the plot

owners. Till now only 10 plots are occupied out of 264 units. They have started construction of STP at Sy. No. 192 in Legend Chimes Phase-II as per the draft approved layout plan of HMDA.

- It is submitted that the project authority did not obtain Environmental clearance from SEIAA and Consent for establishment & Consent for operation from TSPCB for Phase-I project which attract violations as per EIA notification -2006. It was observed that there is existence of STP in the Phase - I and is operational now. In the EC conditions of Phase-II it is mentioned that “ *No waste water shall discharge outside the premises until outlet is connected to public sewer line*”
- At present the STP is under construction in Legend Chimes, Phase-II located at a distance of 71 feet on north-western side from the applicant (Sri Alluri Raju) house, Villa No. 247 located in Legend Chimes phase-I. The civil works in STP is under progress and machinery is yet to be installed.
- It is submitted that the project authority did not inform to the regulatory body with regard to the existence of nallah and discharge of excess sewage treated water into the nallah in Phase -I and in the proposed Phase –II project.
- It is noted that the proposed location of STP for Phase II is also adjacent to Nallah. There might be possibility of discharging excess sewage water into the Nallah, as it is happening now in case of Phase -I Project. Therefore, the present location of STP which is adjacent to Nallah may have impact on the water quality of Nallah, if excess STP water without confirming standards is discharged into the Nallah.
- It is submitted that the joint committee is also visited the desired location of STP along with applicant where club house is located, it is

observed that there are residents are surrounded nearby club house area. Some of the residents are opposing for shifting of the location of STP to club house area as they are also impacted due to the shift of STP.

- Therefore, given the above facts the Hon'ble NGT may take appropriate decision as deemed fit.

2. whether there is any change of position of the Sewage Treatment Plant (STP) than from the permitted place as alleged in the application and,

- It is submitted that the location of STP has not been changed as per the draft approval plan of HMDA vide letter No. 105307/LO/Plg/HMDA/2013, dated 31.05.2014. (Producing file no. 372/MP2/PLG/HMDA/2009, dated 30.05.2014).

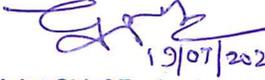
3. If there is any violation found what is the nature of action taken by the regulators against the project proponent in respect of the same

Based on the preliminary observations, Joint committee is humbly submitted to the Hon'ble NGT that the following are recommended for non-compliance of environmental clearance order.

- It is submitted that the project authority did not obtain Consent for Establishment and Consent for Operation from Telangana State Pollution Control Board for Phase-I and Phase-II which is mandatory as per EC general condition No. ii.

- It is submitted that the Project authority did not submit half yearly compliance reports to the SEIAA & Ministry's Regional office as it is mandatory as per general condition No. iii & iv.
- It is submitted that the project authority did not inform discharging excess STP water in Phase – I. In the EC conditions of Phase-II, it is mentioned that "*No waste water shall discharge outside the premises until outlet is connected to public sewer line*" wherein in Phase-I, the excess treated water from STP is being discharged into adjacent Nallah without monitoring of discharge standards and getting proper approval from concerned authority. Therefore, the Hon'ble NGT may impose penalty to the project proponent for non - compliance of environmental clearance conditions.
- It is noted that the proposed location of STP in Phase II is also adjacent to Nallah. Though, the present location of STP is as per draft approved layout plan by HMDA, it will affect water quality of Nallah, if the excess water discharged into nallah without monitoring the effluents quality as it is happening in Phase I project. Therefore, it is submitted that the treated water in the STP must be monitored and reused for internal purpose and not to discharge into the nallah.
- Change in location of STP may be appropriate, if other tenants residing near to club house are agreed to the view of applicant.
- The project authority shall develop three tier green belts with native species around the STP

Therefore, given the above facts the Hon'ble NGT may take appropriate decision as deemed fit.

S. No	Details of Joint Committee Member	Signature
1	Dr. E. Arockia Lenin, Member Scientist C, IRO, MoEF&CC, Hyderabad	
2	Shri. G. Gangadhar, Member & Nodal Agency, JCEE, TSPCB/Secretary, State Expert Appraisal Committee (SEAC),	 19/07/2021 Joint Chief Environmental Engineer Telangana State Pollution Control Board Sanathnagar, Hyderabad.
3	Shri. B.V. Bhadra Girish, Member, SEE(FAC), TSPCB, Hyderabad	