

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

**Miscellaneous Application No.04 of 2024 (SZ)
in
Original Application No.74 of 2017 (SZ)**

Tribunal on its own Motion in Re Non-
Compliance of order passed by NGT
dt.21.01.2020 arising out of Civil Appeal No
3891 of 2020 vide order dt 07.02.2024.

And

The State of Tamil Nadu
Rep. by its Secretary to Government
Department of Environment and Forest
and Others.

...Respondents

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**Filed by
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

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The State of Tamil Nadu
Rep. by its Secretary to Government
Department of Environment and Forest
and Others.

...Respondents

**REPORT FILED ON BEHALF OF THE THIRD RESPONDENT -
TAMIL NADU POLLUTION CONTROL BOARD.**

I, M.Vijayalakshmi, D/o. K.R.Muthaiah, Hindu, aged about 59 years, having office at No, 76, Mount Salai, Guindy, Chennai – 32, do hereby solemnly affirm and sincerely state as follows:-

1. I submit that I am working as the Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, Chennai and I am authorized to file this report on behalf of the 3rd respondent and as such I am well acquainted with the facts of the case from the office records available at our office records.
2. It is respectfully submitted that the unit, M/s. KGISL Technologies & Infrastructure Private Ltd, named "Platina" located at S.F.No.376/1B & 377/1B, Keeranatham Village, Annur Taluk, Coimbatore District is a building construction project. The project proposal includes the development of two blocks with Stilt Floor + 8 floors each, two blocks with Stilt floor + 7 floor each, and LIG block with ground floor + 3 floors for providing 435 dwelling units in a land area of 17200.26 Sq.m. with a total built up area of 41,914.58 Sq.m. As per the Environmental Impact Assessment (EIA)

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Notification, dated 14.09.2006, the project comes under Category 'B' which requires prior Environmental Clearance (EC). The project was completed in all aspects during 2014 without obtaining Environmental Clearance and it is considered an EC Violation project.

3. It is respectfully submitted that, vide proceeding dated 26.12.2013, a Show Cause Notice was issued to the petitioner construction project under Section 19(a) of the Environment (Protection) Act, 1986 for the following:
 - a. Substantial progress was made in the construction of the residential apartment prior to the issue of Environmental clearance.
 - b. The project comes under the 8(a) of the schedule, which attracts EIA notification, 2006.
4. It is respectfully submitted that based on the above, a criminal case was filed against the unit in the Hon'ble Judicial Magistrate Court – II, Coimbatore on 05.02.2014 vide CC No.200/2014, under Section 19 of the Environment (Protection) Act, 1986 for the violation made by the unit.
5. It is respectfully submitted that the unit has filed a criminal original petition in CRL OP No. 1781 of 2016 and CRL MP No. 874 of 2016 in the Hon'ble High Court against the above CC and obtained stay vide order dt 05/02/2016. Subsequently, the above cases were dismissed as withdrawn on 18.10.2023.
6. It is respectfully submitted that the Hon'ble Judicial Magistrate Court – II, Coimbatore has disposed the case with conviction on 06.02.2024 and ordered the following:

“...Accused are filed admission petition in CMP 4722/2024 and the same is allowed hence accused are found guilty for the offence u/s Sec.15r/w 16 of the Environment Act. The A1 to A3 are convicted to pay fine Rs. 25,000 each In Default, Simple

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Imprisonment for 1 week. The A1 to A3 are convicted u/s 248(2) of CRPC.”

7. It is respectfully submitted that previously, the unit neither obtained prior Environmental Clearance as required under the EIA Notification, 2006 nor applied for Consent to Establish / Operate from the TNPC Board.
8. It is respectfully submitted that Thiru. V. Sankara Subramanian, S/o. S.Velusamy, No.4/67, South Street, Manur Post, Thirunelveli District has filed a case before the Hon'ble National Green Tribunal (SZ), Chennai against M/s. KGISL Technologies & Infrastructure P Ltd, in application **No.74 of 2017 (SZ)** and prayed to demolish the unauthorized and unlawful construction work carried out at the project area. It is respectfully submitted that further, the NGT case was filed in the year 2017 and the MoE&F has issued notification and clarifications vide notifications (S.O.804 (E), Dt: 14.03.2017, S.O.1030 (E), Dt: 08.03.2017 & O.M. No. F.No.Z-11013/22/2017-IA. II (M) dated: 15.03.2018) for processing EC violation applications by MoE&F & SEIAA.
9. It is respectfully submitted that this Hon'ble Tribunal, vide order dated 21.01.2020 and Corrected Order dt. 07.02.2020 has passed an order and inter alia as follows:-

“...So considering these aspects we feel it appropriate that fifth respondent is directed to pay an interim compensation of Rs.8 Crores and that amount can be deposited before the Central Pollution Control Board within a period of two months and the same can be utilized by the CPCB for restoration of ecology cost...”

“... Further, in order to assess the actual compensation payable we constitute a committee comprising of CPCB, SPCB, SEIAA, Regional Office of MoEF, Council for Scientific and Industrial Research and IIT, Chennai. SPCB will be the nodal agency for coordination and providing necessary logistics for

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this purpose and the committee shall submit a report within a period of three months to this tribunal”.

10. It is respectfully submitted that in this connection, the Board has nominated DEE/TNPCB/Coimbatore North to act as a member of Joint Committee and Nodal Officer of the said committee. As per the NGT(SZ), order, expert committee was constituted comprising of CPCB, SPCB, SEIAA, Regional Office of MoEF, Council for Scientific and Industrial Research and NIT, Trichy to assess the compensation.

11. It is respectfully submitted that on 10.08.2020 a Joint Committee meeting through video conference was organized by the Nodal Officer/Member, TNPCB, Coimbatore North. Due to the prevailing COVID-19 pandemic situation, the inspection of the site was not carried out.

12. It is respectfully submitted that on 27.04.2022, the Hon'ble National Green Tribunal (SZ) was disposed of the OA No: 74 of 2017, with the following directions:-

*“...Having regard to the totality of circumstances, we adopt the second course and **direct that compensation be assessed by the Committee already constituted**, following due process of law. Order of the Tribunal fixing interim compensation and final determination of compensation by the Committee will be subject to the order of the Hon'ble Supreme Court in pending appeal filed by Respondent No. 5, PP being Civil Appeal No. 3891 of 2020, M/s KGISL Technologies and Infrastructure Pvt. Ltd. v. V. Sankara Subramanian.*

The application is disposed of.”

13. It is respectfully submitted that the unit authorities filed a Civil Appeal (C.A. No.3891 of 2020 with I.A.No.124465 and 124469 of 2020) on 25.11.2020 before the Hon'ble Supreme Court of India.

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14. It is respectfully submitted that the joint committee was already constituted by the Hon'ble NGT is yet to assess the actual compensation in view of Covid-19 pandemic.

15. It is respectfully submitted that the authorized signatory of M/s. KGISL Technologies & Infrastructures Pvt. Ltd., replied vide Lr dt.12.03.2020 and informed that, a Writ petition in W.P. No.5692 of 2020 has been filed in the Hon'ble High Court of Madras by its Vice President (Fin & Infra) Mr.R.Maheswaran [fifth respondent in Original App. No. 74 of 2017 (SZ)] KGISL Campus, Thudiyalur Road, Saravanampatty, Coimbatore challenging the Hon'ble NGT (Southern Zone) Order dt. 21.01.2020 in O.A. No.74 of 2017 with the following prayer to issue a Writ of Certiorari or any other appropriate Writ to call for the records in the impugned order dated 21.01.2020 in Original Application No. 74 of 2017 (SZ) passed by the National Green Tribunal along with stay petition.

16. It is respectfully submitted that the Hon'ble High court in its order dated 10.11.2020 has disposed of the writ petition, as the petitioner seeks the permission of the court to withdraw the petition in view of the circular dt 06.11.2020.

17. It is respectfully submitted that in between, the unit authorities have filed a Civil Appeal in C.A. No.3891 of 2020 with I.A.No.124465 and 124469 of 2020 on 25.11.2020 before the Hon'ble Supreme Court of India with a prayer to set aside the impugned order and judgment dated: 21.01.2020 in Original App. No. 74 of 2017 (SZ) passed by the Hon'ble National Green Tribunal, Southern Chennai.

18. It is respectfully submitted that on 07.02.2024, the Hon'ble Supreme Court of India dismissed the Civil Appeal and directed as follows:-

" 2. We see no reason to interfere with the order of the National Green Tribunal.

3. We take note of the fact that, there is no interim order passed by this Court while issuing notice on 10.12.2021 in the Civil Appeal. Till date the decision of the Tribunal directing payment of Rs. 8 crores as interim compensation has not been complied with by the appellant. While dismissing the Civil Appeal, we direct the Tribunal to initiate

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immediate action for compliance of the direction issued by the Tribunal.

4. Application for impleadment is dismissed.

5. Civil Appeal is dismissed".

Accordingly, the compliance of directions as follows:-

Civil Appeal (C.A. No.3891 of 2020 with I.A.No.124465 and 124469 of 2020) Dt: 07.02.2024	Compliance
<p><i>"...there is no interim order passed by this Court while issuing notice on 10.12.2021 in the Civil Appeal. Till date the decision of the Tribunal directing payment of Rs. 8 crores as interim compensation has not been complied with by the appellant..."</i></p>	<p>In compliance with the order of C.A. No.3891 of 2020 by the Hon'ble Supreme Court, the Hon'ble NGT order 27.04.2022 on O.A.No. 74 of 2017, the Board has issued a direction to remit interim compensation of Rs. 8.0 crores vide proceeding 04.04.2024. The unit was instructed to remit an interim compensation of the amount of Rs. 8.0 crores as directed by the Hon'ble NGT in its order dated 07.02.2020.</p> <p>In this regard, the unit vide letter 12.04.2024, stated that they have already submitted a Bank Guarantee vide No. T20GPGE240755001, dated: 15.03.2024 for an amount of Rs. 6.80 Crores on 19.03.2024 to TNPC Board, Chennai as per the directions of SEIAA for the same project.</p> <p>Hence, a letter has been addressed to the Board to conduct a personal</p>

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	hearing with the unit's authorities vide DEE's letter dated 17.04.2024.
<i>"...While dismissing the Civil Appeal, we direct the Tribunal to initiate immediate action for compliance of the direction issued by the Tribunal..."</i>	<p>The Hon'ble NGT Tribunal in M.A.No. 04 of 2024 in O.A.No. 74 of 2017 on its own Motion in Re Non-Compliance of order passed by NGT dt.21.01.2020 arising out of Civil Appeal No 3891 of 2020 vide order dt 07.02.2024 and directed the TNPCB to comply the following:</p> <ol style="list-style-type: none"> a. To find out status of the order whether they have complied with or not. b. To state whether the final compensation is arrived at. If not, compute the final compensation payable by the project proponent.

19. It is respectfully submitted that in pursuant to the said SCI order, the NGT(SZ) on its Motion for Non Compliance of the order passed by NGT dt.21.01.2020 arising out of Civil Appeal No 3891 of 2020 vide order dt 07.02.2024, renumbered the said case vide Misc. Appl. No. 04 of 2024 in OA 74 of 2017 and passed order dt.25.03.2024 and directed among other things as follows:-

2. Let notice be issued to the project proponent through the Tribunal.
3. The learned counsel appearing for the Tamil Nadu Pollution Control Board is directed to find out the order's status and whether they have complied with it.
4. Let the TNPCB also state whether the final compensation arrived. If not, compute the final compensation payable by the project proponent.


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5. Post the matter on 13.05.2024.

20. It is respectfully submitted that the TNPC Board has called for a Personal Hearing with the unit's authorities on 22.05.2024 vide memo Board's letter dated 15.05.2024 for compliance of directions of the Hon'ble Tribunal. Accordingly, the personal hearing was conducted on 22.05.2024.

21. It is respectfully submitted that during the personal hearing, the unit has informed the third respondent (TNPCB) stating that they have already submitted a Bank Guarantee vide No. TZ20GPGE240755001 dated 15.03.2024 for an amount of Rs. 6.80 Crores on 19.03.2024 to the third respondent (TNPCB) as per the direction of SEIAA for the same Project. Meanwhile, the unit filed an Appeal No. 39/2024 on 19.03.2024 against the final compensation arrived by the SEIAA, since the compensation arrived by the NGT was only interim compensation. Since the matter is pending with NGT, the unit has requested to the TNPC Board not to take any credible action.

22. It is respectfully submitted that the third respondent (TNPCB) was has informed to the unit that both (Submission of BG as directed by SEIAA-TN and interim Environmental Compensation as directed by Hon'ble NGT) are entirely different. Therefore, the unit has to pay Rs. 8,00,00,000/- (Rupees Eight Crores Only) towards recovery of interim Environmental Compensation.

23. It is respectfully submitted that it was reiterated that the Hon'ble NGT (SZ) Order dated:13.05.2024 in M.A. No. 04 of 2024 in O.A. No.74 of 2017, has directed the following to the unit.

"7. Therefore, as a last opportunity, we grant 2 (Two) weeks from today for the Project Proponent to deposit a sum of Rs.8 Crores with the CPCB as originally directed in the Original Application No.74 of 2017 (SZ), failing which, the said amount would be collected with interest at 12% per annum from the date of the original order." The case is posted on 27.05.2024.

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24. It is respectfully submitted that the unit has been instructed to comply with the orders of the Hon'ble NGT(SZ) in the above subject matter and to remit the interim Environmental Compensation of Rs. 8 Crores at the earliest, as directed by the Hon'ble NGT(SZ).

25. It is respectfully submitted that further the SEIAA-TN vide letter dated:11.06.2024 (Copy enclosed) has requested TNPCB to return the bank guarantee submitted by the project proponent for an amount of Rs.6,80,00,000/- in order to enable the PP to submit the Bank Guarantee as directed by the Hon'ble NGT (SZ) in it's order dated: 13.05.2024 with CPCB in the Miscellaneous Application No.04 of 2024 in original Application No. 74 of 2017.

26. It is respectfully submitted that TNPCB vide letter dated: 24.06.2024 (Copy enclosed) returned the original Bank Guarantee BG.No. T20GPGE240755001 dated:15.03.2024 Expiry date:12.03.2026 for Rs. 6,80,00,000/- (Rupees Six Crore and Eighty lakhs only) to the unit.

27. It is respectfully submitted that the unit vide letter dated 26.06.2024 (Copy enclosed) has stated that they have remitted the interim compensation of Rs. 8 Crores to CPCB through online payment dt:25.06.2024.

28. It is further submitted that, as per the direction of the Hon'ble Tribunal on 27.04.2022, any compensation arrived is subject to the final judgment of the Hon'ble Supreme Court. The committee is not in a position to assess the final Environmental Compensation to be levied, as one of the committee member Dr.C.Kaliyaperumal, Director, MoEF Regional Office (SEZ), Chennai passed away. Hence, it is requested that the Hon'ble Tribunal may be pleased to reconstitute the joint committee to assess the final Environmental Compensation to be levied.

In the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Southern Zone) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

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VERIFICATION

I, M.Vijayalakshmi, D/o. K.R.Muthaiah, working as Additional Chief Environmental Engineer, Tamil Nadu Pollution Control Board, having office at No.76, Mount Salai, Guindy, Chennai-32, do hereby verify that the contents of above reply are true to the best of my knowledge through records.

M. Vijayalakshmi 18/7/2024
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सत्यमेव जयते

THIRU. A.R. RAHUL NADH, I.A.S
MEMBER-SECRETARY

STATE LEVEL ENVIRONMENT IMPACT
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11/6/24



LT/ No. SEIAA-TN/F.No.372/2023/BG/ dated: 11.06.2024

To

The Chairperson,
Tamil Nadu Pollution Control Board,
76, Mount Salai,
Guindy, Chennai - 32.

~~For r/a pl~~
For r/a pl
RSG

Sir,

Sub: SEIAA-TN – Proposal seeking Environmental Clearance under violation Notification dated 14.03.2017 & 08.03.2018 of MoEF&CC for the Existing Residential Apartment Building complex in S.F.No. 375/5B (Pt), 376/1B (Pt), 376/2B (Pt), 377/3 (Pt) of Keeranatham Village, Annur Taluk, Coimbatore District, Tamil Nadu by M/s. KGISL Technologies and Infrastructures Private Limited – PP request for release/return of Bank Guarantee – Recommended for return of Bank Guarantee – Reg

14/16
DSE(F)
For NAM

- Ref:
1. MoEF & CC Notification S.O.804 (E) dated 14.03.2017
 2. MoEF & CC Notification S.O.1030 (E) dated 08.03.2018
 3. ToR under violation category issued by SEIAA-TN vide Letter No. SEIAA-TN/ F.No. 372/SEAC-CXVII/Violation/ToR-566/2018 dated:07.08.2018
 4. Online Proposal No. SIA/TN/MIN/423025/2023, dated: 22.03.2023 (Violation EC)
 5. Proponent submitted EIA report to SEIAA-TN on 24.03.2023
 6. Minutes of the 369th SEAC meeting held on 20.04.2023
 7. Site inspection by the sub-committee on 03.06.2023
 8. Minutes of the 404th SEAC meeting held on 25.08.2023
 9. Minutes of the 655th SEIAA meeting held on 19.09.2023
 10. Proponent request letter dated: 06.10.2023
 11. Minutes of the 668th SEIAA meeting held on 01.11.2023
 12. Minutes of the 430th SEAC meeting held on 14.12.2023

13. Minutes of the 687th SEIAA meeting held on 09.01.2024
14. Hon'ble Supreme Court of India Order dated 07.02.2024 in Civil Appeal No. 3891 of 2020
15. Minutes of the 703rd SEIAA meeting held on 13.03.2024
16. Proponent reply dated: 19.03.2024
17. Minutes of the 707th SEIAA meeting held on 01.04.2024
18. Minutes of the 458th SEAC meeting held on 04.04.2024
19. Minutes of the 717th SEIAA meeting held on 06.05.2024
20. Hon'ble NGT (SZ) Order dated 13.05.2024 in Miscellaneous Application No.04 of 2024 in Original Application No.74 of 2017 (SZ)
21. Proponent request letter dated: 17.05.2024
22. Minutes of the 722nd SEIAA meeting held on 20.05.2024
23. Minutes of the 470th SEAC meeting held on 24.05.2024
24. Minutes of the 725th SEIAA meeting held on 29.05.2024

It is informed that, the Project Proponent M/s. KGISL Technologies and Infrastructures Private Limited applied seeking Environmental Clearance under violation category for the Existing Residential Apartment Building complex in S.F.No. 375/5B (Pt), 376/1B (Pt), 376/2B (Pt), 377/3 (Pt) of Keeranatham Village, Annur Taluk, Coimbatore District, Tamil Nadu. The project/activity is covered under Category "B" of Item 8(a) "Building & Construction" of the Schedule to the EIA Notification, 2006. ToR under violation category was issued to the Project Proponent vide Letter No. SEIAA-TN/F.No. 372/SEAC-CXVII/Violation/ToR-566/2018 dated:07.08.2018. EIA Report was submitted by the project proponent on 24.03.2023.

Earlier, the said proposal was placed in the 369th SEAC Meeting held on 20.04.2023 and the SEAC decided to constitute a sub-committee to make on-site inspection to assess the present status of the proposed project, environmental settings and to **assess ecological damage assessment whether it is being carried out in accordance with CPCB Guidelines**, remediation plan, natural resource augmentation and community resource augmentation.

Based on the above, the State Expert Appraisal Committee (SEAC) Tamil Nadu constituted a sub-committee vide its Lr. No. SEAC-TN/372/Site-Inspection/2022, dated 20.04.2023; based on Minutes of the 369th SEAC Meeting, held on 20.04.2023, to inspect and study the field condition for the proposal seeking EC for the Existing Residential Apartment Building complex in S.F.No. 375/5B (Pt), 376/1B (Pt), 376/2B (Pt), 377/3 (Pt) of Keeranatham Village, Annur Taluk.

Coimbatore District, Tamil Nadu. The Committee comprised of Shri R. Thangaprakasam, Member, SEAC-TN & Shri K. Kumar, Member, SEAC-TN.

The above Sub-committee's report was placed in the 404th Meeting of SEAC held on 25.08.2023. After detailed deliberation, SEAC decided to recommend the proposal to SEIAA for grant of Environmental Clearance subject to the following conditions stated therein in addition to the normal conditions:

- i. **The decision to issue EC is subject outcome in the cases pending before the Hon'ble Supreme Court of India and Hon'ble NGT (SZ) in this regard.**
- ii. As per the MoEF& CC Notification, S.O.1030 (E) dated:08.03.2018, "The project proponent shall submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by the Expert Appraisal Committee for category A projects or by the State or Union territory level Expert Appraisal Committee for category B projects, as the case may be, and finalized by the concerned Regulatory Authority and the bank guarantee shall be deposited.
- iii. Accordingly, the amount prescribed for Ecological remediation (Rs. 1,36,93,750/-), natural resource augmentation (Rs. 4,00,50,000) & community resource augmentation (Rs. 1,42,56,250/-), is Rs. 6,80,00,000/-. The project proponent should remit the amount of Rs. 6.80 crore in the form of bank guarantee to Tamil Nadu Pollution Control Board and submit acknowledgment of the same to SEIAA-TN. The amount shall be utilized for the ecological damage remediation plan, Natural resource augmentation plan & Community resource augmentation plan as indicated.
- iv. The project proponent shall carry out the works assigned under ecological damage, natural resource augmentation and community resource augmentation within a period of one year from the date of issue of EC. If not, the bank guarantee will be forfeited to TNPCB without further notice.

Subsequently, the subject was placed in 655th SEIAA meeting held on 19.09.2023. In the view of the above, Authority after detailed deliberation, decided that since a court case is pending before Hon'ble Supreme Court (Civil Appeal No. 3891/2020), decided to keep in abeyance until the disposal of the case pending before Hon'ble Supreme court. Upon the receipt of final judgement, further deliberation shall be done.

Further, proponent vide letter dated: 04.10.2023, received by this office on 06.10.2023 had given a representation which inter alia states as follows.

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" ... Further, the SEAC in the meeting held on 25.08.2023 had requested us to install roof top solar panels in accordance with the revised norms for which we had duly complied the same by spending Rs. 90 lacs as per our letter dated 09.08.2023 thereby contributing to the green power energy in the project. It should be noted that while the company had completed the project during December 2014 and sold more than 433 dwelling units by 2018. However, to comply with directions of SEIAA department, the company has already spent a sum of Rs. 90 Lacs during July 2023.

Under the above circumstances, we request your good self to drop further proceedings on the basis of the report dated 25.08.2023 and not demand any compensation in terms of your report dated 25.08.2023 and oblige."

The above representation received from the proponent was placed in the 668th Authority meeting held on 01.11.2023. Hence, Authority after detailed deliberation, decided to forward the above representation received from the proponent and the committee shall examine the above representation and shall furnish its recommendation to SEIAA to take further course of action.

Based on the above facts, the proposal was again placed in 430th SEAC meeting held on 14.12.2023. The Committee carefully examined the representation given by the PP in its letter dated 04.10.2023. The representations made by the PP and the remarks of the Committee are given below.

i. **First, according to PP their case shouldn't have been dealt with as a violation case:-**

The Committee has already gone through the facts involved in the case and has concluded that the proposal is a violation case & Violation ToR was issued vide Letter No. SEIAA-TN/F.No.372/SEAC-CXVII/Violation/ToR-566/2018 dated:07.08.2018. The PP also accepted & submitted EIA report as per laid down procedure in EIA Notification, 2006. Hence, PP's representation that their proposal is not a violation is liable to be rejected as Project proponent himself had accepted the violation ToR & had undergone process.

ii. **Second, the PP has represented against the amount of penalty determined by SEAC:-**

SEAC has been following the guidelines finalised by CPCB to evaluate Environmental Compensation which has also been accepted by NGT. The formula and the various values assigned to various parameters have been explained in detail in the 404th SEAC meeting minutes. Therefore, SEAC finds no reason to re-examine the amount of compensation already determined based on CPCB Guidelines.

- iii. **Third, the company has pointed out that, the Sub-Committee appointed by SEAC has arrived at Rs. 2.7 Crores as penalty while the SEAC has set the compensation at Rs. 6.80 Crores:-**

The Sub-Committee was Constituted to make an on-spot inspection & the Sub-Committee had given their recommendation based on the data furnished by PP during the site visit. The views of the Sub-Committee are only recommendatory in nature and SEAC takes final decision after considering all aspects including the recommendation of the subcommittee.

- iv. **Finally, the PP has requested the SEIAA to drop further proceeding based on committee's environmental compensation as determined by the Committee.**

The Committee is of the view that SEIAA may immediately take a decision based on the recommendation of SEAC irrespective of the case pending before Hon'ble Supreme Court as it is not an impediment for arriving at the final decision. In fact, the PP has submitted the decision of SEAC by way of additional affidavit. Further, in SEAC recommendation it has been clearly stated that the EC is subject to the outcome of a case pending before Hon'ble Supreme Court.

Subsequently, the proposal was placed in the 687th Authority meeting held on 09.01.2024. Hence, in the view of the above, in continuation to the earlier minutes, Authority decided to accept the decision taken by SEAC and decided to request the Member Secretary, SEIAA to inform the proponent to furnish the following particulars as recommended by SEAC in the Minutes of 404th SEAC Meeting held on 25.08.2023.

- i. As per the MoEF& CC Notification, S.O.1030 (E) dated:08.03.2018, "The project proponent shall submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by the Expert Appraisal Committee for category A projects or by the State or Union territory level Expert Appraisal Committee for category B projects, as the case may be, and finalized by the concerned Regulatory Authority and the bank guarantee shall be deposited. Further, if the PP fails to comply, stringent penal actions will be initiated as per the direction given by SEAC in it's 430th SEAC meeting held on 14.12.2023.
- ii. Accordingly, the amount prescribed for Ecological remediation (Rs. 1.36,93,750/-), natural resource augmentation (Rs. 4.00,50,000) & community resource augmentation (Rs. 1.42,56,250/-), is Rs. 6.80,00,000/-. The project proponent should remit the amount

- of Rs. 6.80 crore in the form of bank guarantee to Tamil Nadu Pollution Control Board and submit acknowledgment of the same to SEIAA-TN. The amount shall be utilized for the ecological damage remediation plan, Natural resource augmentation plan & Community resource augmentation plan as indicated.
- iii. The project proponent shall carry out the works assigned under ecological damage, natural resource augmentation and community resource augmentation within a period of one year from the date of issue of EC. If not, the bank guarantee will be forfeited to TNPCB without further notice.
 - iv. The project proponent shall submit the proof for the action taken by the state Government/TNPCB against project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986 as per the EIA Notification dated: 14.03.2017 and amended 08.03.2018.

Subsequently, a letter was received from the Government vide Letter No. 14389/EC.3/2017-21, dated: 21.02.2024, enclosing the final order passed by the Hon'ble Supreme Court in CA No. 3891 of 2020 filed by the proponent against the order of NGT. The matter was placed in the 703rd Authority meeting held on 13.03.2024. The Authority after detailed deliberation, decided to forward the above letter received from the Government to the committee for furnishing its remarks.

Meanwhile, the proponent vide his letter 19.03.2024 has furnished the copy of Bank Guarantee submitted to TNPCB & copy of acknowledgement obtained from TNPCB for the submission of BG (BG NO. T20GPE240755001, dated: 15.03.2024 for an amount of Rs.6.80,00,000/-). Also, the proponent has submitted the details of court case filed by TNPCB in the Judicial Magistrate Court-II, Coimbatore vide C.C. No. 200 of 2014, dated 29.01.2014 against the proponent.

The subject was placed in the 707th Authority meeting held on 01.04.2024. In view of the above, the Authority decided to refer back the proposal to SEAC for remarks / recommendations.

Based on the above, the proposal was again placed in the 458th SEAC Meeting held on 04.04.2024. In view of the Order of Hon'ble Supreme Court of India in Civil Appeal No. 3891 of 2020 dated 07.02.2024, the SEAC examined the matter in detail and decided that the recommendation already made may be kept in abeyance and the PP may be directed to approach the Hon'ble National Green Tribunal to determine the final compensation vide Para No. 7 of Hon'ble NGT Order dt. 27.04.2022 in Original Application No. 74/2017 (SZ).

Subsequently, the subject was placed in the 717th Authority meeting held on 06.05.2024. The Authority noted that the subject was appraised in the 458th SEAC meeting held on 04.04.2024. In view of the above, the Authority accepted the decision of SEAC and decided to request Member Secretary, SEIAA to communicate the minutes of 458th SEAC meeting to the project proponent.

The PP vide his letter dated 17.05.2024 has furnished the Hon'ble NGT Order dated 13.05.2024 in Miscellaneous Application No.04 of 2024 in Original Application No.74 of 2017 (SZ) and requested SEIAA for return of the Bank Guarantee submitted to TNPCB (BG NO. T20GPE240755001, dated: 15.03.2024 for an amount of Rs.6.80.00.000/-). The Hon'ble NGT (SZ) in its order dated 13.05.2024 has issued the following direction to the Proponent.

"7. Therefore, as a last opportunity, we grant 2 (Two) weeks' time from today for the Project Proponent to deposit a sum of Rs.8 Crores with the CPCB as originally directed in the Original Application No.74 of 2017 (SZ), failing which, the said amount would be collected with interest at 12% per annum from the date of the original order."

The subject was placed in the 722nd Authority meeting held on 20.05.2024. In view of the above, the Authority decided to refer back the proposal to SEAC for remarks / recommendations.

The proposal was placed in the 470th SEAC meeting held on 24.05.2024. **The Committee carefully examined the representation made by the Project Proponent with reference to the final order passed by the Hon'ble Supreme Court in this case and the subsequent directions of the Hon'ble NGT (SZ). The Hon'ble Supreme Court has dismissed the appeal filed by the proponent against the direction of Hon'ble NGT (SZ) in Original Application No. 74 of 2017 (SZ) dated 21.01.2020, directing the proponent to comply with the orders of Hon'ble NGT (SZ). The Hon'ble NGT in its order dated 13.05.2024 had directed the PP to deposit a sum of Rs. 8 Crores with CPCB within a period of two weeks. Under the circumstances, the PP has requested SEIAA to release/return the Bank Guarantee for a sum of Rs. 6.8 Crores already deposited with TNPCB.**

The SEAC noted that Hon'ble NGT (SZ) in its order dated 21.01.2020 has constituted a separate sub-committee to finalize the Environmental Compensation and has directed the committee to take note of guidelines provided in the MoEF&CC Notification dated 14.03.2017.

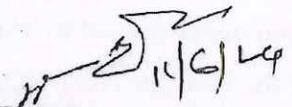
SEAC, therefore, decided to recommend the following:

- 1) As the final compensation will be decided by the committee constituted by the Hon'ble NGT (SZ), the compensation already determined by SEIAA, based on the recommendation made by SEAC, may be treated as cancelled subject to final disposal of the case by the Hon'ble NGT (SZ).
- 2) Consequently, the Bank Guarantee already submitted by PP may be returned to the PP as requested by him without prejudice to any further course of action that may be taken by the Authority on the final order of the Hon'ble NGT in the case.

Subsequently, the proposal was placed in the 725th SEIAA meeting held on 29.05.2024. In the view of the above, SEIAA accepts the decision of SEAC and decided to request Member Secretary to communicate the above decision of SEAC to The Chairperson, TNPCB, with all the facts and history of the proposal, to return the Bank Guarantee submitted by the PP vide BG NO. T20GPE240755001, dated: 15.03.2024 for an amount of Rs.6,80,00,000/- in order to enable the PP to submit the Bank Guarantee as directed by Hon'ble NGT (SZ) in it's order dated: 13.05.2024 with CPCB in the Miscellaneous Application No.04 of 2024 in original Application No. 74 of 2017, as requested by the PP vide letter dated: 17.05.2024.

Hence, TNPCB is requested to return the bank guarantee submitted by the project proponent for an amount of Rs.6,80,00,000/- in order to enable the PP to submit the Bank Guarantee as directed by the Hon'ble NGT (SZ) in it's order dated: 13.05.2024 with CPCB in the Miscellaneous Application No.04 of 2024 in original Application No. 74 of 2017.

The receipt of the letter may be acknowledged.


For MEMBER SECRETARY
SEIAA-TN

11/06/2024

Copy to:

M/s. KGISL Technologies & Infrastructures Pvt. Ltd.,
365, KGISL Campus,
Thudiyalur Road,
Saravanampatti,
Coimbatore - 641 035.



TAMIL NADU POLLUTION CONTROL BOARD



From

Dr. Jayanthi M. I.F.S.,
Chairperson,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai – 600 032.

To

The Vice President Finance & Infrastructure,
M/s. KGISL Technologies & Infrastructure P Ltd
No. 365, KGISL Campus, Thudiyalur Road,
Saravanampatti,
Coimbatore-641035.

Lr.No. TNPCB/T2 F.024674/BG/2023 Dated: 24.06.2024

Sub: TNPCB – Industries – M/s. KGISL Technologies & Infrastructure P Ltd, named as "Platina" located at S.F.No.376/1B & 377/1B, Keeranatham Village, Annur Taluk, Coimbatore District – Return of Original BG.No. T20GPGE240755001 dated:15.03.2024 Expiry date:12.03.2026 for Rs. 6,80,00,000/- (Rupees Six Crore and Eighty lakhs only) - Reg

Ref: 1. Original BG No: T20GPGE240755001, Dt. 15.03.2024 for Amount: Rs. 6,80,00,000/- (Rupees Six Crore and Eighty lakhs only) with Expiry date: 12.03.2026 & Claim Expiry date: 12.03.2026 from Canara Bank, Coimbatore Branch (Enclosed).
2. MS, SEIAA-TN Letter No. SEIAA-TN/F/No,372/2023/BG dated:11.06.2024.

I invite your attention to the reference 1st cited, wherein Bank Guarantee No. BG No: T20GPGE240755001, Dt. 15.03.2024 for Amount: Rs. 6,80,00,000/- (Rupees Six Crore and Eighty lakhs only) with Expiry date: 12.03.2026 & Claim Expiry date: 12.03.2026 has been furnished by your unit of M/s. KGISL Technologies and Infrastructure Private Limited, Keeranatham village, Annur Taluk, Coimbatore District, Tamil Nadu in order to carryout the works assigned under Ecological Damage, and Community Resource Augmentation.

Now the SEIAA-TN vide letter dated:11.06.2024 has requested TNPCB to return the bank guarantee submitted by the project proponent for an amount of Rs.6,80,00,000/- in order to enable the PP to submit the Bank Guarantee as directed by the Hon'ble NGT (SZ) in it's order dated: 13.05.2024 with CPCB in the Miscellaneous Application No.04 of 2024 in original Application No. 74 of 2017.

In view of the above, it is informed that, Board has decided to return the above BGD and hence, the original Bank Guarantee BG.No. T20GPGE240755001 dated:15.03.2024 Expiry date:12.03.2026 for Rs. 6,80,00,000/- (Rupees Six Crore and Eighty lakhs only) submitted by the unit is hereby returned to the unit.

The receipt of this letter with Bank Guarantee shall be acknowledged.

Encl: Original BG No: T20GPGE240755001, Dt. 15.03.2024 for Amount: Rs. 6,80,00,000/-.

Rathin
24/6/24
For Chairperson
skp

No. 76, MOUNT SALAI, GUINDY, CHENNAI - 600 032.

Tel : 044-22353134 - 139 Fax : 044-22353068

Email : tnpceb-chn@gov.in Web : tnpceb.gov.in

Copy to :

1. The District Environmental Engineer,
Tamilnadu Pollution Control Board
Coimbatore North.
2. The Member Secretary,
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)
3rd Floor, Panagal Maaligai, No.1, Jeenis Road, Saidapet,
Chennai – 600 015 – For information

21
26th June, 2024

The Member Secretary,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi - 110 032.

Respected Sir,

Sub: Remittance of Interim Compensation for residential project – In the matter of Existing Residential Building complex in S.F.No.375/5B (part),376/1B (part), 376/2B (part), 377/3 (part) of Keeranatham Village, Annur Taluk, Coimbatore District by M/s. KGiSL Technologies and Infrastructure Pvt. Ltd., for environmental Clearance under violation category – Reg.

Ref: National Green Tribunal, South Zone, Chennai Miscellaneous Application No.04/2024 in Original Application No.74/2017.

With reference to the above, we would like to state that we have remitted the interim compensation amount of Rs.8.00 crores (Rupees Eight Crores Only) from Canara Bank, KGiSL Branch, Saravanampatti, Coimbatore 641035 through online payment to your account as per the following details:

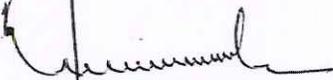
Name	: Central Pollution Control Board
Account No.	: 532701010034298
Bank Name & Branch	: Union Bank of India, Indraprastha Extn.
Amount	: Rs.8.00 croes
UTR No.	: CNRBR52024062583145869
Date of Payment	: 25.06.2024

This is for your kind information and acknowledge the receipt. You are aware our case is pending before National Green Tribunal questioning the compensation and the quantum and thus this payment is subject to the result of the said petition. Kindly arrange for inspection again by giving advance notice to us.

Thanking you,

Yours Truly,

For KGiSL Technologies and Infrastructures Private Limited,



R. Maheswaran,
Vice President (Finance & Infrastructure).

Copy To
REGIONAL DIRECTORATE – CHENNAI,
Central Pollution Control Board,
M/o Environment & Forest Climate Changes Govt. of India),
Second Floor, No.40-E, BSNL building,
TVK Industrial Estate, CIPET Road,
Guindy, Chennai, Tamil Nadu - 600 032.

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

**Miscellaneous Application No.04 of 2024
(SZ)**

in

Original Application No.74 of 2017 (SZ)

Tribunal on its own Motion in Re Non-
Compliance of order passed by NGT
dt.21.01.2020 arising out of Civil Appeal
No.3891 of 2020 vide order dt 07.02.2024.

And

The State of Tamil Nadu
Rep. by its Secretary to Government
Department of Environment and Forest
And & ors

..Respondents

**REPORT FILED ON BEHALF OF
THE THIRD RESPONDENT - TAMIL
NADU POLLUTION CONTROL
BOARD.**

**Advocate for Respondent: TNPCB
Thiru.S. Sai Sathya Jith,
Advocate, Chennai.**

Date:18.07.2024

Date of hearing on:19.07.2024.

