

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE) AT
CHENNAI**

Original Application 104 of 2022

Girish NP

...Applicant

v.

State of Karnataka and Ors.

...Respondents

MEMO FILED ON BEHALF OF THE APPLICANT

The Applicant respectfully submits as follows:

1. The present Application has been filed praying for the Hon'ble Tribunal to direct the Respondent authorities to take action to stop the contamination of the Nagarakere, Chikkatumakuru/Majarahosahalli, Doddatumakuru, and Veerapura lakes in Doddaballapura Taluk in Bengaluru Rural District and remediate the lakes, remove encroachments on the above lakes, remove the sewage treatment plant at Chikkatumakuru lake, remove the manhole lines inside Nagarakere lake, and establish STPs/ETPs/CETPs to prevent pollution of the lakes, among other reliefs.

Encroachment

2. The details of the encroachments on the subject lakes, as per the Land Records Department, Government of Karnataka, have been provided in the Applicant's memo dated 13.07.2024. The encroachment details as per official records available on <https://www.landrecords.karnataka.gov.in/> are listed below:

Sl. No.	Lake Name	Source	Survey No.	Area	Encroached Area	Total Area	Encroached Area
1	Nagarakere	RTI	Rojipura Sy. No.53	39 Acres 22 Gunta	9 Acres 03 Gunta	174 Acres 21.5 Gunta	10 Acres 3 Gunta
		Official Website	Siddenaya kanahalli Sy No. 6	19 Acres 33 Gunta	0 Acres 11.5 Gunta		
			Kasbhag Sy No.16	98 Acres 14 Gunta	0 Acres 4 Gunta		
			Thigalebh agaythi Sy No. 62	13 Acres 22 Gunta	0 Acres 18 Gunta		
			Muttur Sy No. 56,	2 Acres 4 Gunta	0 Acres		
			Muttur Sy No. 61	0 Acres 20 Gunta	0 Acres		
			Muttur Sy No. 62	0 Acres 28 Gunta	0 Acres 7 Gunta		
			Rojipura Sy No. 49	Data not available			
2	Chikkatumkur Lake (Majarahosahalli Lake)	Official Website	Chikkatumkur Sy No. 28	10 Acres 36 Gunta	0 Acres	42 Acres 30.5 Gunta	8 Acres 31.5 Gunta
			Veerapura Sy. No. 4	31 Acres 35 Gunta	8 Acres 31.5 Gunta		
			Majarahosahalli Sy. No. 35	Data not available			
3	Veerapura Lake	Official Website	Veerapura Sy. No. 76	11 Acres 12 Gunta	0 Acres 13.25 Gunta	11 Acres 12 Gunta	13.25 Gunta
4	Doddatumkur Lake	Official Website	Doddatumkur Sy. No. 40,	295 Acres 23 Gunta	35 Acres	312 Acres 33 Gunta	35 Acres

Sl. No.	Lake Name	Source	Survey No.	Area	Encroached Area	Total Area	Encroached Area
			Doddaturu akuru Sy. No. 232	Data not available			

3. It is submitted that Section 12(3) of the Karnataka Tank Conservation and Development Authority Act, 2014 provides for a thirty metre buffer zone around tanks and lakes, where any construction, including commercial complexes, industrial complexes, houses or industrial activities are prohibited. Relevant extract:

12. Acts prohibited in tanks.- Notwithstanding anything to the contrary contained in any law for the time being in force, no person or institution or organization (registered or unregistered) or company or firm or association, Government departments, corporation or any local or other authority and their agents or employees or any body on their behalf shall,-

(3) make any construction or carry on any commercial or recreational or industrial activity within thirty meters from the outer boundary of the tanks.

4. It is submitted that the Respondent authorities have not filed any report till date on this aspect. It is necessary that the Respondent authorities conduct an inspection of the areas around these lakes and take action to remove the encroachment in the lake area as well as the buffer area of 30 metres around the lakes.

Shifting of underground drainage lines

5. The Municipal Commissioner of Doddaballapura, the 7th Respondent herein, filed a report dated 30.11.2022 with respect to shifting of the UGD network in Nagarakere lake.
6. This Hon'ble Tribunal, vide its order dated 01.12.2022, directed the Deputy Commissioner of Bengaluru Rural, the 6th Respondent herein, to file a report with an action plan. Relevant extract:

8. *Several steps have been taken by the CMC Doddaballapur to restore the Nagarakere Lake including the upgradation of the Sewage Treatment Plant and increase the quality of the treated water and also shifting the UGD network in Nagarakere Lake. In this regard, true Copy of the Action Plan with respect to shifting of the UGD Network and upgradation of STP is annexed as R1 which is in the vernacular language.*

9. *The said action plan was issued in the month of May 2022. However, there is no progress till today for which also the 7th respondent has to file the additional report. The action plan is also silent about the timeline within which the above said works will be completed. Hence, the 6th respondent is directed to file a report in English setting out the action plans referred to in the Annexure R1 with the specific timeline to commence and complete, estimate of which should not exceed 6(six) months.*

7. Further, the 7th Respondent, in its report dated 26.07.2023, undertook to shift the UGD lines from Nagarakere lake to beyond the afore-stated buffer zone, and asked for 12 months' time to complete the same. Relevant extract:

26. With respect to the shifting of UGD lines from Nagarakere beyond buffer zone in D cross Road, it is prayed that this Hon'ble Tribunal may allow 12 months' time to complete the work.

8. It is submitted that over 18 months have elapsed since the above order of this Hon'ble Tribunal dated 01.12.2022, and over 12 months have passed since the 7th Respondent's undertaking in the report dated 26.07.2023. However, the UGD lines in the Nagarakere lake have not been shifted to date. The respondents have not even placed on record the proposed plan of action to shift the offending pipelines.

9. In its report dated 07.11.2023, the 6th Respondent has undertaken to shift the UGD lines from the Nagarakere lake beyond the buffer zone, and to stop sewage discharge into the Chikkatumakuru lake. Relevant extract:

10. It is humbly submitted that the shifting of UGD lines from Nagarakere beyond buffer zone in D cross Road works will be carried out after obtaining sanction from the competent Authority.

Shifting of STPs

10. The fact of sewage discharge into the Nagarakere lake was recorded by this Hon'ble Tribunal in its order dated 17.02.2023, where the Karnataka State Pollution Control Board, the 5th Respondent herein, was directed to cancel the sanctions given for the construction of sewerage lines and STPs in the Nagarakere and Chikkatumakuru lakes, and shift the same to an appropriate site. Relevant extracts:

4. It has been repeatedly stated that even the buffer zone should be spared while setting up the sewerage line or STP. If the statement of the applicant is true, the State Pollution Control Board has to step in to verify and check that no STPs or sewer lines are set up in the water body/ buffer zone/ waterways like Rajakaluve, etc.

7. So, the Deputy Commissioner is directed not to give any sanction for the construction of the sewerage lines/STPs in the water body/waterways/water course/buffer zone. Even if they are given earlier, cancel them and try to shift the same to any other place.

11. In their report dated 30.03.2023, the 5th Respondent has admitted that sewage generated from Doddaballapura is directly taken to the oxidation pond through underground drainage and let into the Chikkatumakuru lake, and that sewage from Bashettihalli is discharged into the Chikkatumakuru lake without any STP. Relevant extract:

2) It is respectfully submitted that, in and around Doddaballapura Town / and Doddaballapura Taluk limits, Nagarakere Lake, Chikkatumakuru Lake, Doddatumakuru Lake, Veerapura Lake, and Muttur Lake and other lakes are situated and the Sewage generated from the Doddaballapura Town limits is directly taken to the Oxidation pond through underground drainage and let into Chikkatumakuru Lake. Further, the Sewage generated in the Bashettihalli Town panchayath is directly joining the Chikkatumakuru Lake and there is no STP to treat the said sewage.

12. Another report by the 5th Respondent, dated 30.06.2023, confirms the above finding, and the relevant portions of the report are extracted below:

The inspection was started from the area opposite to Madhu Mess, D Cross Road, Doddaballapura, as per the observations, the sewer line I machine hole

opposite to Madhu Mess, located outside the Nagarakere Lake the same is named as R1 (Rider Main in the sewer network map). The distance from lake to Machine hole was measured and is about 25 mtrs from the Lake boundary. The R1 Machine hole is connected to R2 which is constructed inside the lake. on verification with map and field observations, the machine holes R2 to R37 are constructed within the lake area.

Machine Hole R1 is constructed in buffer area and R2 to R37 are constructed within the lake area. On measuring the distance in Google maps, approximate distance of sewer line along with Machine holes laid is about 1.19 Km. The Google Map showing the distance and photographs of machine holes inside the Nagarakere lake are enclosed for kind reference.

Further the over flow from the Nagarakere lake is flowing towards Chikkatumakuru Lake through Rajakaluve the UGD line with Machine hole No.R38 to R45 are constructed within Rajakaluve. On measuring the distance in Google maps, approximate distance of sewer line and machine holes laid is about 245.60 Mt. The Google Map showing the distance and photographs of machine holes in the Rajakaluve from Nagarakere lake are enclosed for kind reference.

There are about 8 storm water drains entering into the Nagarakere lake from western side of the lake. out of 8 inlets, flow of sewage was observed in 7 inlets and there was no flow of sewage in one of the inlet. The sewage flow in the storm water drains is from missing links and unsewered area of CMC-Doddaballapura.

13. After confirming the discharge of untreated sewage, the above report concludes with the following recommendation:

Hence it is recommended that, in order to have tanks and rajakaluve free from pollution, the CMC Doddaballapura is required to shift all the sewerage lines passing through rajakaluve and tanks and to relocate the same in such a way that, the sewage does not join rajakaluve or lakes, which would be the permanent solution once for all.

Hence, the only solution to prevent any pollution of Chikkatumakuru lake is to shift and relocate the STP, unless and until it is relocated, the problem of lakes pollution would be continued and any step for improving the STP/any treatment

facility even if it is provided, it would of no use, the existence of STP in the lake will always be a threat to the water quality of Chikkatumakur Lake and it will be a health hazard to the nearby citizens.

14. Despite the above recommendation, the sewerage lines and STPs are yet to be shifted out of the Nagarakere and Chikkatumakuru lakes.

Need for a CETP

15. In its report dated 07.11.2023, the 6th Respondent states that an STP has been proposed to treat sewage from Bashettihalli before discharge into Chikkatumakuru. Relevant extract:

15. During the said meeting, Respondent NO. 6 herein/Deputy Commissioner, Bangalore Rural submitted that the available government land was technically non-feasible for the construction of STP and would cost higher operation and maintenance charges. Considering the same, the Secretary, Urban Development Department directed Respondent no. 6 herein to find suitable private land to setup a new STP. It was accordingly directed to prepare a comprehensive report and DPR including land cost for construction of STP. It was also directed to include the construction of interception and diversion (I&D) works to treat the sewerage of Bashettihalli Town Panchayat in the same DPR, to address the issue of entry of sewage into the lakes at Bashettihalli.

16. It is a matter of record that Bashettihalli is an industrial area. The discharge from an industrial area is never limited only to domestic sewage. It is submitted that industrial effluents from the Bashettihalli industrial area can only be treated by a CETP, and not by an STP. The 6th Respondent's proposal to treat effluents through the establishment an STP, instead of a CETP, deserves to be rejected. A scientific plan to establish a CETP of adequate size and appropriate technology has to be evolved and implemented. It is submitted that if it is the case of the authorities that there will be no mixing of any effluent with domestic sewage, then a clear plan for implementation of such a system has to be framed and placed before this Hon'ble Tribunal.

17. The Karnataka Industrial Areas Development Board, the 10th Respondent herein, in its report dated 15.09.2023, has admitted that while they had provided a 5 MLD capacity CETP for the industries operating in the KIADB industrial area, the same is currently non-operational and defunct. Relevant extract:

3. That with respect to the averments contained in paragraph 27 of the OA, the answering-respondent submits that they have already provided 5 MLD capacities CETP for the industries operating in KIADB industrial area and the said Plant was operational. A copy of the Work order dated 25.01.2006 and the letter awarding contract to M/s. UEM India Limited is produced as ANNEXURE-R10A & R10B respectively. The CETP was built in the year ending of 2008 for a capacity of 5 MLD to treat the Industrial effluents, though this was with lower loads of around 1.75 MLD. Further, this 5 MLD capacity was never utilized with the passage of time, as the industries in the Apparel Park as the industries in the Apparel Park started closing, the CETP was operating with tender loads. The treated water was also being utilized for industrial process. That due to certain technical issues the plant became non-operational and defunct. Hence, the KIADB having explored alternatives considered the possibility of scaling down the existing capacity of CETP from 5 MLD to 2 MLD after working out the actual quantity of effluent generated from the industries located at the said Apparel Park. Based on this, retrofitting of the system is undertaken to avoid unnecessary expenditure. The revised proposal of Rs. 34.2 Crores for retrofitting has been approved and tender awarded and work is under progress. Further, the Respondent No. 10 produces the list of industries with Operating effluent treatment plant (Large and Medium industries-Doddaballapura) for kind perusal of the Hon'ble Tribunal as ANNEXURE-R10C.

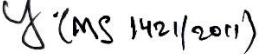
18. In Annexure R1 of its report dated 18.01.2024, the 10th Respondent has stated as follows:

5. The contractor has been issued with notices to levy penalty and extension of time (EOT) was also given up to end of March 2024. By end of March, 2024 once the CETP is ready for testing and trial run, CFO will be obtained from KSPCB for smooth hassle free operations.

However, the 10th Respondent has not completed the work till date, and the industries are consequently still operating without a CETP.

19. In light of the above submissions, it is prayed that this Hon'ble Tribunal be pleased to take this memo on record and pass such orders as may be necessary in the facts and circumstances of the case, and thus render justice.

Dated on this the 29th day of August, 2024

 (MS 1421/2021)

Yogeshwaran A
Counsel for the Applicant