

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTH ZONE

ORIGINAL APPLICATION NO. 114/2024

EARLIER ORIGINAL APPLICATION NO. 779/2023 (LP) (PB)

IN THE MATTER OF:

Ravi V. Applicant(s)

Versus

State of Karnataka & Others Respondent(s)

**COUNTER AFFIDAVIT ON BEHALF OF
KARNATAKA STATE
POLLUTION CONTROL BOARD**



Through Counsel

Devraj Ashok

Standing Counsel for Karnataka State Pollution Control Board

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I N D E X

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DEVRAJ ASHOK
ADVOCATE
Email: emaildevrajashok@proton.me
PH: 8050637442

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTH ZONE

ORIGINAL APPLICATION NUMBER 114/2024

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IN THE MATTER OF:

Ravi. V.

Applicant(s)

Versus

State of Karnataka;

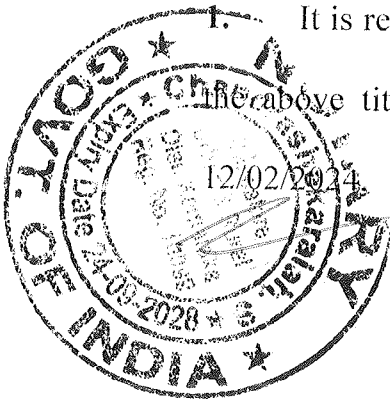
Respondent(s)

Through its Chief Secretary Bengalur & Ors,

**AFFIDAVIT ON BEHALF OF THE KARNATAKA STATE
POLLUTION CONTROL BOARD**

I, Shri. N. R. Raju aged about 59 years, son of Late R. Narayanna Rao presently working as the Senior Environmental Officer, Karnataka State Pollution Control Board, do hereby solemnly affirm and state that I am familiar with the facts and circumstances pertaining to the present matter, in my official capacity and based on the official documents/records maintained by the Karnataka State Pollution Control Board. As such, I am competent and duly authorized to depose the present affidavit, as set forth below:

1. It is respectfully submitted that in connection with the subject-matter of the above titled petition and the directions of this Hon'ble Tribunal dated 12/02/2024, an inspection of the subject matter site was undertaken on



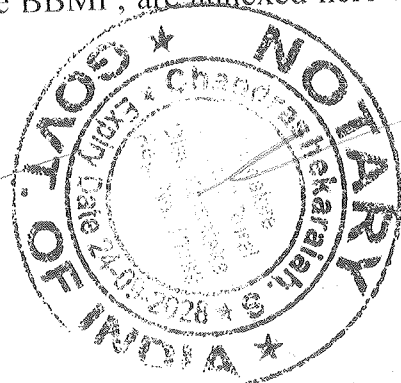
Wajir

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12/02/2024, an inspection of the subject matter site was undertaken on 27/03/2024, by a joint committee comprising of the officers of the Bruhat Bengaluru Mahanagara Palike (the **BBMP**"), the Deputy Commissioner, Bengaluru North and the Karnataka State Pollution Control Board (the "**KSPCB**"). However, while the physical parameters and distances of the subject-matter building from the storm water drains were noted at the site and as such no encroachment was visibly noticeable on site, the officials of the BBMP stated that a detailed survey of the storm water drains to ascertain the type of the storm water drain, its true extent etc., will have to be undertaken by them, to provide a comprehensive and conclusive report. A copy of the preliminary inspection report dated 27/03/2024 is annexed herewith as **ANNEXURE - R1**. It is respectfully submitted that the contents of the same may be read as part and parcel of this affidavit and the contents are not repeated herein for the sake of brevity.

2. Further to the above development, a detailed report with accurate parameters of the storm water drain and the distance of the subject-matter building from the same, is awaited from the BBMP. As such, the KSPCB has addressed letters to the BBMP requesting the detailed information, on 12/08/2024 and again on 05/09/2024. Copies of the letters of the KSPCB dated 12/08/2024 and 05/09/2024, issued to the BBMP, are annexed herewith as **ANNEXURE - R2 and R3** respectively.

Ulagu



3. It is respectfully submitted that a detailed report will be submitted to this Hon'ble Tribunal as soon as the requisite details are provided to the KSPCB, by the BBMP.

4. It is respectfully submitted that KSPCB will be obliged to provide any additional information as may be required by this Hon'ble Tribunal.

Wajir
DEPONENT

VERIFICATION

Verified on this 11th day of September , 2024, at Bengaluru that the contents of the above affidavit are true and correct to the best of my knowledge, information and belief and nothing material is concealed therefrom.

Wajir
DEPONENT



SWORN TO BEFORE ME
Jul 9 2024
CHANDRASHEKARIAH. S
Advocate & Notary
917, Kempegowda Hillaya,
3rd Cross, Muthurayaswamy Extension
Sunkadakatta, Bangalore - 560 091.

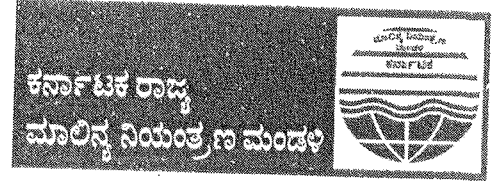
Book.....6..... Page 22.....
Reg. No. 522 Date 11/9/2024

ANNEXURE - 1

4

Karnataka State Pollution Control Board
Regional Office : Bangalore - Yelahanka
(Byatarayanapura) 1st Floor, Nisarga Bhavan
7th 'D' Cross, Thimmaiah Road,
Shivanagar, Bangalore-560079.
Tel. Fax : 080-23230770

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ : ಬೆಂಗಳೂರು - ಯಲಹಂಕ
(ಬ್ಯಾಟರಾಯನಪುರ) 1ನೇ ಮಹಡಿ, ನಿಸರ್ಗ ಭವನ
7ನೇ 'ಡಿ' ಮುಖ್ಯರಸ್ತೆ, ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ,
ಶಿವನಗರ, ಬೆಂಗಳೂರು-560 079.
ದೂ.: ಫ್ಯಾಕ್ಸ್ : 080-23230770



towards a cleaner Karnataka

No: PCB/RO- Yelahanka/Tech-78/2023-24/13

Date: 03 APR 2024

To,
The Member Secretary,
KSPCB, ParisaraBhavana,
No.49, Church Street,
Bengaluru - 560 001.

Kind Attention: SEO - Infrastructure Cell, Board Office. / law officer, legal cell

Sir,


Sub: Submission of joint committee report of M/s.G Corp Mahalakshmi Apartment located at Sy. No. 302/46/2, 46/3, Kotihosahalli, Ward No. 8, Kodigehalli village, Bangalore North Taluk, Bangalore-560092-reg.

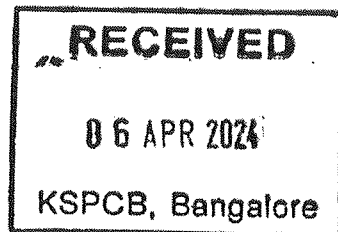
- Ref: 1. CFO issued by Zonal Office: Bangalore North vide Consent Order No. W-341587, dated: 19.01.2024.
2. Board Office Memorandum received at this office vide No. 6416, dated: 21.03.2024.
3. Joint committee visit to the G Corp Mahalakshmi Apartment on 27.03.2024.

With reference to the above subject, as per the Board office Memorandum cited at ref(1), joint committee was comprising of Officers from BBMP, Bangalore Urban Deputy Commissioner, KSPCB visited to M/s.G Corp Mahalakshmi Apartment located at Sy. No. 302/46/2, 46/3, Kotihosahalli, Ward No.8, Kodigehalli village, Bangalore North Taluk, Bangalore-560092 on 27.03.2024. The joint committee visit note herewith forwarded for your kind information and requested to take time for submission of the action taken report from the Hon'ble NGT South zone.

Encl: - As said above

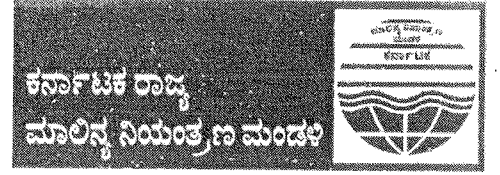
Yours faithfully,


Environmental Officer,
Regional Office, Yelahanka.



Karnataka State Pollution Control Board
Regional Office : Bangalore -Yelahanka
(Byatarayanapura) 1st Floor, Nisarga Bhavan
7th 'D' Cross, Thimmalah Road,
Shivanagar, Bangalore-560079.
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(ಬ್ಯಾಟರಾಯನಪುರ) 1ನೇ ಮಹಡಿ, ನಿಸರ್ಗ ಭವನ
7ನೇ 'ಡಿ' ಮುಖ್ಯರಸ್ತೆ, ತಿಮ್ಮಲಾಹ ರಸ್ತೆ,
ಶಿವನಗರ, ಬೆಂಗಳೂರು-560 079.
ದೂ.: ಫ್ಯಾಕ್ಸ್ : 080-23230770



towards a cleaner Karnataka

NO: PCB/RO -Yelahanka(Byt)/2023-24//13

DATE: 03 APR 2024

NOTES ON JOINT COMMITTEE VISIT TO M/s. G CORP MAHALAKSHMI APARTMENT LOCATED AT SY. NO. 302/46/2, 46/3, KOTIHOSAHALLI, WARD NO: 8, KODIGEHALLI VILLAGE, BANGALORE NORTH TALUK, BANGALORE-560092.

1.	Name of the Officer	Sri. Prahalad – Chief Engineer – BBMP, Bangalore North. Sri. Pramod L Patil – Assistant Commissioner, Bangalore North Sri. Anil Kumar, Senior Environmental Officer, Zonal Office- Bangalore North, KSPCB. Smt. Chandrakanthi.K, Environmental Officer, RO-Yelahanka (Byatarayanapura), KSPCB.
2.	Board officers Accompanied	Smt. Vaishnavi Devaraj - Deputy Environmental Officer.
3.	Date of inspection	27.03.2024.
4.	Reference	Board Office Memorandum vide No. 6416, dated: 21.03.2024 Constitution of Joint Committee comprising of Officers from BBMP, Bangalore Urban Deputy Commissioner, KSPCB for appropriate remedial action.

Preamble:-

Hon'ble National Green Tribunal, Principal Bench, New Delhi by considering the averments made by the complainant in petition registered the case as O.A. No. 779/2023 by Mr. Ravi.V had filed case against M/s.G Corp Mahalakshmi Apartment located at Sy. No. 302/46/2, 46/3, Kotihosahalli, Ward No. 8, Kodigehalli village, Bangalore North Taluk, Bangalore-560092 has passed an Order dated: 12th February 2024.

Grievances of the applicant is details below:

1. In the BBMP approved development plan of Phase-1 KHARAB LAND has been marked along South Side and East Side.
2. There is a Storm Water Drain (Secondary SWD / Nala) exists in West side of the Phase-1 project completed 31-Mar-2019 as per RERA details RERA Registration No. PRM/KA/RERA/ 1251/ 309/ PR/170917/000316. However, it has been observed that, there is no Buffer zone norms followed as per NGT-National Green Tribunal order neither on ground nor on BBMP approved plan and it has been unnoticed by the KSPCB or may or may not be brought to the notice of KSPCB by any party. The developer used KSPCB notification No. PEE 22 EPC 2009(P-I) dated 4-Aug-2010 as NOC and submitted to RERA Authority on 26-Aug-2017 as per record (Refer to ANNEXURE-4). No evidence of KSPCB approval with regards to SWD and its applicable buffer zone for the Phase-1 project (CORP Mahalakshmi Apartment) and it's in 100% violation of NGT order with respect to buffer zone in all respect.

- 6
3. BBMP till date not constructed the Secondary Storm Water Drain / Nala in the South and East side as per Land survey record, and today it has been encroached by the property owner of survey no. 46/2 / 46/3(P). KSPCB to direct as appropriate to construct the Storm water drain and its buffer zone requirements in line with NGT order and no construction activities can happen within SWD and its buffer zone.

Along with the above grievances, the applicant insisted KSPCB to carry out detailed inspection of completed Project in Survey No. 46/3 and ongoing works in 46/2 & 46/3(p), Kothihosahally, Ward no. 8, Kodigehalli, Bengaluru 560 092 in-line with Land record showing secondary SWD/Nala and issue notice to the property owner for violation to clear and stop the ongoing construction activities within the area of Storm water drain / Nala area in South and West side of the land and in a B-Kharab land area, which is belong to State government of Karnataka

In view of the averments in the application, Hon'ble NGT consider to call response of

- (1) State of Karnataka through Chief Secretary, Government of Karnataka,
- (2) Karnataka State Pollution Control Board, through its Member Secretary
- (3) Bruhat Bengaluru MahanagaraPalike through its Chief Commissioner and
- (4) Collector, Bangalore,

Further, Hon'ble NGT constituted a Joint Committee comprising of representatives of Karnataka State Pollution Control Board, Bruhat Bengaluru MahanagaraPalike and the Collector, Bangalore and directed them to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due course of law. Further informed that the Karnataka State Pollution Control Board will be the nodal agency for coordination and compliance

Based on the above direction, a joint committee with the following officers from the following departments was constituted by the Board vide Board Office Memorandum vide No. 6416, dated: 21.03.2024.

SL No	Name and Designation	Details
1	The Chief commissioner/ representative nominated by the Commissioner, Bruhat Bengaluru MahanagaraPalike, Bengaluru	Chairman
2	Deputy Commissioner/ Representative nominated by the Deputy Commissioner, Bengaluru Urban District, Bengaluru	Member
3	Senior Environmental Officer, Zonal Office –Bengaluru North, Karnataka State Pollution Control Board	Member
4	Regional Officer, Regional Office – Yelahanka(Bytarayanapura) KSPCB, Bengaluru	Member Convener/ Coordinator

Roles and Responsibility of the Joint Committee.

1. The joint committee shall visit the site within 7 days.
2. The committee shall look into the grievances of the applicant, associate, the applicant and representative of the concerned project proponent.
3. The committee shall verify the factual position and take appropriate remedial action by taking due course of law and shall be recorded in the report.

4. The Joint committee shall submit the report to the nodal agency "Karnataka State Pollution Control Board" Bengaluru within 15 days since the joint committee report and reply/response by the respondents be filed before the NGT, Southern zone bench, Chennai Accordingly, joint committee comprising of the officers of the various department detailed above were visited the premises on 27.03.2024 at 12:00 Noon to M/s.G Corp Mahalakshmi Apartment located at Sy. No. 302/46/2, 46/3, Kotihosahalli, Ward No. 8, Kodigehalli village, Bangalore North Taluk, Bangalore-560092.During inspection following observations were made;

1. **Stream/Nala:-** There is a nala passing adjacent to the apartment at west side abating to the compound of the G Corp Mahalakshmi Apartment and it is flowing from north to south direction and they have not left any buffer from the basement of building to nala edge as per RMP, rule 2015.

2. **Location Details & present status of project:**

As per the present status, the said apartment is surrounded by;

Towards North	:	Road.
Towards South	:	Vacant land followed by Residential building
Towards East	:	Private Property.
Towards West	:	Storm Water Drain/Nala.

The GPS readings of the proposed location site area are:-

Latitude N -13°03' 44.8'' and Longitude E -77° 34' 39.7''.

3. This Nala/SWD where in box drain was constructed by BBMP passing adjacent to the apartment at west side up to the edge of the apartment land.
4. During inspection, it was observed that nala is adjoined to the compound wall and buffer left from the building pillar line to the compound wall are as follows;
 - a) At entrance 1st pillar to compound wall - 15 mtrs.
 - b) At middle pillar to compound wall - 06 mtrs
 - c) At south end corner of Apartment premises towards Southwest corner - 23mtrs.
5. There is farm land on the other side of the nala (western side of the nala) i.e., Sy No. 42, and further down along the nala towards western side of the nala there is godown and Silicon Valley School followed by individual residential house and towards eastern side of the nala there are individual residential houses.
6. As per the survey sketch of Sy No 46/2, 46/3, Kotihosahalli, there is a nala towards southern side of the apartment and eastern portion of the vacant site adjoining to apartment. However, as noticed during the visit entire portion of the vacant site towards eastern side is divided in to 2 parts and compound wall all along the boundary of the vacant land was constructed and out of the divided portion of the vacant site there is construction activity is being carried out in the northern portion of the land and there is no storm water drain/nala constructed in the eastern and southern portion of the vacant sites.
7. It was observed that, the apartment authorities installed and operating STP of capacity 55 KLD and same was under operation. Hence, sample of treated sewage was collected on 27.03.2024 and sent to Central Laboratory for analysis. Results are awaited.

Sri. Prahalad – Chief Engineer – BBMP informed during the visit that, they need to carryout detailed survey of the Nala to submit detailed report on type of nala, extent(distance) of buffer left from the apartment premises and informed to take time for submission of the report.

Recommendations:-

In view of the above, the Chief Engineer, BBMP sought time for submission of detailed report on type of nala, extent of buffer etc, and the BBMP has sanctioned/ approved building plan and survey sketch indicates the nala towards southern and eastern side of the Sy No 46 revenue authorities needs to submit the details of the existence of the nala, the same to be deliberated before Chief Commissioner and Chairman of the Joint Committee. Hence, it is requested to take time to submit detailed before Hon'ble National Green Tribunal, South Zone.


En**CHIEF ENGINEER**
Bruhat Ban**BMP, BENGALURU**
Bengaluru


ASSISTANT COMMISSIONER
BENGALURU URBAN DISTRICT,
BENGALURU


SENIOR ENVIRONMENTAL OFFICER
ZONAL OFFICE-BENGALURU NORTH,
KSPCB

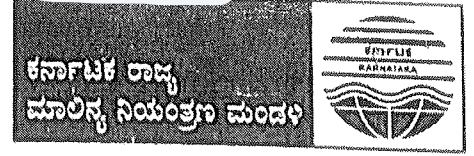

ENVIRONMENTAL OFFICER
RO – YELAHANKA, KSPCB

Karnataka State Pollution Control Board

Regional Office : Bangalore - Yelahanka
(Byatarayanapura) 1st Floor, "Nisarga Bhavan"
7th 'D' Main, Thimmalah Road,
Shivanagar, Bangalore - 560 079.
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ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ

ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ : ಬೆಂಗಳೂರು - ಯಲಹಂಕ
(ಬ್ಯಾಟರಾಯನಪುರ) 1ನೇ ಮಹಡಿ, "ನಿಸರ್ಗ ಭವನ"
7ನೇ 'ಡಿ' ಅಡ್ಡರಸ್ತೆ, ಶಿವನಗರ ರಸ್ತೆ,
ಶಿವನಗರ, ಬೆಂಗಳೂರು - 560 079.
ದೂ.: ಫ್ಯಾಕ್ಸ್ : 080-23230770



towards a cleaner Karnataka

//RPAD//

NO: PCB/RO -Yelahanka(Byt)/2024-25/ 1A 88

DATE: 12 AUG 2024
DISPATCHED

"Most Urgent"

REMINDER LETTER

To,

Shri. B S Prahlad, Chief Engineer
Bruhat Bengaluru Mahanagara Palike,
Annex 2 Building, 1st Floor,
BBMP Head Office, NR Circle,
Bangalore - 560002.

Sir,

Sub: Submission of Report of Joint Committee in the matter of O.A. No. 779/2023 at Hon'ble NGT Principal Bench, New Delhi to verify the factual position and to take appropriate remedial action wrt M/s. G Corp Mahalakshmi Apartment-reg.

- Ref: 1. Board Office Memorandum received at this office vide No. 6416, dated: 21.03.2024.
2. Joint committee visit to the M/s. G Corp Mahalakshmi Apartment on 27.03.2024.
3. This office forwarded joint committee report to Board office vide No. 13, dated: 03.04.2024.
4. This office issued letter to BBMP vide No. 222, dated: 05.06.2024.

With reference to the above subject, as per the Board office Memorandum cited at ref(1), joint committee had formed comprising of Officers from BBMP, Bangalore Urban Deputy Commissioner, KSPCB visited M/s. G Corp Mahalakshmi Apartment located at Sy. No. 302/46/2, 46/3, Kotihosahalli, Ward No.8, Kodigehalli village, Bangalore North Taluk, Bangalore-560092 on 27.03.2024 and it was informed to conduct Joint inspection and submit the report to the nodal agency "Karnataka State Pollution Control Board" Bengaluru within 15 days.

Accordingly, Joint inspection was conducted on 27.03.2024 vide ref(2) along with officers of BBMP, Assistant Commissioner-Bengaluru Urban District & KSPCB. During Joint inspection, you had sought time to carry out detailed survey of the Nala to submit detailed report on type of nala, extent (distance) of buffer left from the apartment premises along with survey sketch indicating the nala flow.

As per the Office Memorandum dated: 21.03.2024 vide ref(1), the joint committee report and reply/response by the respondents to be filed before the NGT, Southern zone bench, Chennai. As per your request during joint inspection vide ref(2), the Board has requested the Hon'ble NGT Bench for extension of time for submission of report twice.

In the meantime, this office had addressed a letter to BBMP vide ref(4) requested to facilitate one more joint inspection and submission of report for onward transmission to Hon'ble NGT. However, till today you have not submitted the details and not called any meeting to obtain details from concerned officer (department).

Hence, it is once again requested your kindness to submit the details and to facilitate one more joint inspection and submit the report to Hon'ble NGT at the earliest.

Receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/-

Environmental Officer
Regional Office, Yelahanka.

Copy To:- 3. Regional Senior Environmental Officer, Bengaluru North, Urban Eco park,
Peenya, Bengaluru -560058 for your kind information.

4. Case File.

1. SEO, Infra Section, KSPCB, Panisala bhavan, Bengaluru - 560001
for your kind information

2. Law officer, Legal Cell, KSPCB, Panisala bhavan Bengaluru - 560001
for your kind information.

Environmental Officer
Regional Office, Yelahanka.

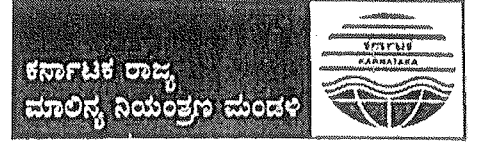
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ANNEXURE - 3

(1)

Karnataka State Pollution Control Board
Regional Office : Bangalore - Yalahanka
(Byatarayanapura) 1st Floor, "Nisarga Bhavan"
7th 'D' Main, Thimmaiah Road,
Shivanagar, Bangalore - 560 079.
Tel. Fax : 080-23230770

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7ನೇ 'ಡಿ' ಅಡ್ಡರಸ್ತೆ, ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ,
ಶಿವನಗರ, ಬೆಂಗಳೂರು - 560 079.
ದೂ. ಫ್ಯಾಕ್ಸ್ : 080-23230770



towards a cleaner Karnataka

//RPAD//

NO: PCB/RO -Yalahanka(Byt)/2024-25/587

DATE: 05 SEP 2024

"Most Urgent"

DISPATCHED

REMINDER LETTER-2

gta

To,

Shri. B S Prahlad, Chief Engineer
Bruhat Bengaluru Mahanagara Palike,
Annex 2 Building, 1st Floor,
BBMP Head Office, NR Circle,
Bangalore - 560002.

Sir,

Sub: Request to Facilitate to conduct joint inspection of M/s. G Corp Mahalakshmi Apartment Sy. No. 302/46/2, 46/3, Kotihosahalli, Ward No.8, Kodigehalli village, Bangalore North Taluk, Bangalore-560092 -reg.

- Ref: 1. Board Office Memorandum received at this office vide No. 6416, dated: 21.03.2024.
2. Joint committee visit to the M/s. G Corp Mahalakshmi Apartment on 27.03.2024.
3. This office forwarded joint committee report to Board office vide No. 13, dated: 03.04.2024.
4. This office issued letter to BBMP vide No. 222, dated: 05.06.2024.
5. This office issued reminder letter to BBMP vide No. 488, dated: 12.08.2024.

With reference to the above subject, as per the Board office Memorandum cited at ref(1), joint committee had formed comprising of Officers from BBMP, Bangalore Urban Deputy Commissioner, KSPCB visited M/s. G Corp Mahalakshmi Apartment located at Sy. No. 302/46/2, 46/3, Kotihosahalli, Ward No.8, Kodigehalli village, Bangalore North Taluk, Bangalore-560092 on 21.03.2024 and it was informed to conduct Joint inspection and submit the report to the nodal agency "Karnataka State Pollution Control Board" Bengaluru within 15 days.

Accordingly, Joint inspection was conducted on 27.03.2024 vide ref(2) along with officers of BBMP, Assistant Commissioner-Bengaluru Urban District & KSPCB. During Joint inspection, you had sought time to carry out detailed survey of the Nala to submit detailed report on type of nala, extent (distance) of buffer left from the apartment premises along with survey sketch indicating the nala flow.

As per the Office Memorandum dated: 21.03.2024 vide ref(1), the joint committee report and reply/response by the respondents to be filed before the NGT, Southern zone bench, Chennai. As per your request during joint inspection vide ref(2), the Board has requested the Hon'ble NGT Bench for extension of time for submission of report thrice.

In the meantime, this office had addressed a letter and reminder letter to BBMP vide ref(4) & (5) respectively requested to facilitate one more joint inspection and submission of report for onward transmission to Hon'ble NGT. However, till today you have not submitted the details and not called any meeting to obtain details from the concerned officers (departments).

Hence, once again it is requested your kindness to submit the details and to facilitate one more joint inspection as the case is coming in this month and report has to be submitted to Hon'ble NGT from the Board.

Receipt of this letter may please be acknowledged.

Yours faithfully,
Sd/-
Environmental Officer
Regional Office, Yelahanka.

Copy To:-

1. Senior Environmental Officer, Infra Section, KSPCB, Parisara Bhavana, Bengaluru - 560001 for your kind information.
2. Law Officer, Legal Cell, KSPCB, Parisara Bhavana, Bengaluru - 560001 for your kind information.
3. Regional Senior Environmental Officer, Bengaluru North, Urban Eco park, Peenya, Bengaluru -560058 for your kind information.
4. Case File.


Environmental Officer
Regional Office, Yelahanka.

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