

BEFORE THE NATIONAL GREEN TRIBUNAL**SOUTH ZONE CHENNAI**

(Under Section 18(1) read with Section 14,15 of
National Green Tribunal Act,2010)

Original Application No 115 of 2024

Mr. Rakesh Kumar,
Resident of M-105, Floor Tenth, Door 5,
SBIOA Unity Enclave,
Mambakkam, Chennai 600127

Vs.

1. State Of Tamil Nadu,
through its chief secretary,
Chennai and others
2. The Chairman,
TNPCB, Chennai and ors.

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Dated at Chennai on this 18th day of August ,2025

AFFIDAVIT OF RAKESHKUMAR.D

1. I am D. Rakesh Kumar, aged 43, son of P.Dhakshinamoorthy and husband of smt.R.Sivakamasundari , a Cyber Security Specialist working as a Deputy Manager. I reside at Flat No. M-105, Tenth Floor, Door No. 5, SBIOA Unity Enclave, Medavakkam Mambakkam Main Road, Mambakkam, Chennai 600127, do hereby solemnly affirm and sincerely states as follows:.
2. **Suo Motu Registration:** I respectfully submit that Following the submission, the Principal Bench of the National Green Tribunal (NGT), New Delhi, initiated a Suo Motu registration of this matter under Original Application No. 777 of 2023(LP)(PB) and Original Application No. 73 of 2023(LP)(PB).. The case was subsequently transferred to this Bench and renumbered as Original Application No. 115 of 2024(SZ) and No. 148 of 2024(SZ).
3. That this affidavit is being filed in connection with the environmental violations committed at SBIOA Unity Enclave, Medavakkam Mambakkam Main Road, Mambakkam, Chennai 600127
4. I respectfully submit that the Tamil Nadu Pollution Control Board, in its official reply dated **13.08.2025**, has categorically acknowledged that ***“Further it is informed that the case has been pending before the Hon’ble National Green Tribunal (SZ) in OA. No. 115 of 2024 & 148 of 2024 filed by Thiru. D. Rakeshkumar against the M/s. SBIOA Unity Enclave. Based on the judgement received from the Hon’ble National Green Tribunal the appropriate action will be initiated against the developer/project proponent of M/s. SBIOA Unity Enclave and M/s. SBIOA Unity Enclave Welfare Association.”*** Annexure-1.
5. This reply clearly establishes that the Pollution Control Board has taken cognizance of the pending Original Applications filed by me before this Hon’ble Tribunal and has admitted that appropriate action against the project proponent and the Owners’ Welfare Association will be taken only pursuant to the final judgment of this Hon’ble Tribunal. This statement further reinforces that both the **promoter** and the **Owners’ Welfare Association** are answerable for the continuing violations.
6. **False Claims Regarding Treated Water Disposal:**

The Owners’ Welfare Association, under the leadership of Mr. Mohan Muthaih who is former Housing committee chairman, has been **charging each flat ₹500 per month** under the pretext of transporting excess treated sewage to the **CMWSSB Sewage Decanting Facility at Perungudi**. However, in response to a query under the **Right to Information (RTI) Act**, it has been categorically confirmed that **no such lorry decanting was ever conducted** by at the said location. **Annexure-2**

Date	Authority	Finding/Approval	Result/Status
17.04.2015	TNPCB	Consent Order No. 6429 (Annexure-3)	CTE granted, later expired (2017); basement STP constructed after expiry
22.05.2023	CMDA	Inspection Report (Annexure-4)	Confirmed project deviated from approved plan (4 STPs mandated, only 1 built)
21.09.2023	TNPCB	Inspection Report (Annexure-5)	Found unauthorized STP operations, non-compliance
01.04.2024	TNPCB	Inspection Report (Annexure-6)	Confirmed violations and operation without CTO
10.04.2024	TNPCB Flying Squad	Surprise Inspection (Annexure-7)	Confirmed non-compliance of STP design and functioning
14.05.2024	Joint Committee (PCB/Authorities)	Joint Inspection Report (Annexure-8)	Reaffirmed violations, environmental risks, unauthorized STP
19.07.2024	Sonalur Panchayat President	Letter to District Collector (Annexure-9)	Raised concern about STP discharge and health/environmental hazards
21.09.2024	Ponmar Panchayat President	Complaint to Thazhambur Police (Annexure-10)	Complaint regarding illegal sewage disposal
25.07.2025	TNPCB	Written Reply (Annexure-11)	Acknowledged NGT case pending; action will follow Tribunal judgment

The project deviated from the approved construction plan as evidenced in the DTCP Inspection Report dated 22.05.2023

7. I humbly submit that the Proponent (State Bank of India Officers' Association (Chennai Circle) – Promoter SBIOA Unity Enclave real estate project, failed to hand over flats with basic amenities, and the project completion was delayed, with flats handed over in June 2018 instead of March 2017, as per the schedule. The project deviated from the approved construction plan as evidenced in the DTCP Inspection Report dated 22.05.2023
8. The Project is ongoing Project as per TNRERA Order No.C-4-15/2020 dated 05.11.2020 and SBIOCC – State Bank of India Officers association Chennai circle is the

- PROMOTER is confirmed by order Civil Miscellaneous Second Appeal Nos.48, 52, 53, 54, 55, 57, 58,59, 60, 61, 63 and 65 of 2022 and Connected Miscellaneous Petitions .
9. I humbly submit that the Interim order of the contempt petition discloses that there had been innumerable major violations, which include encroachment of setback, space conversion of Economically Weaker Section flats into 1 BHK and 2.5 BHK flats, thereby reducing the number of apartments in each floor. The sewage treatment plant has been converted into water treatment plant, instead of four STPs there is only one STP available for 2400 apartments. ,These are all very serious violations which cannot be condoned. Hence, the Authority is directed to take immediate action as per the provisions of the Town and Country Planning Act. .(A-4- Page 45). **(Annexure A12 to A18)**
 10. The Proponent SBIOACC habit of submitting false information to court and the government authorities along with the Welfare Association President who is former chairman of the Promoter's Housing committee
 11. I humbly submit that the Design of the STP is not approved by Academic Institute as per Specific Condition laid by State Environment Impact Assessment Authority (SEIAA), Tamil Nadu. it has been confirmed by TNPCB vide their RTI NUMBER: DEE/TNPCB/MMN/F/RTI/F.005037/2024 date 15.11.2024 **(Annexure A19)**
 12. I humbly submit that the project was sanctioned with four Sewage Treatment Plants (STPs) and four Water Treatment Plants (WTPs) as per the DTCP plan (A.No.10), car parking has been allocated in the STPs, WTP Location ,attached the Car parking block wise **(Annexure A20)**
 13. Only one STP was constructed. Moreover, this STP was commissioned in the basement, contrary to the Consent to Establish by TNPCB which has mentioned above ground level and **There is a concern that the submitted plan for STP is not the plan approved by the DTCP, given by builder to Pollution Control Board for get the CTE.** **(Annexure A21)**
 14. I humbly submit that the The Proponent has submitted 4 STP and 4 WTP via annexure 8 of the document FORM -IA to State level Impact Assessment Authority **(Annexure A22)**
 15. I humbly submit that the Current Welfare Association headed by former housing committee chairman is involved in misguiding the owners by propagating 1 STP and 4 STP was a typographical error. **(Annexure A23)**
 16. I humbly submit that The STP installation in the basement-1 & 2 violates the consent order issued by the Tamil Nadu Pollution Control Board (TNPCB) under Consent Order No. 6429 dated 17.04.2015, which mandated that STPs should be located above ground

level. This violation of statutory requirements has led to significant environmental and health hazards, including the contamination of groundwater and air. (**Annexure A3**)

17. I humbly submit that The Tamil Nadu Pollution Control Board does not have authority to override the DTCP Approval and it was confirmed by TNPCB vide their RTI Letter No:TTNPCB/RTIA/010375/F.No.218/2024 dated 21.05.2024 (**Annexure -24**).
18. I humbly submit that The STP has been constructed after the expiry of the CTE i.e. 14.5.2017. and Construction of STP continued even after the hand over of Keys to Owners (**Annexure 25**)
19. I humbly submit that the The STP in the area regularly overflows due to **Sewage Treatment Plant (STP) Failures** discharging untreated sewage outside the designated areas. During rains, a combination of STP water and rainwater is pumped out onto the roads and surrounding areas, exacerbating environmental and health hazards. STP Overflow (**Annexure 26**)
20. On April 8, 2015, Mr. Mohan Muthiah, who is currently serving as the President of the Owners' Welfare Association (OWA), made a payment of ₹10 lakhs to the Tamil Nadu Pollution Control Board (TNPCB), following which the Consent to Establish (CTE) was issued on 17.04.2015, The Unit has violated the Technical sub committee recommendation to ((**Annexure 27 and 28**)). However, during the TNPCB board meeting held on January 9, 2025, Mr. Mohan Muthiah disclaimed any knowledge of the CTE process or related transactions, thereby contradicting his earlier involvement and raising serious questions about his credibility and intent.
21. I humbly submit that that On 28-January-2025 State level Impact Assessment Authority conducted inspection on the parameters within their purview reported as **Major Non compliance (Annexure 29)**. I humbly submit that Land scaping work not completed and estimated number trees were not planted as per the approval given by the Authorities.
22. The Promoter and Owners' Welfare Association are willfully submitting the **misleading CUBE report** to camouflage **grave, non-compoundable violations** already confirmed by CMDA. This report is being misused to justify the **illegal basement STP**, constructed in deviation from the DTCP-approved plan, and to shield erring Pollution Control Board officials who permitted such unauthorised approval. I further submit that several STP components were **non-functional at the time of inspection**, yet the CUBE report falsely certified the plant as compliant.(Annexure 49)
23. Untreated STP water was **illegally discharged into streams and channels**, and lorry movement logs evidencing such disposal were submitted to the District Environmental Engineer of the Pollution Control Board. **No action was initiated**. The Owners' Welfare Association, **in collusion with the Promoter, has continuously suppressed these**

irregularities by submitting false information to the Joint Committee. Despite repeated requests, the Association has also refused to furnish the **STP in/out lorry log timings, decanting bills, and electricity bills since commissioning**, thereby obstructing transparency and concealing the ongoing violations. (*Annexures 34, 37, 48, 49, 50, 51*)

24. I humbly submit that the unit has not submitted the Approval for digging of 18 borewells after the 1st inspection.

False Information, Non-Compliance with Directions & Misuse of Authority

25. I respectfully submit that the Proponent (SBIOACC) and the Office Bearers of SBIOA Unity Enclave Owners' Welfare Association (OWA) have deliberately furnished **false information in regulatory filings, misrepresented compliance status** to hide the true extent of environmental and administrative violations. The following facts substantiate these claims:

26. No Land Acquired for Treated Water Reuse: (Annexure 30).

Despite multiple claims made to TNPCB and other authorities regarding the reuse of treated sewage for gardening, it is submitted that **no land has been purchased or earmarked** for this purpose, the land available beside the premises is a sports land. The claim is thus patently false and aimed at creating an illusion of eco-friendly waste reuse.

27. Unsafe Manual Cleaning of STP:

The STP cleaning is being carried out **manually**, without appropriate safety measures or automated systems in place. This violates **labour safety guidelines** and endangers the lives of maintenance personnel.

28. Failure in Solid Waste Management Compliance:

It has been observed that the agency **Bintix**, responsible for non-biodegradable collection, It has not involved in collecting the Biodegradable waste and **not been operating** or fulfilling its obligations as per Report it is false information produced to court by Pollution control board, daily local Vehicle is used to carry the bio degradable waste stored in between the blocks which creates foul smell in the complex. Thus, **non-biodegradable waste is not being collected as per compliance norms.**

29. Impersonation and Misrepresentation by Office Bearer:

A person named **Thiru Prakash** has **impersonated the role of Treasurer** of the Owner welfare Association in meetings, This undermines the validity of statements and compliance claims made under his name.

30. It is respectfully submitted that the **Joint Committee Report** has conclusively established that critical environmental parameters have **exceeded permissible standards**, specifically:
- A. The **effluent from the STP outlet**,
 - B. The **Biochemical Oxygen Demand (BOD)** levels in the **flush tank**,
 - C. The **Total Suspended Solids (TSS)** levels in the **flush tank**, and
 - D. The **water sample collected from the open land outside the premises**, were all found to be **above the allowable limits** prescribed by the Pollution Control Board.
 - a. In sharp contrast, the **reports submitted by the Owners' Welfare Association (OWA)** falsely portray that all treated water parameters are **well within compliance**. This contradiction exposes a **clear and deliberate attempt to mislead statutory authorities** and conceal ongoing environmental violations by submitting fabricated or selective data.
31. I humbly submit that the Since 2018, untreated sewage has been deliberately **Discharge of Untreated Sewage** onto open land and temple grounds, causing severe environmental degradation and public health risks. This illegal discharge in nearby lands has contributed to the spread of urine smell throughout the community and nearby communities, resulting in a public health crisis.
32. The Promoter and Owners' Welfare Association are willfully submitting the **misleading CUBE report** to camouflage grave and **non-compoundable violations** already confirmed by CMDA. This report is being used not only to justify the illegal basement STP constructed in deviation from the **DTCP-approved plan**, but also to shield erring Pollution Control Board officials who facilitated such unauthorised approval.

False Information, Police Complaint & Character Assassination by the Owners' Welfare Association and Promoter

I humbly submit that the **SBIOA Unity Enclave Owners' Welfare Association (OWA)**, acting in collusion with the **Promoter (SBIOACC)**, has willfully engaged in spreading **false information, lodging fabricated police complaints**, and conducting a systematic campaign to malign and **intimidate whistleblowers**, including myself, solely to divert attention from grave environmental violations and irregularities in the STP infrastructure.

1. **False Representation in EC Meeting (19.10.2024): (Annexure 31).**
During the Executive Committee meeting on **19.10.2024**, the Owners' Welfare Association falsely claimed that this Hon'ble Tribunal had questioned the motive of my environmental complaint and warned against bringing personal disputes. I state with full responsibility that **no such direction was ever issued by this Hon'ble Tribunal**, and the said misrepresentation was deliberately made to mislead members and authorities.
2. **False Complaint Against Whistleblowers:**
I further submit that during the TNPCB Flying Squad inspection, the Owners' Welfare

Association fabricated a false narrative alleging that I and others created a disturbance, and the next day falsely accused me of unauthorised entry into the STP. Based on this concocted version, a false police complaint was lodged at Thalambur Police Station by Mr. Mohan and others, causing undue fear and harassment

3. **Abuse of Police Machinery & Malicious Prosecution:**

A false FIR was later registered in my name at Thalambur Police Station. Concurrently, Mr. Mohan Muthiah, the current President of the OWA, is reported to have pressured the Promoter to file at least 30 FIRs across Tamil Nadu to intimidate dissenters and suppress any legal challenge to the project.

4. **Coercive Settlement Attempt:**

In furtherance of this conspiracy, the Promoter/President allegedly contacted Mr. Venkatesh (another owner), urging “**Rakesh to withdraw all court cases** filed against the Project. It was assured that in return:

- FIR would be dropped, and
- Legal expenses incurred so far would be compensated informed to Aunt.

This establishes a pattern of **coercion, misuse of legal process**, and deliberate attempts to obstruct justice and whistleblower disclosures.

5. **Intent to Mislead the Hon’ble Tribunal:**

I respectfully state that these **false narratives** and **personal attacks** are being **engineered with the ulterior motive** of mischaracterizing the present environmental matter as a “personal dispute” before this Hon’ble Tribunal. The objective is to distract from the **core issue of unlawful STP construction, untreated sewage discharge, and regulatory non-compliance**.

Misrepresentation During NGT Inspection on 14.05.2024

I respectfully state that during the official inspection conducted by the Hon’ble National Green Tribunal (Southern Zone) on May 14, 2024, several members of the Executive Committee and office bearers of the SBIOA Unity Enclave Owners’ Welfare Association—specifically **Sivananam, Sampathkumar, Sivakumar, and Kalaiselvan**—intentionally misled the visiting authorities.

These individuals are alleged to have diverted the attention of the inspection team, submitted false and misleading data, and falsely represented that the illegal sewage discharge had commenced only three months earlier, thereby attempting to minimize the gravity and duration of the environmental violations.

These actions not only obstructed the impartial functioning of the inspection but also amount to deliberate interference in judicial proceedings and suppression of material facts, which must be viewed seriously by this Hon’ble Tribunal.

**The Conduct & Characters of the OWA President/Housing committee Chairman/
Current Secretray Thiru. Mohan Muthaih:**

- i) District Munsif Court, Chengalpattu in I.A 4/2024 in OS 12/ of 2024, Hon'ble Court held that, "***petitioner (M.Mohan) has not come with clean hands and prays for dismissal*** " (**Annexure 32**)
- ii) Sub Registrar, Guduvanchery, Lr.No.P22/2024 dated 22.06.2024, "***Refusal to Register Forged Documents and other document prohibited by Law***" Gift deed by society headed by President Mr. .M. Mohan, for clandestinely trying to registration of land. (**Annexure A30**)
- iii) Unauthorisedly charging the residents with Rs.500/ every month in the guise of lorry hire charges for decanting the STP water at Perungudi. But, ***RTI report says that no lorry was said to have been engaged in the tenure of current Owner welfare Association Apartment Secretary and former President Mr. Mohan, decanted the STP water at Perungudi.*** Therefore, the amount is collected was not utilised for the purposes. (**Annexure A2**)
- iv) Unauthorised construction of 225 flats, not disclosed to the allottee, sold and executed documents., Collected money from 345 flat owners of RSTU blocks for car parking slot but no provision for them in sanctioned plan, The STP Location has been allocated as car parking.
- v) The promoter's own circular Cir.No.DH.20/2014-15 dated 28.06.2014 refers to payment of 'sleaze money' to officials, which evidences corruption(**Annexure A-41**)

Meeting with TNPCB Member Secretary - Thiru R. Kannan

3. I respectfully submit that during a meeting held in June/July 2024 with **Thiru R. Kannan, Member Secretary of the Tamil Nadu Pollution Control Board (TNPCB)**, it was clearly explained to us that **installing four separate STPs of 300 KLD capacity each**, as originally approved in the DTCP layout, would be **far more efficient and operationally effective** than constructing a single oversized STP.
4. The Member Secretary further emphasised that, as per TNPCB norms and best practices, **all STPs must mandatorily be constructed above ground level** to ensure proper aeration, maintenance accessibility, and safe functioning. He categorically stated that **placing STPs in basement levels is technically unsound and environmentally unsafe.**

Coercive Consent and Psychological Intimidation to Camouflage Major Violations, Fraudulent Consent Collection & Intimidation Campaign by Promoter

I respectfully submit that the **Promoter**, in active collusion with the current leadership of the **Owners' Welfare Association (OWA)**, is now attempting to **regularize and camouflage major construction and environmental violations** under the pretext of post-facto compliance. This is being done through **fraudulent and coercive means**, including:

1. **Forced Signature Collection Without Transparency: (Annexure 44)**
The promoter connived with former housing committee chairman Mr. Mohan Muthiah who is the current president is actively **soliciting signatures from flat owners** under the guise of fulfilling regulatory requirements. However, **no approved plan or document from the Directorate of Town and Country Planning (DTCP)** has been shared with residents. The signatories are being kept in the dark about the **nature, scope, and legal impact** of what they are consenting to.
2. **Use of Threats and Intimidating Language:**
Residents are being subjected to **psychological coercion**, with messages such as: *"Without EWS (Economically Weaker Section) block approval, other flats cannot survive"* Such **false and alarmist claims** are being circulated to create panic and force residents into granting uninformed and **unauthorized consent** to regulatory filings that are legally and procedurally flawed.
3. **Suppression of Objections & Dissent:**
Legitimate questions and objections raised by concerned owners are being dismissed or silenced. Those who refuse to sign or seek information are being **targeted through intimidation, public humiliation, and isolation within the community**.
4. **Fraudulent Regularization of Violations:**
This consent-seeking exercise is a **deliberate attempt to fraudulently validate serious regulatory breaches**
5. These actions amount to **wilful misrepresentation, abuse of power, and violation of residents' rights to informed decision-making** under the Constitution and relevant planning laws.

IV. DISCREPANCIES IN CUBE INSPECTION REPORT (Annexure 53)

I respectfully submit that the **CUBE Report dated 20.01.2022**, submitted by CUBE Environment Laboratory, IIT Madras Research Park, and relied upon by the promoter and the SBIOA Unity Enclave Owners' Welfare Association (OWA), is **fundamentally flawed, misleading, and unreliable** for any statutory or regulatory determination. The following serious discrepancies and violations are evident:

1. **Design Violation Ignored**
The report fails to acknowledge a major deviation from the approved DTCP plan, which mandated the construction of **four (4) separate STPs of 300 KLD each**. Instead, only **one oversized STP** was constructed, violating statutory planning norms.

2. **Unauthorised Basement Installation Overlooked**

The STP has been constructed in the **basement**, in clear violation of the TNPCB Consent to Establish (CTE), which mandates **above-ground level** installation. The CUBE report fails to flag this serious design and environmental safety violation.

3. **Foul Odour and Gas Incidents Minimized**

Although **Clause 7.2(d–f)** of the report admits that residents reported **foul odour** and **sewer gas backflow**, the report falsely claims in **Clause 7.2(a)** that the STP was functioning properly, thereby contradicting its own findings and suppressing the true extent of system failure.

4. **Unsubstantiated “Rodent Theory”**

The source of the foul odour is casually attributed to a possible rodent carcass in the HVAC system (**Clause 7.2(e)**), without any inspection report, physical evidence, or technical validation. This speculative explanation is misleading and diversionary.

5. **No Functional or Scientific Testing Conducted**

The report relies solely on **visual inspection**, without conducting any core STP performance tests such as:

- Biochemical Oxygen Demand (BOD),
- Chemical Oxygen Demand (COD),
- Sludge retention time,
- Aeration rate,
- Flow volume or process validation.

These tests are vital to establish operational compliance with TNPCB standards.

6. **Water Sample Testing Non-Compliant**

The referenced **test certificate (No. CTL/CH/N-2717/2021-22)** fails to mention the **date of sample collection**, and no chain-of-custody or correlation with prior odour events is established. This renders the findings **scientifically unreliable**.

7. **Privately Commissioned, Not Statutory**

The report was **commissioned by the Owners’ Welfare Association via private email**, not by any statutory body such as TNPCB, SEIAA, or DTCP. As such, it lacks regulatory standing and **violates the principles of natural justice and due process**.

In light of the above, I respectfully pray that this Hon’ble Tribunal reject the said report in its entirety” **The submission of the privately commissioned CUBE report, despite full knowledge of its deficiencies, constitutes active collusion and abetment to conceal critical deviations from DTCP and TNPCB norms, thereby misleading statutory authorities, obstructing regulatory enforcement, and perpetuating ongoing environmental violations with the intent to evade accountability.**

Chronological Timeline of Complaints, Inspections, Official Findings, and Enforcement Failures

I respectfully submit that, despite repeated representations, inspections, and formal complaints by affected residents and nearby communities, the promoter and regulatory authorities have **consistently failed to take any meaningful action** to stop the illegal discharge of untreated sewage. The following timeline documents a continuous pattern of **neglect, administrative inaction, and environmental harm**:

Date	Event / Complaint	Authority / Party Involved	Outcome / Failure	Annexure Reference	Legal Implication
28.07.2021	Formal letter submitted requesting immediate action to address stagnant STP water	SBIOA Unity Enclave OWA	No action taken	Annexure 35	Negligence by OWA; violation of Water Act, 1974 Sec. 24 (prohibition of pollution)
12.08.2021	Issue escalated to EC members and promoter	OWA EC & Promoter	No remedial steps	Annexure 36	Omission to prevent nuisance – IPC Sec. 268 (Public Nuisance)
28.08.2021	Official inspection conducted	Thiruporur BDO	No enforcement action	—	Administrative inaction; violation of Panchayat Act enforcement duties
04.01.2022	Complaint lodged with CM's Special Cell	CM Cell	No action taken	—	Failure to act on grievance; continuing offence
16.03.2022	RTI filed to track complaint	CM Cell / RTI Reply	Revealed no mechanism for follow-up	—	Systemic failure enabling continuation of environmental offence
23.09.2022	Complaint (No. 382269041) filed by villagers	TNPCB	No effective measures	—	Water Act Sec. 33A – TNPCB failed to issue closure/direction
22.09.2023	Complaint filed, inspection conducted	TNPCB	Untreated sewage continued	—	Repeated offence; violation of Environment (Protection) Act, 1986
08.04.2024	Flying Squad inspection confirmed illegal discharge	TNPCB	Violation confirmed; no enforcement	—	Binding violation under Water Act Sec. 25/26; offence continued
19.07.2024	Panchayat complaint to Collector	Sonalur Panchayat → District Collector	No enforcement	—	Failure to prevent public health hazard; IPC Sec. 277 (fouling water of public spring/reservoir)
15.05.2018 – 16.08.2024 (2,285 days)	Continuous discharge since key handover	Promoter & OWA	Sewage released for 6+ years	—	Continuous environmental offence; IPC Sec. 426 (mischief), Sec. 278 (noxious atmosphere), Water Act Sec. 41–44
17.08.2024	Partial lorry transport of surplus treated water	Promoter	Failed to resolve STP overflow & untreated discharge	—	Cosmetic compliance; still violating Consent to Establish

21.09.2024	Police complaint filed	Ponmar Panchayat → Thazhambur Police	No FIR registered	—	Police inaction; offence under IPC Sec. 120B (criminal conspiracy) with promoter/OWA
01.10.2024	Complaint with lorry nos. & photos submitted	DEE, TNPCB (Maraimalainagar)	No action taken	Annexure 33	Proof of illegal disposal – violation of Water Act + Solid Waste Mgmt Rules
06.12.2024	EC member admitted illegal sewage disposal into forest area	OWA EC Member	Admission of willful violation; not connected to CMWSSB outlet	Annexure 38	Mens rea established; IPC Sec. 409 (criminal breach of trust), Water Act Sec. 25 violation

Chronology of Complaints and Failure of Remedial Action

I respectfully submit that, despite repeated representations, inspections, and formal complaints by affected residents and nearby communities, the promoter and regulatory authorities have **consistently failed to take any meaningful action** to stop the illegal discharge of untreated sewage. The following timeline documents a continuous pattern of **neglect, administrative inaction, and environmental harm**:

- **28.07.2021** – A formal letter was submitted to the SBIOA Unity Enclave Owners' Welfare Association, requesting immediate action to address the issue of stagnant STP water.
- **12.08.2021** – The matter was escalated to the Executive Committee (EC) members and the project promoter. However, **no remedial steps were taken**.
- **28.08.2021** – An **official inspection was conducted by Thiruporur BDO officers** following complaints. Yet, **no enforcement action was taken**, and the STP water continued to be discharged openly.
- **04.01.2022** – A formal complaint was submitted to the **Chief Minister's Special Cell (CM Cell)**. Still, the promoter failed to take action to arrest the sewage discharge.
- **16.03.2022** – An **RTI was filed** to follow up on the complaint status. It was revealed that there is **no mechanism to track or act upon petitions submitted to the Hon'ble CM's Special Cell or Ministers during grievance redressal days**.
- **23.09.2022** – A formal complaint (No. 382269041) was filed by affected **villagers to the TNPCB**, but **no effective measures were initiated**.
- **22.09.2023** – Another complaint was filed with the **Tamil Nadu Pollution Control Board**, and an inspection was conducted. However, **untreated STP water continued to be released into open lands**, showing no meaningful enforcement.

- **08.04.2024** – A TNPCB Flying Squad inspection confirmed the illegal discharge of untreated sewage into open areas. Despite this confirmation, **no corrective action was enforced**.
- **19.07.2024** – A complaint was filed by the **Sonalur Panchayat President to the District Collector**, raising concerns over ongoing sewage dumping.
- **13.08.2024** – Despite four prior inspections and repeated violations, **PCB officials once again documented ongoing discharge** of both treated and untreated sewage into adjacent lands.)
- **15.05.2018 to 16.08.2024 (2,285 days)** – From the time of key handover on 15.05.2018, untreated sewage has been **continuously released into the environment** without any rectification for **over six years**.
- **17.08.2024** – The promoter began **transporting surplus treated water via lorries**, but this was only partial and **failed to address the root issue** of STP overflow and untreated discharge.
- **21.09.2024** – A formal police complaint was filed by the **Ponmar Panchayat (adjacent to Mambakkam Panchayat)** at the **Thazhambur Police Station**.
- **01.10.2024** – A detailed complaint, along with evidence including **lorry numbers and photographs**, was submitted to the **District Environmental Engineer (DEE), TNPCB, Maraimalainagar**, but **no action was taken**. (*Annexure No. 24, Pg 147*)
- **06.12.2024** – An **EC member of the Welfare Association confirmed** that sewage had been disposed of **illegally into the forest area**. It was further admitted that the sewage was **not discharged into the Perungudi CMWSSB outlet**, as required under the Consent to Establish granted on 17.05.2014. This proves that the OWA was **fully aware of, and complicit in, the willful and continuous environmental violation**. (*Annexure No. 35, Page 214*)
 - **Picture from Joint Committee Report:**



8	The analysis of treated sewage shall be done periodically to assess the performance of the STP.	RoA of sample collected by DEE on 14.05.2024 reveals that Treated Sewage (i) at STP outlet the parameter TSS is exceeding the standards prescribed by the Board. (ii) at Flush tank the parameter BOD & TSS are exceeding the standards Water Sample (ii) RoA of water sample collected from open land outside reveals that the parameter TSS is exceeding the standards prescribed by the Board. The unit has furnished ROA of treated sewage collected by the unit on 22.07.2024, analysed
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From the Joint committee report it is proved that

1. STP Outlet,
2. flush tank BOD
3. flush tank TSS
4. Water sample collected from Open land outside

are exceeding the standards.

The illegal discharge of untreated sewage continues to harm the environment, despite efforts to address it. This issue is likely driven by a combination of weak enforcement, insufficient infrastructure, and wilful negligence and non-accountability. More effective & strict regulations only will help tackle the problem.

I respectfully submit that on 01.10.2024, I lodged a complaint (Annexure A-24, Pg 147) enclosing details of the lorry, photographs of its entry and exit, and a written complaint from the Panchayat President. However, the Pollution Control Board has failed to act upon this complaint and has instead claimed that the STP waste is being disposed of at Perungudi, without any supporting evidence. This raises serious doubts about the reliability of the PCB's stand and further demonstrates the urgent necessity for independent oversight by this Hon'ble Tribunal

The primary violation remains the failure to construct 4 STPs and 4 Water Treatment Plants as mandated under Plan Approval No. 243/2013 dated 20.12.2013 by the DTCP, Chengalpattu. Instead, the Respondents have installed only a single basement STP of 1350 KLD, which the TNPCB has no authority to accept in derogation of the sanctioned plan. Furthermore, even in respect of DG sets, instead of 3 units of 750 KVA as approved, the Respondents installed 3 units of only 500 KVA, showing a consistent pattern of deviation from the sanctioned plan. These violations require rectification under the orders of this Hon'ble Tribunal

GROUND FOR ORDER

1. **Environmental and Public Health Impact:** The unlawful discharge of untreated sewage onto the open land has led to severe environmental consequences, including groundwater contamination, foul odours, and the spread of vector-borne diseases due to stagnant water. Near By Panchayat has filed complaint in the police station.
2. **Failure of Sewage Treatment Plant (STP):** Despite the presence of four STPs, they remain either non-functional or inefficient, resulting in untreated sewage being discharged. The TNPCB has confirmed that combining the STPs would not improve efficiency. Moreover, no proper Consent to Operate (CTO) has been obtained for these STPs.
3. **Continuous Violation of Environmental Laws:** The discharge of untreated sewage constitutes a violation of multiple environmental regulations, including the Water (Prevention and Control of Pollution) Act, 1974, the Environment Protection Act, 1986, and Tamil Nadu Pollution Control Board (TNPCB) guidelines.

10. INTERIM RELIEFS SOUGHT:

1. **Pass interim directions to prevent the promoter/association from submitting or relying upon this CUBE report** before any statutory authority for the purpose of obtaining approvals, no-objection certificates (NOCs), or to suppress irregularities.
2. **Reject the CUBE Report** (CUBE/BLDG/SBIOA/167/2021-22 dated 20.01.2022) as unreliable, non-scientific, and not commissioned by a competent authority; and restrain the promoter/association from relying on this report before any statutory authority.
3. Direct the officials of the Tamil Nadu Pollution Control Board (TNPCB) to ensure strict compliance with the approved Development and Town Planning (DTCP) plan and the applicable norms set forth by the Pollution Control Board, without granting any leniency.
4. Direct that the Petitioner (D. Rakesh Kumar) and other concerned whistle blower individuals Thiru Sridheran, Thiru R. Prasad, and Thiru Jayakumar be included in any and all meetings between the promoter and TNPCB officials to ensure transparency, prevent false information, and facilitate proper resolution of the violations.
5. To direct the Police Department of Thalambur to file an FIR against the false complaint filed by the EC members and others regarding the unauthorized STP entry, which has led to harassment and undue mental distress for the Applicant and the whistle blower residents who exposed the violations.

PRAYERS:

In view of the facts and circumstances outlined above, the Applicant respectfully prays for the following reliefs:

A. Environmental & Preventive Reliefs

1. **Reject and expunge the CUBE Report (Ref. CUBE /BLDG /SBIOA /167 /2021-22 dated 20.01.2022)** as unscientific, unreliable, and not commissioned by any statutory authority; and permanently restrain the Proponent and Owners' Welfare Association from submitting or relying upon this report before any regulatory, judicial, or administrative forum, in furtherance of concealment of violations or to obtain environmental or occupancy approvals.
2. Cancel the illegally obtained CTE for the basement STP, and direct the Proponent to apply afresh strictly on the basis of the **DTCP-approved plan (No.243/2013)** requiring 4 STPs and 4 WTPs.
3. Direct immediate cessation of discharge of untreated sewage, in violation of *Section 24, Water Act 1974* and Article 21 of the Constitution.
4. Impose penalty for environmental damage under *Section 15 EP Act, 1986*, with effect from 04.01.2022 or earlier as determined.
5. Order strict periodic monitoring: odour sensors, GPS-tracked lorry logs, publication of STP audit reports, lorry timings.
6. Protect groundwater by halting pumping of untreated sewage into wells and Ponmar channels.
7. Ensure strict future compliance with EC and statutory norms without relaxation.

B. Administrative & Monitoring Reliefs

8. Appoint an independent Administrator from DTCP/District Collector's office to manage SBIOA Unity Enclave OWA until irregularities are remedied.
9. Direct TNPCB to give due notice and allow presence/representation of Petitioner and whistle-blowers in any meetings with the Promoter, to ensure transparency and prevent suppression of facts.

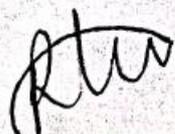
C. Penal & Accountability Reliefs

11. Impose penalties on Proponent and OWA executives for deliberate negligence and false statements.
12. Direct Thalambur Police to register FIR on the false complaint regarding STP entry, which has caused harassment and mental distress to the Petitioner and whistle-blowers.

The Applicant further prays for any other reliefs that the Hon'ble Tribunal may deem fit and appropriate in the interest of justice, environmental preservation, and public health protection, And pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice

STATION: CHENNAI

DATED: 18-08-2025

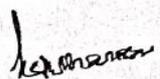


(D.RAKESH KUMAR)

APPLICANT

Before me

Solemnly affirmed at Chennai
this the day of 18-Aug , 2025
and put her signature
in my presence



ADVOCATE: CHENNAI
A. SITTIRAJASEENU
MS. 539/2023
22, Law chamber, HC, Madras
Chennai - 600 104