

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI
ORIGINAL APPLICATION No. 17 OF 2023 (SZ)**

IN THE MATTER OF:

Link Valley Residents Association,
Rep by its General Secretary, Kochi.

...Applicant

v.

Union of India, MOEF & CC,
Rep by its Deputy Director General of Forests (C), Bangalore and Ors.

...Respondents

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Dated at Chennai on this 06th day of August, 2024



COUNSEL FOR 2ND RESPONDENT

Dr. Prabhu Gondri
Standing Counsel for SEIAA, Kerala
Mob. No.9444398701
Prabhu.ijs@gmail.com

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SOUTHERN ZONE, CHENNAI**

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...Respondents

**Additional Statement filed by the State Environment Impact
Assessment Authority (SEIAA, Kerala)**

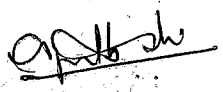
1. I am well acquainted with the facts of the case from the available records and I am authorized to file this additional statement on behalf of the 2nd Respondent.

2. It is submitted that the reply in parawise is traversed herein below:-

1. No Comments.

2. It is submitted that the Sri. Thankachan Thomas V., Sr. Vice President, No. 32, Bay Pride Mall, Marine Drive, Cochin, vide his application dated 09-09-2014, applied for the Environmental Clearance under EIA Notification, 2006, for the Town Ship and Area Development Project, 8(b) at Sy. Nos. 671/1, 674/1, 675/4 in Kakkanad Village, Kanayanoor Taluk, Ernakulam, Kerala and EC was issued on 30.01.2017 and the validity of EC was expired on 29.01.2024.




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3 & 4. It is submitted that the Field Inspection Report of SEAC (here in after Committee), conducted as part of the appraisal of the application stated that, the low-lying central part of the area being flat and part of flood plain can receive very large quantity of water during the rainy period from the upper catchment, resulting in partial flooding. The storm drainage proposed appears inadequate to accommodate peak flood. It must be widened with connectivity to the existing storm water drain on the eastern side. The Project Proponent has submitted plan for widening the drains and the Committee after verifying, decided to recommend to issue EC. As per the decision of 58th SEIAA (here in after Authority) meeting held on 08.09.2016, decided to issue EC on the condition laid in the Field Inspection Report as well as the general and specific conditions. The project Proponent vide his affidavit dated 1.02.2017 assured that he will scrupulously follow all the conditions in the EC.

5 & 6. As per the EC, the instances of violation if any shall be reported to District Collector, Ernakulam to take legal action under EP Act 1986.

7. The 2nd respondent issued EC subject to mitigate all the environmental impacts assessed as per EIA report and EMP. All such conditions were incorporated in the EC for the same. Besides the assurances and proposals submitted by the Project Proponent to safeguard the environment due to the projects were also part of the EC. The Project Proponent is bound to comply with all the conditions stipulated in the EC, mitigation measures in the EIA and EMP & other additional plans which were appraised and approved by the Committee/Authority during the appraisal process for the issuances of EC. To mitigate any unforeseen mishaps due to climate change or such events the Authority imposed the following conditions in the EC.



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Conditions based on site inspection report

- a. The buildings are planned at different levels involving cutting of slopes. The excavation plan was explained but the plan with section and road levels are not provided. Excavation should be minimised and excavated material should be used for internal development.
- b. Considering the stability of the upper segment closer to the main road, excavation must be made in the form of benches of height not exceeding 4 m and over all slope not exceeding 45 degrees. Adequate support must be provided with reinforcement especially when clay layers are exposed.
- c. The low lying central part of the area being flat and part of flood plain can receive very large quantity of water during the rainy period from the upper catchment resulting in partial flooding. The storm drainage planned appears inadequate to accommodate peak flood. It must be widened with connectivity to the existing storm water drain on the eastern side.

Green Building Conditions

- a. There shall be RWH facility with adequate capacity.
- b. Technology and capacity of the STP to be indicated with discharge point (if any) of the treated effluent water not conforming to specifications shall not be let out water bodies.
- c. Maximum reuse of grey water for toilet flushing and gardening and construction work shall be ensured.
- d. Dual plumbing for flushing shall be done.

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The Authority noticed that the Committee has conducted the field inspection on 05.08.2023 and verified the compliance status of the EC conditions. The Field Inspection Report indicates that a few EC conditions are yet to be complied / partially complied by the Project Proponent.

In the above circumstance, the Authority took the following important decisions:

1. The Project Proponent should rectify all the non-compliances and partial compliances of the stipulated EC conditions and suggestions/recommendations referred in the Field Inspection report of Committee within 3 months and submit a compliance report. The Field Inspection Report shall be provided to the Project Proponent and the Complainant by the Authority Secretariat.
2. Issue Show Cause notice to the Project Proponent for the non-submission of certificate from an independent expert regarding the installation of STP before the project is commissioned for operation. The Project Proponent should submit his explanation within 15 days from the date of receipt of the notice.
3. The Project Proponent shall submit a detailed report regarding the performance of the STP from an independent expert (third party) with special reference to the level of recycling/reusing of the treated effluent outflow from STP and mitigation measures adopted for the odour problem from the STP. The Third-Party appraisal shall be conducted in the presence of complainants.
4. Explanation shall be sought from the Environmental Engineer, KSPCB Ernakulam for the issuance of Consent to Operate without installing STP.



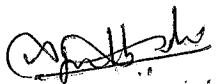
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5. The Field Inspection Report shall be forwarded to Environmental Engineer, KSPCB, Ernakulam for detailed report regarding the installation and functioning of the STP and the reuse of grey water for flushing and garden purposes after proper treatment.
6. The Project Proponent shall submit a revised EMP within one month by including the following:
 - a. The drainage channel originating from the project compound should be cleaned and desilted and depth increased appropriately up to the debouching point at Kadambayar to address the existing environmental issue urgently.
 - b. A detailed drainage plan should be prepared considering the highest water discharge requirement from their portion of the watershed, the carrying capacity of the both branches of the drainage channel and modifications required for the existing two branches of the drainage channels up to the debouching point at Kadambayar and implement the same on a war footing so as to ensure that M/s. Prestige Hill Gateway will not cause environmental issue to the Link Valley compound.

Intimation of the decision of the Authority was given to the Project Proponent vide letter dated 27.06.2024 and the Show Cause Notice was issued on 27.06.2024. Explanation for the issuance of Consent to Operate without installing STP was sought from the Environmental Engineer sent vide letter dated 27.06.2024 by providing the copy of the field inspection report of the Committee. The Authority decided that the Statement of Facts already submitted shall be revised according to the field verification report and further decision on the EC will be taken only after compliance of EC conditions and after disposal O.A. No. 17 of 2023 pending before NGT.




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Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to pass such order or orders as this Hon'ble Tribunal may deem fit and proper in circumstances of the case and thus render justice.

Dated at Chennai on this the 6th day of August, 2024.

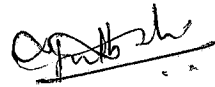


2ND RESPONDENT
 State Environment Impact
 Assessment Authority
 4th Floor, KSRTC Bus Terminal
 Thiruvananthapuram - 1

VERIFICATION

I, Ajitha Kumari V.R aged about 48 years, working as Legal Officer, SEIAA at Thiruvananthapuram, do hereby verify that the contents of the above paras are true to the best of my personal knowledge and above paras believed to be true on legal advice and that I have not suppressed any material fact.

Verified at Chennai on this the 6th day of August, 2024.

2ND RESPONDENT
 State Environment Impact
 Assessment Authority
 4th Floor, KSRTC Bus Terminal
 Thiruvananthapuram - 1

**State Level Environment Impact Assessment Authority
(SEIAA) Kerala**

**K.S.R.T.C Bus Terminal Complex, 4th Floor, Thampanoor,
Thiruvananthapuram - 695 001**

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e-mail: seacseiaakerala@gmail.com

web: www.seiaakerala.in

No.588(i)/SEIAA/EC3/4504/2014

Date: 27.06.2024

To,

Sri.Thankachan Thomas
M/s Prestige Hill Side Gate Way
Bay Pride Mall
Marine Drive
Cochin

03/07/2024

Sir,

Sub: - SEIAA – Environmental Clearance issued to the Township and Area Development Project at Sy.Nos 671/1,674/1,675/4 of M/s Prestige Hill Side Gateway in Kakkanad Village, Kanayanoor Taluk, Ernakulam - Violation of EC Condition - Show Cause Notice – issuing of - Reg:

- Ref:-
1. Environmental Clearance No.14/2017 dated 30.01.2017
 2. Field Inspection conducted by SEAC on 05.08.2023.
 3. Minutes of the 142nd SEIAA meeting held on 30th & 31st May 2024.

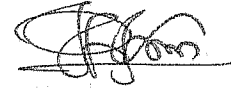
SHOWCAUSE NOTICE

WHERE AS Environmental Clearance vide reference 1st was issued to the Township and Area Development Project at Sy.No.s 671/1,674/1,675/4 of M/s Prestige Hill Side Gateway in Kakkanad Village, Kanayanoor Taluk, Ernakulam for 7 years. The validity of the environmental clearance is expiring on 29.01.2025 (after Covid Relaxation).

AND WHEREAS in the 142nd SEIAA meeting, the Authority noted the field inspection report submitted by the SEAC and the O.A. No. 17 of 2023 filed by the General Secretary, Link Valley Residents Association. The Authority noticed that the SEAC has conducted the field inspection on 05.08.2023 and verified the compliance status of the EC conditions. The Field Inspection Report indicates that a few EC conditions are yet to be complied / partially complied from your side and the Authority also noted the non-submission of certificate from an independent expert regarding the installation of STP before

the project is commissioned for operation. Hence the Authority decided to issue show cause notice to you for the non-compliance of EC conditions and non-submission of certificate from an independent expert regarding the installation of STP before the project is commissioned for operation.

In this circumstance, the Notice is issued hereby to you to show cause for the non-compliance of EC conditions and non-submission of certificate from an independent expert regarding the installation of STP before the project is commissioned for operation. Your explanation should be submitted within a period of 15 days from the date of receipt of this notice, failing which the Authority will proceed with further action as per EPA 1986 and EIA Notification 2006 assuming that you have no cause to show in the matter.



**Administrator, SEIAA
For Member Secretary, SEIAA**

Copy to,

1. MoEF Regional Office, Southern Zone, Kendriya Sadan, 4th Floor, E&F Wing, II Block, Koramangala, Bangalore-560034.(through e-mail: rosz.bng-mefcc@gov.in)
2. The Secretary to Government, Environment Department, Government of Kerala
3. The Director, Directorate of Environment & Climate Change, 4th Floor KSRTC Bus Terminal, Thampanoor, Thiruvananthapuram, Kerala 695001.
4. The District Collector, Ernakulam. (for information & further necessary action if required)
5. The Member Secretary, Kerala State Pollution Control Board (for information & further necessary action if required)
6. The District Town Planner, Ernakulam(for information & further necessary action if required)
7. The Tahsildhar, Kanayannur Taluk, Ernakulam (for information & further necessary action if required)
8. The Secretary, Thrikkakara Municipality,Ernakulam (for information & further necessary action if required)
9. The Chairman, SEIAA.
- 10 Website.
11. S/f/O/c

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**State Level Environment Impact Assessment Authority
(SEIAA) Kerala**

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**K.S.R.T.C Bus Terminal Complex, 4th Floor, Thampanoor,
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e-mail: seacseiaakerala@gmail.com
web: www.seiaakerala.org**

No. 588(iv)/SEIAA/EC3/4504/2014

Date: 27.06.2024

From,

The Administrator
State Level Environment Impact Assessment Authority

To,

Sri.Thankachan Thomas
M/s Prestige Hill Side Gate Way
Bay Pride Mall, Marine Drive
Cochin

Sir,

**Sub: - SEIAA – Environmental Clearance issued to the Township and Area
Development Project at Sy.Nos.671/1,674/1,675/4 of M/s Prestige Hill Side
Gate Way in Kakkanad Village, Kanayanor Taluk, Ernakulam – Reg**

- Ref: - 1. EC No.14/2017 issued to you vide proceedings dated 30.01.2017
2. Field Inspection Report by SEAC Sub - Committee dated 05.08.2023. (Copy
Enclosed)
3. Minutes of the 142nd SEIAA meeting held on 30th & 31st May 2024. (Copy
Enclosed)

Attention is invited to the references cited. As per the reference 2nd cited, you are directed to rectify all the non-compliances and partial compliances of the stipulated EC conditions and suggestions/recommendations referred in the Field Inspection report of SEAC within 3 months and submit a compliance report, and also submit a detailed report regarding the performance of the STP from an independent expert (third party) with special reference to the level of recycling/ reusing of the treated effluent out flow from STP and mitigation measures adopted for the odour problems from the STP. The third party appraisal shall be conducted in the presence of complainants. You are also directed to submit a revised EMP within one month with the details mentioned in the minutes cited 3rd above. The reference 2nd & 3rd cited are enclosed for your information.

Yours faithfully
Sd/-
HARIKUMAR A S
Administrator, SEIAA

Approved for Issue



Section Officer

DECEASED
Date: 01/07/2024

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**State Level Environment Impact Assessment Authority
(SEIAA) Kerala**

K.S.R.T.C Bus Terminal Complex, 4th Floor, Thampanoor,

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web: www.seiaakerala.org

No. 588(iii)/SEIAA/EC3/4504/2014

Date: 27.06.2024

From,

The Administrator
State Level Environment Impact Assessment Authority

To,

The Environmental Engineer
Kerala State Pollution Control Board
Ernakulam

Sir,

Sub: - SEIAA – Environmental Clearance issued to the Township and Area Development Project of M/s Prestige Hill Side Gateway at Sy.Nos.671/1,674/1,675/4 in Kakkanad Village, Kanayanoor Taluk, Ernakulam –Complaint- Reg

- Ref: - 1. EC No.14/2017 issued to you vide proceedings dated 30.01.2017
2. Field Inspection Report by SEAC Sub - Committee dated 05.08.2023. (Copy Enclosed)
3. Minutes of the 142nd SEIAA meeting held on 30th & 31st May 2024. (Copy Enclosed)

Attention is invited to the references cited. As per the reference 3rd cited, the Authority decided to sought explanation from you regarding the issuance of Consent to Operate without installing STP pertaining to the project cited 1st. The Field Inspection Report by SEAC was also forwarded to you for the non- compliance of EC conditions and a detailed report regarding the installation and functioning of the STP and the reuse of grey water for flushing and garden purposes after proper treatment. Kindly furnish the explanation and report at the earliest.

Yours faithfully
Sd/-
HARIKUMAR A S
Administrator, SEIAA

Approved for Issue



Section Officer

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10/7
 File No. 588/SEIAA/KL/4504/2014



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 1-A-2024

**EC issued to M/s Prestige Hill Side Gate Way-Thrikkakara Municipality -
 Complaint received from Link Valley Association against M/s Prestige Hill side Gate
 Way project**

Background

Environmental Clearance (EC) was issued to Shri. Thankachan Thomas, Sr. Vice President, M/s Prestige Hillside Gateway (PHG) for the Township and area development project in Sy. Nos. 671/1, 674/1, 675/4 at Kakkanad village, Kanayannoor taluk, Ernakulam District with EC No. 14/2017, dated 30-01-2017. Validity of the project will expire on 29-01-2024.

The Municipal Secretary, Thrikkakara Municipality sought an Inspection Report, from the Authority, concerned with the above-mentioned project in Sy. Nos. 671/1, 674/1, 675/4 at Kakkanad village of M/s Prestige Hill side Gate Way vide letter dated 09-12-2021 as there are environmental issues associated with the particular constructional activities and that the Municipality received complaints against the said project.

Link Valley Association, a registered Resident's Association also submitted a complaint against the illegal constructional activities of M/s Prestige Hill side Gate Way on 31-12-2021 and the complaint was forwarded to District Collector, Ernakulam on 06-01-2022. As per the complainant, the project proponent submitted the following conditions/details for obtaining the Environmental Clearance but the conditions were not complied with.

1. A standard operating procedure for disaster management as part of the proposal for Environmental Clearance.
2. Studied the existing baseline environment within the immediate vicinity of 500m around the project area, submitted a copy of the contour plan with slopes and drainage pattern of the site and surrounding area and any obstruction of the same by the project.
3. Determined the watershed and has shown the position of the site in the watershed map, studied the details of settlement within 500m of area.
4. Mentioned the CSR activities.
5. Submitted details of the environmentally sensitive places, land acquisition status, rehabilitation of communities/villages and present status of such activities.
6. Submitted the roles and responsibility of the developer, etc, for compliance of environmental regulations under the provisions of EP Act.

The complainant requested to investigate the various aspects of their complaint and to demolish the illegal construction of the project. The half yearly compliance report was requested from the Project Proponent vide letter dated 27-01-2022 and the same was not submitted. The 113th SEIAA meeting held on 19th & 20th April 2022 verified the request of the Municipal Secretary, Thrikkakara Municipality and the complaint received from Link Valley Association regarding the violation of the EC condition and illegal constructions. The Authority observed that the proponent has not submitted the mandatory Half Yearly Compliance Report to SEIAA and decided the following:

1. *The proponent should submit all the pending mandatory Half Yearly Compliance Reports within one month along with the explanation for the allegations raised in the complaint.*
2. *The Secretary, Thrikkakara Municipality shall take necessary action for violation of KMBR, 2019.*
3. *A copy of the complaint may be forwarded to the District Collector, Ernakulam for verification and necessary follow up action under intimation to SEIAA*

The above decision of the Authority was conveyed to the respective Municipality and Proponent vide letters dated 30-05-2022 and reminders on 08-05-2023.

The General Secretary, Link Valley Residents Association, Kochi filed Original Application 17 of 2023 before the Hon'ble Tribunal challenging the Environmental Clearance granted by the State Environmental Impact Assessment Authority, (SEIAA), the 2nd Respondent with the following prayers.

- i. *Directing the respondents 2 and 3 to take appropriate action against the 6th respondent for violating the conditions of Environmental Clearance No. 14/2017, dated 30-01-2017 (Annexure. A.3) and to see that proper storm water drainages are being constructed and managed which will avoid flooding in the Link valley residential township;*
- ii. *Directing the respondents 2 or 3 respondent to inspect the Link Valley residential township, and assess the damages that has caused in the area in view of the flooding that has already been caused;*
- iii. *Pass such other orders or direction which this Hon'ble Tribunal may deem fit, proper and necessary in the circumstances of the case.*

The actions required to file the Counter Affidavit to defend the NGT, O.A. No. 17 of 2023 (SZ) was taken vide communication to the standing counsel on 06.05.2023.

The 127th meeting of the SEIAA held on 30th and 31st May 2023 decided to refer the proposal with complaint to the SEAC to assess the violation of the EC conditions and report with a direction to conduct the field verification with prior intimation to the complainant and the KSPCB. The 146th meeting of the SEAC entrusted the field verification to Sri. Sheik Hyder Hussain and Dr. Ajayakumar Varma. The Sub Committee carried out the field verification from 2pm to 5.30pm on 5.8.2023.

Filed verification

The Sub Committee first visited the project area of M/s. Prestige Hillside Gateway and assessed the salient aspects of the project. The Sub Committee then verified the compliance of specific and general conditions stipulated while issuing the EC. After assessing the compliance of EC conditions and environmental management aspects of the project area, the Sub Committee visited the campus of Link Valley Resident Association area and evaluated the environmental issues and complaints raised by them. During the field verification, the following persons represented the Proponent, M/s. Prestige Hillside Gateway

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1. Mr Sunil Kumar K - Vice President (Projects) - 9946557077
2. Mr Dipu Vijayan - Senior General Manager (Projects) - 9946102525
4. Mr Jayakrishnan G - General Manager (Projects)- 9946107897
5. Ms Rajeeba Kotta - Senior Assistant General Manager - 9745608960
6. Mr Pran Kumar - Senior Assistant General Manager - 9946107274
7. Mr Sreenath SR - Senior Project Manager - 9946107371

They were assisted by their consultant, M/s. ULTRA TECH Environmental Consultancy and Laboratory represented by Ms Ananthitha A. General Manager (9895200526) and Ms Thushara Sudheish, Assitant Manager (81368 03336). In addition, Sri. George Thankachan, Secretary, Link Valley Community Association (9633941872) was also present during the site visit.

Subsequently, the Sub Committee visited the Link Valley campus and examined the environmental issues highlighted by the representatives of the Link Valley Resident Association. During the visit, the following persons represented the Complainant.

1. Comdr. Satheesh Kumar, President (9744916661)
2. Smt. Sreeja Soumyan, Secretary
3. Sri. Binod Hariharan, Joint Secretary (9400059990)
4. Sri. Brinner MDJ, Member, Executive Committee
5. Sri. Pradeep, Member, Executive Committee
6. Sri. Jayachandran, Member, Executive Committee
7. Sri. Shabu, Member, Executive Committee

The observations, inference and recommendation of the Sub Committee is given hereunder:

Basic details of the Project

No	Parameters	Details
1	Name of the EC holder	Thankachan Thomas. Prestige Hillside Gateway Project
2	EC Number & File No.	588/SEIAA/EC3/4504/2014 dt. 30.01.2017
3	Validity of EC	7 years from 30.1.2017
4	Location	Sy No. 671/1, 674/1, 675/4 of Kakkanad Village. Thrikkakkara Municipality, Kanayannoor Taluk, Ernakulam
5	Built up area	2.11,376.29 m ² (Table mentions 2.09.264.09 m ²)
6	Maximum height	59.1m (Table mentions 59.20 m)
7	Plot area	50,961 m ² (12.59 Acre)
8	No. of floors	20 Floors (LG+G+18)- 602 units, 24 Villas, One Club House, Retails shops (3LG+G+4) (Table mentions 27 Villas)
9	Project cost	~300 Cr
10	Vacant/Open to sky area	12724.07 m ²
11	Water requirement	616 KLD
12	Source of water	378 KLD (KWA/GW)+STP Reuse-238 KLD
13	STP capacity	280 KLD, 130 KLD & 90 KLD
14	Parking facility	1571 Cars; 5995 2W
15	Present status	Six Towers and the Club House are completed and internal

	finishing work in certain towers are complete and others in progress. Thrikkakkara Municipality vide Letter No. TP-1-12828/2021 dated 15.6.2023 reported to SEIAA that Partial Occupancy Certificate has been issued subject to the condition that works for solving the water logging issue should be completed as directed by the SEIAA using the CSR fund. The construction of Villas are progressing with structure almost completed.
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Compliance to Green Conditions of EC

No	Conditions	Compliance status
1	There shall be RWH facility with adequate capacity	Partially complied
2	Technology and capacity of STP to be indicated with discharge point within bracket (if any) of the treated effluent water not confirming to specifications shall not be let out to water bodies	Yet to be complied
3	Effluent water not confirming to specifications shall not be let out to water bodies	Yet to be complied
4	Maximum reuse of gray water for toilet flushing and gardening and construction work shall be ensured	Yet to be complied
5	Dual plumbing for flushing shall be done	Reported compliance.
6	Provision for disposal of e-waste solid waste, non-biodegradables and separate parking facilities for the building shall be provided	Yet to be complied
7	Generation of solar energy to be mandatory for own use and/or to be provided to the grid	Yet to be complied
8	There shall not be any compromise on safety conditions and facilities to be provided by the project proponent, which shall be ensured for occupation, regularization or consent to operate	Reported compliance

Compliance to General Conditions of EC

No	General conditions	Compliance status
1	Rainwater harvesting facility should be installed as per prevailing provisions of KMBR/KPBR, unless otherwise specified.	Partially complied
2	Environment Monitoring Cell (EMC) as agreed under the affidavit filed by the proponent should be formed and made functional.	Reported compliance But minutes of the meeting of EMC not shown
3	Suitable avenue trees should be planted along either side of the tarred road and open parking areas, if any, including approach roads and internal roads	Initiated compliance Claims 80% completion of green belt development which is wrong
4	The project shall incorporate devices for solar energy generation	Not complied

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	and utilization to the maximum possible extent with the possibility of contributing the same to the national grid in future	
5	Safety measures should be implemented as per the Fire and Safety Regulations	Reported compliance
6	STP should be installed and made functional as per KSPCB guidelines including that for solid waste management	Partially complied STP reportedly for the Tower 1,2,3,4 &5 and the Club House is installed, but the ultra-filtration is not commissioned
7	The conditions specified in the Companies Act 2013, should be observed for Corporate Social Responsibility	Yet to be complied. PP earmarked Rs. 20 lakh which is too inadequate and inappropriate
8	The proponent should plant trees at least five times of the loss that has been occurred while clearing the land for the project	Not complied. Reported 80% completion of green belt is wrong
9	Consent from KSPCB under Water and Air Acts should be obtained before initiating activity	Complied
10	All other statutory clearances should be obtained, as applicable, by project proponents from the respective competitive authorities including that for blasting and storage of explosives.	Reported compliance
11	In the case of any change(s) in the scope of the Project, extent, quantity, process of mining technology involved or in any way affecting the environment parameters/ impacts as assessed, based on which only the EC is issued, the project would require a fresh appraisal by this Authority, for which the proponent shall apply and get the approval of this Authority.	Known to the Proponent
12	The Authority reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the Environmental Clearance under provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.	Known to the Proponent
13	The stipulations by the Statutory Authorities under different Acts and Notifications should be complied with including the provisions of the Water (Prevention and control of Pollution) Act, 1974, the Air (Prevention and control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006	Known to the Proponent
14	The environmental safeguards obtained in the EIA report should be implemented in letter and spirit	Known to the Proponent

15	Provision should be made for supply of kerosene or cooking gas and pressure cooker to the labourers during construction phase	Reported compliance
16	Official from the Regional Office of MOEF, Bangalore who would be monitoring the implementation of environmental safeguard should be given full cooperation, facilities and documents/data by the project proponents during their inspection. A complete set of all the documents submitted to MOEF should be forwarded to the CCF, Regional Office of MOEF, Bangalore.	Known to the Proponent
17	These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 the Public Liability Insurance Act, 1991 and EIA Notification, 2006.	Known to the Proponent
18	Environmental clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No. 460 of 2004 as may be applicable to this project	Known to the Proponent
19	Any appeal against this Environmental Clearance shall lie with the National Environmental Appellate Authority, if preferred, within a period of 30 days as prescribed under Section 11 of the National Environmental Appellate Act, 1997	Known to the Proponent
20	The project proponent should advertise in at least 2 newspapers widely circulated in the region, one of which (both the advertisement and the newspaper) shall be in the vernacular language informing that the Project has been accorded Environment Clearance and the copies of the Clearance letters are available with the State Environment Impact Assessment Authority (SEIAA) office and may also be seen on the website of the Authority at www.seiaakerala.org . The advertisement should be made within 10 days from the date of receipt of the clearance letter and a copy of the same signed in all the pages should be forwarded to the Office of this Authority as confirmation	Complied
21	A copy of the clearance letter shall be sent by the proponent to the concerned Gram Panchayat/District Panchayat/ Municipality/ Corporation/ Urbanlocal Body and also to the Local NGO, if any from whom suggestions/representations, if any were received while processing the proposal. The Environmental Clearance shall also be put on the website of the company by the proponent.	Complied
22	The proponent shall submit half yearly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) and upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall	Reported compliance

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	update the same periodically. It shall simultaneously be sent to the respective Regional Office of the MOEF, Govt. of India and also to the DoECC, GoK.	
23	The details of Environment Clearance should be prominently displayed in a metallic board of 3 ft x 3 ft with green background and yellow letters of Times Roman font of size not less than 40.	Complied
24	The proponent should provide notarized affidavit (indicating the number and date of Environmental Clearance proceedings) that all the conditions stipulated in the EC shall be scrupulously followed.	Reported compliance

Compliance of Specific Conditions of EC- Construction Phase

The compliance is verified in the field and the status is given hereunder.

No	Specific conditions	Compliance status
1	'Consent for establishment' shall be obtained from Kerala state pollution control board under air and water act and a copy shall be submitted to the ministry before start of any construction work at the site	Complied
2	All required sanitary and hygienic measures should be in place before starting construction activities which are to be maintained throughout the construction phase.	Reported compliance
3	A First Aid Room shall be provided at the project site both during construction and operation phases.of the project.	Complied
4	Adequate drinking water and sanitary facilities should be provided for construction workers at this site provisions should be made for mobile toilets. the safe disposal of ways to water and solid waste generated during the construction phase should be ensured	Complied
5	All the top soil excavated during construction activities should be stored for use in horticulture/landscape development within the project site	Reported Compliance
6	Disposal of muck during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people. only in approved sites with the approval of competent authority.	Reported Compliance
7	Soil and ground water samples shall be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.	Reported Compliance

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	of the project.	
19	Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water.	Not seems to have complied
20	Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.	Reported Compliance
21	Use of glass may be reduced by 40% to reduce the electricity consumption and load on air conditioning. If necessary, use high quality double glass with special reflective coating on windows.	Reported Compliance
22	Roof should meet perspective requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill the requirement.	Not seems to have complied
23	Opaque wall should meet perspective requirement as per energy Conservation Building Code which is proposed to be mandatory for all air conditioned spaces while it is optional for non-airconditioned spaces by use of appropriate thermal insulation material to fulfill requirement	Reported Compliance
24	The approval of the competent authority shall be obtained for structural safety of the buildings due to earthquake, adequacy of fire fighting equipments, etc. as per National Building Code including protection measures from lightning etc.	Known to the Proponent
25	Regular supervision of the above and other measures should be in place all throughout the construction phase, so as to avoid disturbance to the surroundings.	Reported Compliance
26	Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it was found that construction of the project has been started without obtaining the statutory clearances.	Known to the Proponent

Compliance of Specific Conditions of EC- Operation Phase

The compliance is verified in the field and the status is given hereunder.

No	Specific conditions	Compliance status
1	The installation of the STP should be certified by an independent expert and a report in this regard should be submitted to the Ministry/SEIAA before the project is commissioned for operation. Treated effluent emanating from STP shall be recycled / reused to the maximum	Partially complied

	extent possible. Treatment of 100% grey water shall be done through a decentralized treatment. Reuse of water shall be practiced for flushing process and garden purposes. Discharge of unused treated effluent shall conform to the norms and standards of the Kerala State Pollution Control Board. Necessary measures should be taken to mitigate the odour problem from STP.	
2	The solid waste generated should be properly collected and segregated. Wet garbage should be composted and dry/inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.	Partially complied
3	Diesel power generating sets proposed as source of back up power for elevators and common area illumination during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Low sulphur diesel shall be used as fuel in DG sets. The location of the DG sets may be decided in consultation with Kerala State pollution Control Board.	Partially complied
4	Noise should be controlled to ensure that it does not exceed the prescribed standards. During night time, the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.	Known to the Proponent
5	The green belt of adequate width and density shall be raised preferably with local species along the periphery of the project site so as to provide protection against particulate matter and noise.	Partially complied
6	Weep holes shall be provided in the compound walls to ensure natural drainage of rain water during the monsoon period.	Not complied
7	Rain Water Harvesting structures should be installed as per the prevailing provisions of KMBR/KPBR, unless otherwise specified elsewhere. Rain water harvesting measures for roof run-off and surface run-off, as per approved building plan should be implemented. Before recharging the surface run off, pre-treatment must be done to remove suspended matter, oil and grease. The borewell for rainwater recharging should be kept at least 5 m above the highest ground water table.	Partially complied

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8	The ground water level and its quality should be monitored regularly in consultation with State Groundwater Department/Central Ground Water Authority.	Complied
9	Traffic congestion near the entry and exit points from the roads adjoining the project site must be avoided. Parking should be fully internalized and no public space should be utilized.	Complied
10	A Report on the energy conservation measures, conforming to energy conservation norms issued by Bureau of Energy Efficiency, should be prepared incorporating details about building materials & technology, R & U Factors etc and submit to the Ministry in three months time.	Not seems to have Complied
11	Energy conservation measures like installation of LED /CFLs/TFLs for the lighting the areas outside the building should be an integral part of the project design and should be in place before project commissioning. Used LED/CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination. Solar panels may be used to the extent possible.	Partially complied
12	Adequate measures should be taken to prevent odour problem from solid waste processing plant and STP.	Known to the Proponent
13	The buildings should have adequate distance between them to allow movement of fresh air and passage of natural light and ventilation.	Complied

Inferences

It has been inferred that five of the eight green conditions stipulated are not complied with. Many of the general conditions are also not adequately complied. The green belt development, solar energy generation, sewage treatment plant and storm water drainage are yet to be given adequate attention by the Proponent. The CSR proposal is also found inadequate and mostly inappropriate from the monitoring point of view. The six towers with 602 units and the club house are found mostly complete and they obtained occupancy certificate. But the STP is not fully functional. The inflow and outflow of the STP is not monitored and the ultra-filtration unit is yet to be commissioned. Overall, there is laxity in complying with some of the critical EC conditions.

The site developed is located on the slope of a hill forming part of a watershed which drains to River Kadambayar. The watershed was possibly drained through numerous drains to Kadambayar, but they are non-existent now, probably consequent to the development of

Infopark. While appraising the Project of M/s. Prestige Hillside Gateway, the State Environmental Appraisal Committee (SEAC) observed that the low-lying central part of the area being flat and that it is part of the flood plain can receive very large quantity of water during the rainy season from the upper catchment of the watershed resulting in partial flooding. The storm drainage plan was found inadequate to accommodate peak flood. Therefore, the Committee then directed to widen the drainage channel with connectivity to the existing storm water drain on the eastern side. Though the drainage channel is widened to 1.2m at the boundary of the M/s. Prestige Hillside Gateway, this is not found benefitting the drainage requirement of the watershed as its continuity is marred by constrictions and siltation.

The drainage from M/s. Prestige Hillside Gateway, the major contributor of the overland flow in the watershed, is directed through a channel having two branches, one flowing through the northern boundary and the other flowing through the southern boundary of the Link Valley Compound. Both the branches are not desilted and widened adequately and free flow is also obstructed by solid wastes. The portion of the canal where the M/s. Prestige share the boundary with Link valley, is protected with concrete, but is not found desilted and cleaned regularly. There are many underground pipes discharging water to this channel. The depth of the channels is only marginally higher than the ground level of Link valley compound at its western side, thereby water from this channel enters Link valley compound during high rainfall events. In order to prevent such inflow to the Link Valley compound from the southern branch channel, a small dike is found constructed. This accentuated the water logging in the western portion of the Link valley compound. After having visited the compound of M/s. Prestige Hillside Gateway and Link Valley Residential Association, it is inferred that M/s. PHG did not take adequate measures to ensure the drainage of their portion of the watershed thereby the Link Valley Compound receives more outflow from the upper portion of the watershed beyond the carrying capacity of the lower portion of the watershed.

The Proponent was also informed the need to maximize rainwater harvesting to store at least two weeks requirement so as to ease dependence on public source. Though the Proponent claimed the establishment of underground tank for additional rain water harvesting, its details are not known. The Committee also desired the Proponent to maintain the then existing elevation along the boundary with adjacent plots as it was. But this is not found complied with adequately.

The Proponent vide Notarized Affidavit dated 19.12.2016 agreed that all the conditions set out in the Field Visit Report of the SEAC subcommittee on 18.12.2015 shall be fulfilled. However, this is not found complied with adequately leading to severe environmental issue of water logging in the compound of Link Valley.

Recommendations

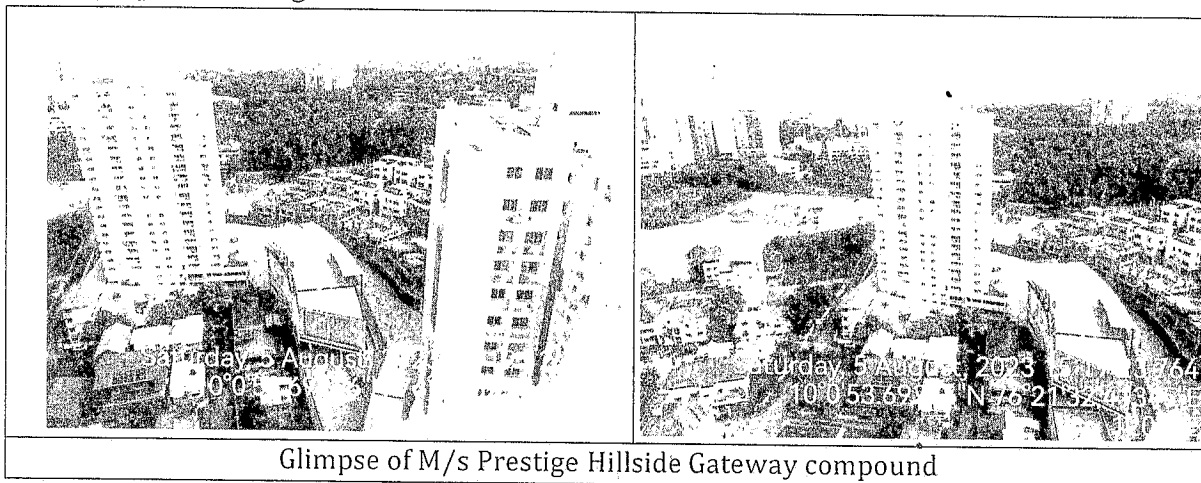
1. Show cause notice may be issued for non-compliance of certain of the EC conditions stipulated while issuing EC

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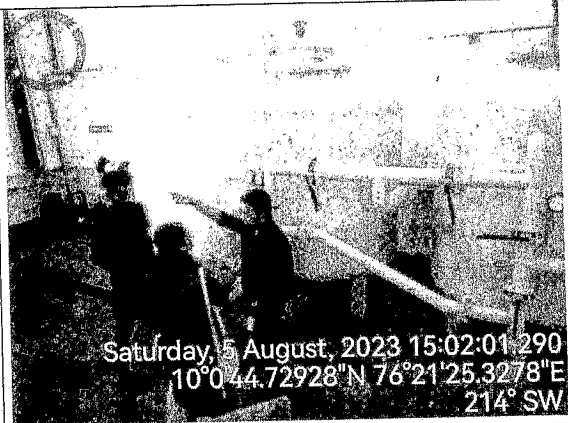
2. Call for the reasons for not submitting the certificate from an independent expert regarding the installation of the STP before the project is commissioned for operation as stipulated while issuing the EC.
3. Call for detailed report regarding the performance of the STP from an independent expert with special reference to the level of recycling/reusing of the treated effluent outflow from STP and mitigation measures adopted for the odour problem from the STP.
4. Call for detailed report regarding the compliance of EC conditions pertaining to the treatment of 100% grey water through a decentralized treatment and reuse of water for flushing process and garden purposes.
5. As per Clause 12 of the General Conditions of EC granted, "The Authority reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the Environmental Clearance under provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner". Under this clause, the Environmental Management Plan of M/s. Prestige Hillside Gateway should be revised by incorporating detailed plan for the following measures within one month and they should be directed to implement the same on a war-footing without fail.
 - a. The drainage channel originating from their compound should be cleaned and desilted and depth increased appropriately up to the debouching point at Kadambrayar to address the existing environmental issue urgently.
 - b. A detailed drainage plan should be prepared considering the highest water discharge requirement from their portion of the watershed, the carrying capacity of the both the branches of the drainage channel and modifications required for the existing two branches of the drainage channels up to the debouching point at Kadambrayar so as to ensure that M/s. PHG will not cause environmental issue to the Link Valley compound.

Dr. R. Ajayakumar Varma, Chairman, SEAC
Shiek Hyder Hussain, Member, SEAC

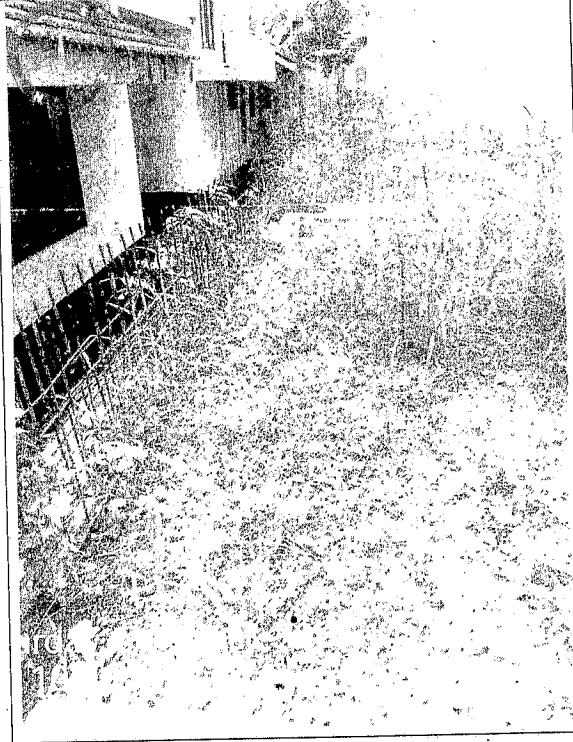
Photographs showing actual field conditions



Glimpse of M/s Prestige Hillside Gateway compound



One of the three proposed STP (Operation is yet to be streamlined)

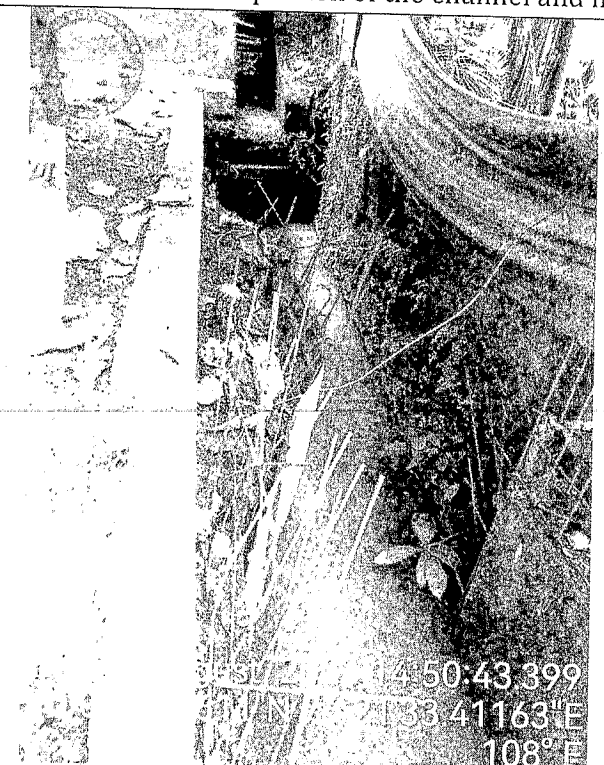


Drainage channel is covered with earth and by providing man-hole

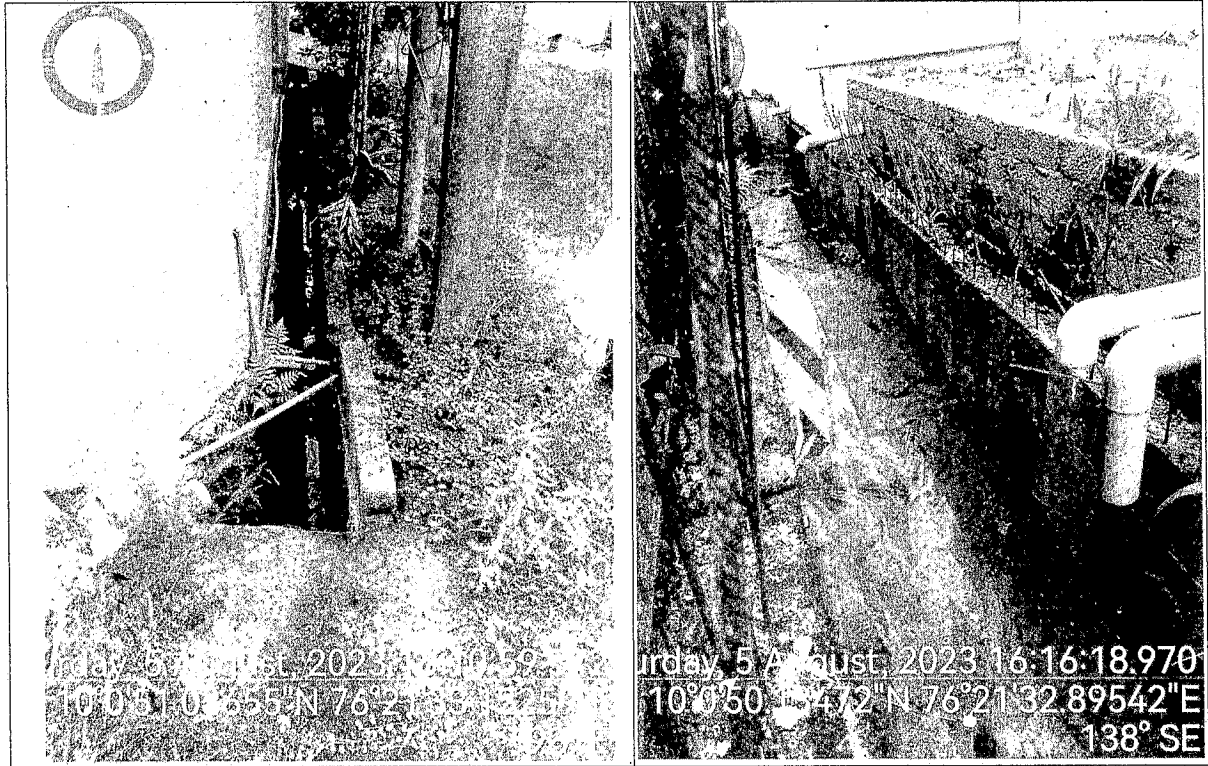
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Drainage channel at the boundary of M/s. PHG and Link Valley compounds- See the silted portion of the channel and many inflow pipes provided



Drainage channel at the boundary of M/s. PHG and Link Valley compounds- See the stagnation of water and solid waste dumped



Stagnant drainage channels within and outside the compound of Link Valley