

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

ORIGINAL APPLICATION NO. 2 of 2023

IN THE MATTER OF: -

Jagan kumar

.... Applicant

Versus

**The Addl. Chief Secretary,
Govt. Of Karnataka & Ors.**

.... Respondent

**ADDITIONAL AFFIDAVIT FILED ON BEHALF OF THE MINISTRY OF
ENVIRONMENT FOREST AND CLIMATE CHANGE**



Filed by:
G.M. SYED NURULLAH SHERIFF
Senior Standing Counsel
MoEF&Cc.
Mob. No. 9444015330
Counsel for Respondent no.6

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE, CHENNAI
ORIGINAL APPLICATION No. 2 of 2023**

IN THE MATTER OF

Shri. Jagan Kumar J

.... APPLICANT

VERSUS

**The Additional Chief Secretary, Government of
Karnataka, Department of Forest, Ecology and
Environmental Science & Ors.**

..... RESPONDENTS

**AFFIDAVIT IN COMPLIANCE OF HON'BLE NGT'S DIRECTION
DATED 27.09.2024 ON BEHALF OF THE RESPONDENT NO.6, i.e.,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE.**

MOST RESPECTFULLY SHOWETH:

I, Dr. R. Sridhar working as Scientist "D" in the Ministry of Environment, Forest and Climate Change (MoEF&CC), Regional Office, Bengaluru and I the deponent do hereby solemnly affirm and state on oath as under: -

1. That I am competent to swear the present affidavit on behalf of MoEF&CC


डॉ. आर. श्रीधर / Dr. R. Sridhar
संयुक्त निदेशक/वैज्ञानिक 'डी' / Joint Director / Scientist 'D'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
भारत सरकार / Government of India
क्षेत्रीय कार्यालय (दक्षिणी क्षेत्र)
Regional Office (Southern Zone)
केन्द्रीय सदन, कोरमंगला, बेंगलूरु - 560034
*endriya Sadan, Koramangala, Bengaluru - 560034.

and I am aware of the facts and circumstances of the present case based on its record.

2. It is humbly submitted that this application has been filed with regard to the high rise commercial building architected with glass facades. The applicant has pointed out several environmental issues due to high-rise commercial buildings with the glass facades. The petitioner has provided a reference of a residential project wherein the SEIAA, Karnataka granted EC on 23.06.2016 by stipulating a condition, "Use of glass shall not exceed 40% of exposed area to reduce the electricity consumption and load on air conditioning. If necessary, use high quality double glass with special reflective coating in windows." In view of this, the petitioner has requested to take necessary steps to ban glass facades buildings or direct for renovation of such standing glass facades buildings and to frame rules restricting the same. it has been further requested to stop issuing environmental clearances and permissions including CTE to such projects. Applicant has also prayed to direct the respondent authority to conduct survey of the Glass Facades buildings which is exceeding more than 40% of exposed area and submit reports.

3. It is humbly submitted that the Hon'ble Tribunal vide its order dated 03.11.2023 has directed the Answering Respondent to clarify whether the draft guidelines provided by Central Pollution Control Board (CPCB) in its affidavit i.e. 'Environmental Guidelines for Buildings' with specific reference to the EIA Notification, 2006 is approved or notified by the Ministry. In


डॉ. आर. श्रीधर / Dr. R. Sridhar
संयुक्त निदेशक/वैज्ञानिक 'डी' / Joint Director / Scientist 'D'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
भारत सरकार / Government of India
क्षेत्रीय कार्यालय (दक्षिणी क्षेत्र)
Regional Office (Southern Zone)
केन्द्रीय सदन, कोरमंगला, बेंगलूरु - 560034
Kendriya Sadan, Koramangala, Bengaluru - 560034.

compliance to the aforesaid direction, the Answering Respondent has filed its reply dated 26.02.2024.

4. It is humbly submitted that the Hon'ble Tribunal vide its order dated 28.02.2024 has directed the Answering Respondent (i.e., MoEF&CC), SEIAA and CPCB to formulate a rule in coordination regarding the glass facades and make it available in the public domain. In compliance to the aforementioned direction, a meeting was conducted by the Answering Respondent on 12.04.2024 and 06.05.2024 along with the officers from Bureau of Indian Standards (BIS), Bureau of Energy Efficiency (BEE) and Central Pollution Control Board (CPCB) wherein it has been emerged that there is no need to formulate new rules in respect of use of glass or glass facades as existing norms of National Building Code by BIS and Energy Conservation Building Code by BEE are in place, and in practice across the country including in the State of Karnataka. In compliance to the aforesaid direction, the Answering Respondent has filed its reply before the Hon'ble Tribunal vide dated 20.08.2024.

In the aforesaid affidavit, the details regarding section 15 of the Energy Conservation Act, 2001, have been provided by the Ministry. In which it is stated that the State Government may, by notification, in consultation with the Bureau of Energy Efficiency

a. amend the energy conservation and sustainable building codes to suit the regional and local climatic conditions and may, by rules made by it,


डॉ. आर. श्रीधर / Dr. R. Sridhar
संयुक्त निदेशक/वैज्ञानिक 'डी' / Joint Director / Scientist 'D'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
भारत सरकार / Government of India
क्षेत्रीय कार्यालय (दक्षिणी क्षेत्र)
Regional Office (Southern Zone)
केन्द्रीय सदन, कोरमंगला, बेंगलूरु - 560034
Kendriya Sadan, Koramangala, Bengaluru - 560034.

specify and notify energy conservation building codes with respect to use of energy in the buildings and implement the same through building bye-laws of the state.

b. direct every owner or occupier of a building or building complex being a designated consumer to comply with the provisions of the energy conservation building codes.

5. That the Hon'ble Tribunal vide its order dated 27.09.2024 has directed the Answering Respondent to find out whether as per Section 15 of the Energy Conservation Act, 2001, each of the States in the country has already codified the rules depending on the local climatic conditions. If not, what action the MoEF&CC is going to take in this regard.

6. That the above matter is pending disposal before this Hon'ble Tribunal and is fixed for 12.12.2024.

7. In this regard, it is submitted that the Energy Conservation Act (EC Act) was enacted by Ministry of Power in 2001 with the goal of reducing energy intensity of the Indian economy. The Act provides a regulatory mandate for: Standards & labelling of equipment and appliances; Energy conservation building codes for commercial buildings; and Energy consumption norms for energy intensive industries. In addition, the Act enjoins the Central Govt.



डॉ. आर. श्रीधर / Dr. R. Sridhar
संयुक्त निदेशक/वैज्ञानिक 'डी' / Joint Director / Scientist 'D'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
भारत सरकार / Government of India
क्षेत्रीय कार्यालय (दक्षिणी क्षेत्र)
Regional Office (Southern Zone)
केन्द्रीय सदन, कोरमंगला, बेंगलूरु - 560034
Kendriya Sadan, Koramangala, Bengaluru - 560034.

(Ministry of Power) and the Bureau of Energy Efficiency to take steps to facilitate and promote energy efficiency in all sectors of the economy. The Act also directs States to designate agencies for the implementation of the Act and promotion of energy efficiency in the State. Further, Bureau of Energy Efficiency is the concerned regulatory authority to take any action with regard to implementation of Section 15 of the Energy Conservation Act, 2001.

8. In view of the above, it is submitted that Ministry of power is a proper and necessary party for adjudication of the issues involved in the present matter. Therefore, it is humbly prayed to implead Ministry of Power and the Bureau of Energy Efficiency as a respondent to the aforesaid application. As stated in para 7 above, that Ministry of Power is the concerned regulatory authority to take action with regard to the implementation of Section 15 of Energy Conservation Act, 2001.

9. That the present counter affidavit may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.


 डॉ. आर. श्रीधर / Dr. R. Sridhar
 संयुक्त निदेशक/वैज्ञानिक 'डी' / Joint Director/Scientist 'D'
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
 भारत सरकार / Government of India
 क्षेत्रीय कार्यालय (दक्षिणी क्षेत्र)
 Regional Office (Southern Zone)
 केन्द्रीय सदन, कोरमंगला, बेंगलूरु - 560034
 Kendriya Sadan, Koramangala, Bengaluru - 560034.

10. That other/ancillary issues raised in the petition under reply do not pertain to the answering respondent. The Answering Respondent seeks leave to make additional submissions, if required, during the course of the proceedings.



DEPONENT

डॉ. आर. श्रीधर / Dr. R. Sridhar
 संयुक्त निदेशक/वैज्ञानिक 'डी' / Joint Director / Scientist 'D'
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
 भारत सरकार / Government of India
 क्षेत्रीय कार्यालय (दक्षिणी क्षेत्र)
 Regional Office (Southern Zone)
 केन्द्रीय सदन, कोरमंगला, बेंगलूरु - 560034
 Kendriya Sadan, Koramangala, Bengaluru - 560034.

VERIFICATION

Verified at Bengaluru on this 3rd day of December 2024 that the contents of the above affidavit are correct to my knowledge and belief based on official records and nothing material has been concealed therefrom.



DEPONENT

डॉ. आर. श्रीधर / Dr. R. Sridhar
 संयुक्त निदेशक/वैज्ञानिक 'डी' / Joint Director / Scientist 'D'
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
 भारत सरकार / Government of India
 क्षेत्रीय कार्यालय (दक्षिणी क्षेत्र)
 Regional Office (Southern Zone)
 केन्द्रीय सदन, कोरमंगला, बेंगलूरु - 560034
 Kendriya Sadan, Koramangala, Bengaluru - 560034.