

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) AT CHENNAI

Original Application No. 23 of 2024 (SZ)

Tribunal on its own motion Suo Motu based on the news item in the Indian Express dated 03rd November 2023 titled "TN activists allege drinking water supplied from Madambakkam lake in Tambaram contaminated with sewage civic body disagrees"

-Vs-

The District Collector & Ors.

...Respondents

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Certified to be True Copies of the respective originals

Dated at Chennai on this the 07th day of April, 2025



Through

P. Veena Suresh

(Advocate)

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BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) AT CHENNAI
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ADDITIONAL STATUS REPORT-I FILED BY THE 7th RESPONDENT (CMDA)

I, Dr. S. Prabhakar, I.A.S. son of Thiru. Sundararaju, Hindu, aged about 52 years, having office at No.1, Gandhi-Irwin Road, Egmore, Chennai-600 008, do hereby solemnly and sincerely affirm as follows:

1. I am the Member Secretary of Chennai Metropolitan Development Authority (CMDA) and the 7th Respondent herein. As such, I know the facts of the case as borne out from records.

2. I submit that the Hon'ble Tribunal vide Order dated 18.03.2025 had ordered as below:

- "1. The report of the District Collector-Chengalpattu is yet to be filed.*
- 2. The learned counsel appearing for the State of Tamil Nadu states the lands were originally reserved forests, and their notification or denotification status needs to be ascertained before filing a detailed report.*
- 3. However, the learned counsel appearing for the Project Proponent would state that they were de-notified long time back.*

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Member Secretary
Chennai Metropolitan
Development Authority
Chennai- 600 008.

4. The CMDA is also directed to submit any guidelines formulated regarding solid waste and sewage waste with reference to the rules in force.

5. Post the matter on 08.04.2025."

3. I submit that in pursuance to the status Report filed by CMDA on 17.03.2025, we file the present report to place on facts the existing measures taken by this respondent.

4. I submit that this Respondent is governed by the Tamil Nadu Combined Development and Building Rules, 2019 ("TNCDBR,2019"), and the solid waste management is insisted for Non High Rise Buildings and High Rise Buildings vide Rule No.35 (17) & 39(15) respectively, however, for the layout approval, a reservation of 0.5% of plottable area as Public Purpose – 1 is reserved for local body and another 0.5% of plottable area as Public Purpose – 2 is reserved for TANGEDCO, wherein in such area reserved for local body may utilize such 0.5% of reserved area for waste management or any other future use. I submit that the Rule No.35 (17) & 39(15) of TNCDBR,2019 are enumerated below:

"35. Planning Parameters for Non High Rise Buildings.—

(17) In residential or predominantly residential developments with dwelling units exceeding 100 in number, the design should include waste management infrastructure and atleast a closed non polluting storage provision for solid waste storage within the premises preferably with direct access from the abutting road shall be provided so that the local body can collect this stored waste from it.

39. Special rules for High Rise Buildings.—

(15) In residential or predominantly residential developments with dwelling units exceeding 100 in number, the design should include waste management

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infrastructure and atleast a closed non polluting storage provision for solid waste storage within the premises preferably with direct access from the abutting road shall be provided so that the local body can collect this stored waste from it."

5. I submit that as regards the compliance to Solid Waste Management Rules, 2016, it is the duty of the local bodies to ensure its adherence in pursuance to the powers delegated to them vide Gazette of India Part II Section 3 – Sub Section (ii) dated 08.04.2016 Sub Rule 4 *"The Ministry of Environment, Forest and Climate Change, Government of India has notified the Solid Waste Management Rules, 2016. As per the rules, solid waste means solid or semi solid domestic waste, sanitary waste, commercial waste, institutional waste, catering and market waste and other non-residential wastes, street sweepings, silt removed or collected from surface drains, horticulture waste, agriculture and dairy waste, treated bio-medical waste excluding industrial waste, bio-medical waste and e-waste, battery waste, radio-active waste generated in the area under the local authorities. As per the rules, the local bodies are responsible for the collection, treatment and disposal of solid wastes. The Board is the monitoring authority under the said rules and is responsible for granting authorization to local bodies for processing and disposal of solid waste.*

6. I submit that the local bodies as in the present case, the Tambaram Corporation, have the power to create bye laws/ regulations to address specific environmental issues in their area including waste management, water quality control and to provide the same in consonance with the laws in force/ TNCP regulations and under the powers delegated by the State. I submit that in the Chennai Metropolitan Area, the Greater Chennai Corporation ensures compliance to Solid Waste Management Rules, 2016 and to ensure its strict implementation and enforcement have further enumerated Solid Waste

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Management Bye Laws, 2019. I submit that the responsibility of Greater Chennai Corporation to manage the solid waste in Chennai has also been evidenced in their own status report dated March, 2024 filed before this Hon'ble Tribunal in O.A.No. 50 of 2024. I submit that the man and power to ensure the above compliance vest with the local body for the periodic inspection, enforcement and implementation of solid waste management rules.

7. I further submit that the Master Plan Unit (MPU) of CMDA is also conducting its study, and reviewing the TNCDBR 2019 to amend the provisions, and strengthen the same focusing more on the environmental considerations based on the evolving area developments driven by societal changes.

8. It is therefore prayed that this Hon'ble Tribunal may be pleased to consider the submissions of this Respondent and thus, render justice.

Solemnly affirmed at Chennai on

this the 07th day of April, 2025

and signed in my presence.

[Signature]
Member Secretary
Chennai Metropolitan
Development Authority
Chennai- 600 008.

ADVOCATE: CHENNAI

[Signature]
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