

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION No. 271 of 2024 (SZ)**

S. Kanthan
S/o Subramani
No.6, Drowpathiamman Koil Street,
Poornankuppam,
Puducherry – 605 007 and others

-- Applicants

-Versus-

1. Puducherry Coastal Zone Management Authority,
Rep by its Member Secretary,
3rd Floor, Housing Board Complex,
Anna Nagar, Puducherry – 605 005 and 3 others.

-- Respondents

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Office of the Government Pleader
Government of Puducherry

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION No. 271 of 2024 (SZ)

S. Kanthan
 S/o Subramani
 No.6, Drowpathiamman Koil Street,
 Poornankuppam, Puducherry – 605 007.

Chandirasekar V
 S/o Varatharasu,
 14, Murugan Koil Street, Kuppam,
 Bahour, Puducherry – 607402.

-- Applicants

-Versus-

1. Puducherry Coastal Zone Management Authority,
 Rep by its Member Secretary,
 3rd Floor, Housing Board Complex,
 Anna Nagar, Puducherry – 605 005.
2. The Government of Puducherry,
 Rep by its Secretary,
 Department of Science, Technology and Environment,
 3rd Floor, Housing Board Complex,
 Anna Nagar, Puducherry – 605 005.
3. Puducherry Pollution control Committee,
 Rep by its Member Secretary,
 3rd Floor, Housing Board Complex,
 Anna Nagar, Puducherry – 605 005.
4. Lagoon Sarovar Premiere Resort,
 Rep by its Managing Director,
 River View Arena, Ayyanar kovil Street,
 Pooranankuppam, Puducherry – 605007.

-- Respondents

COUNTER AFFIDAVIT FILED BY THE THIRD RESPONDENT

I, Dr. N. Ramesh, S/o. C. Natarajan, aged 57 years, working as Member Secretary in the Puducherry Pollution Control Committee (PPCC), Department of Science,

Technology and Environment, Government of Puducherry, do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am the Member Secretary in the Puducherry Pollution Control Committee (PPCC), third respondent herein and as such, I am well acquainted with the facts of the case.

2. I respectfully submit that, the 4th respondent has applied for Consent to Establish (CTE) on 19.01.2021 in the name of M/s. Puducherry Back Water Resorts Pvt Ltd. The proposal was placed before the 170th PPCC committee meeting held on 09.08.2021. The Committee after deliberation deferred the proposal and decided to obtain views of the Puducherry Planning Authority. The decision of the PPCC meeting is communicated to Member Secretary, Puducherry Planning Authority vide letter dated 24.09.2021 seeking views regarding violation in building construction (Annexure-I). The application was returned online through PPCC online ponocmms portal to the project proponent dated 13.10.2022 to submit revised PPA clearance. The applicant has resubmitted the application on 22.08.2024.

3. I respectfully submit that, Puducherry Planning Authority has replied letter dated 27.1.2025 stating that the building deviation from plan approval is noticed and deviation notice is issued to the resort. (Annexure-II)

4. I respectfully submit that, the 4th respondent has established the resort at R.S. No. 5, Iyyanar Koil Street, Poornankuppam village, Ariyankuppam Commune Panchayat, Puducherry. The resort was inspected by the officials of DSTE/PPCC on 29.11.2024 and observed that:

- i. The resort is in operation from January 2022.
- ii. The resort is located on the bank of the Chunnambar backwater.
- iii. The resort has obtained registration from Puducherry Ground Water Authority (PGWA) for withdrawing 9 KLD of ground water from a bore well.

- iv. 6 KLD of Sewage is generated, treated in Sewage Treatment Plant of 15 KLD capacity and discharged on land for irrigation within premises. There is no discharge of untreated waste water to the river noticed.
- v. The fuel used in the kitchen is LPG. Emission from the Kitchen exhaust is channelised through ducting, an ID fan arrangement and is let out above roof level.
- vi. Municipal solid waste generated is handed to the Commune Panchayat authorised waste collection agency.
- vii. Four rainwater overflow pipelines have been laid to the river to drain excess rainwater.

5. I respectfully submit that STP outlet treated sewage sampling was carried out by the DSTE/PPCC lab on 10.12.2024, and a report dated 18.12.2024 revealed that the results are within the prescribed standard limits (Annexure-III).

6. I respectfully submit that, a direction under Section 33 A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31 A of The Air (Prevention and Control of Pollution) Act, 1981 dated 26.02.2025 is issued to the resort for establishing and operating without valid Consent to Establish (CTE) and Consent to Operate (CTO) (Annexure-IV)

7. I respectfully submit that, the resort has paid necessary arrear and penalty fee for issue of Consent to Establish (CTE) cum Consent to Operate (CTO). The proposal for the issue of CTE and CTO will be placed before the forthcoming PPCC committee meeting for taking a suitable decision.

8. I respectfully submit that, the Puducherry Coastal Zone Management Authority has issued direction under Section 5 of The Environment Protection Act, 1986 dated 10.01.2025 regarding CRZ violations (Annexure-V).

9. I, therefore respectfully submit that, PPCC would abide by any further order of the Hon'ble National Green Tribunal (SZ), Chennai.

N. Ramesh

3rd Respondent

Dr. N. RAMESH
MEMBER SECRETARY
PUDUCHERRY POLLUTION
CONTROL COMMITTEE
PUDUCHERRY

VERIFICATION

Verified at Puducherry on this 28th day of February, 2025 that the contents of the above affidavit are true to the best of my knowledge and belief and nothing has been concealed therein.

N. Ramesh

3rd Respondent

Dr. N. RAMESH
MEMBER SECRETARY
PUDUCHERRY POLLUTION
CONTROL COMMITTEE
PUDUCHERRY

Solemnly affirmed at Puducherry
on this the 28th day of February, 2024
and signed his name in my presence



NW 28/2/2025
M. SIVAPRAKASH, B.L.,
ADVOCATE & NOTARY PUBLIC
Govt. of India
Regd. No. 7933/2010
No.5, IIIrd CROSS, ILANGO NAGAR
PUDUCHERRY - 605 011

No. 627/PPCC/CON/ACP/SCI/2021/1097
 GOVERNMENT OF PUDUCHERRY
 DEPARTMENT OF SCIENCE, TECHNOLOGY & ENVIRONMENT
 PUDUCHERRY POLLUTION CONTROL COMMITTEE
 III FLOOR, PHB BUILDING, ANNA NAGAR, PUDUCHERRY-5
 Phone : (0413) 2201256 Fax : (0413) 2203494

Puducherry, the 24 SEP 2021

To
 The Member Secretary,
 Puducherry Planning Authority
 Puducherry.

Sir,

Sub: PPCC – Application seeking Consent to Establish / NOC to
 M/s. Puducherry Back Water Resort Private Limited – Seeking
 Additional Details - Reg.

Ref: 170th PPCC meeting held on 09.08.2021.

The proposal of the M/s. Puducherry Back Water Resort Private Limited, for establishing a resort at R.S No.5, Iyanar Koil Street, Poornakuppam, Ariyankuppam Commune, Puducherry was placed in the 170th PPCC meeting held on 09.08.2021 for issuance of the Consent to Establish and Operate.

The committee heard the proposal of the project agency and discussed the subject in detail. It was decided to obtain the view of the Puducherry Planning Authority before taking a decision since there is some violation in the building construction as stated during the meeting. The Committee after due deliberation decided to defer the proposal for want of clarification from the Puducherry Planning Authority.

Hence, It is requested to provide the views regarding any violations in existence committed by the M/s. Puducherry Back Water Resort Private Limited at the said location.

Handwritten signature

K. KALAMEGAM
 Environmental Engineer
 Dept. of Science, Technology & Environment
 Govt. of Puducherry

For and on behalf of PPCC,

Handwritten signature
 (Dr.S. DINESH KANNAN., I.F.S)
 MEMBER SECRETARY

PUDUCHERRY POLLUTION CONTROL COMMITTEE

Copy to
 Standing Guard file.

Handwritten initials

Handwritten signature
 S. Babu
 24/9/2021

No.570 / PPA / Z(ACP / SB) / 2025 / 190
 PUDUCHERRY PLANNING AUTHORITY
 JAWAHAR NAGAR, BOOMIANPET,
 PUDUCHERRY



Date

27 JAN 2025

To
 The Member Secretary,
 Puducherry Pollution Control Committee
 Puducherry.

Sir / Madam,

Sub: PPA - Construction of Hotel Block-A(two storeyed),
 Administrative Block-B(single storeyed, Electrical/Genset Room
 Block-C(single storeyed, Security Room Block-D(single
 storeyed), Change Room Block-E(single storeyed) for
 Puducherry Back Water Resort Pvt. Ltd at R.S. No. 5pt, Iyanar
 koil Street, Poornankuppam, Poornankuppam, Revenue
 Village, Ariyankuppam Commune Panchayat, Puducherry -
 Reg.

- Ref: 1. Revised building plan approval vide
 No.PPA/625/570/Z(ACP/SB)/2017-18, dated: 03.05.2018.
 2. Your letter Vide No. 627/PPCC/CON/ACP/SCI/2021/1087,
 dated 24.09.2021.
 3. This Authority's deviation notice vide No.
 570/PPA/Z(ACP/SB)/2017-24/93, dated: 20.01.2025.

With reference to the subject and letter cited above, it is informed that
 M/s. The Managing Director, Puducherry Backwater Resort Pvt. Ltd. has obtained building
 permit for construction of Hotel Block-A(two storeyed), Administrative Block-B(single storeyed),
 Electrical/Genset Room Block-C(single storeyed), Security Room Block-D(single storeyed),
 Change Room Block-E(single storeyed) for Puducherry Back Water Resort Pvt. Ltd at R.S. No.
 5pt, Iyanar koil Street, Poornankuppam, Poornankuppam, Revenue Village, Ariyankuppam
 Commune Panchayat, Puducherry, vide No.PPA/625/570/Z(ACP/SB)/2017-18, dated:
 03.05.2018. It is observed that buildings have been constructed with deviation from the
 plan approved by this Authority. In this connection, a deviation notice has been issued by
 this Authority vide letter cited under reference 3rd above.

Yours faithfully,

Attested by

K. KALAMEGAM

K. KALAMEGAM
 Environmental Engineer

Dept. of Science, Technology & Environment
 Govt. of Puducherry

(V. BHUVANESWARAN)
 MEMBER SECRETARY

28/1/25
 Sci (C)



No. 33/PPCC/REP/SCI-II/2024
ENVIRONMENTAL ANALYTICAL LABORATORY
DEPARTMENT OF SCIENCE, TECHNOLOGY AND ENVIRONMENT
PUDUCHERRY POLLUTION CONTROL COMMITTEE
 NO. 189, GARAGE BUILDING, IYYANAR KOIL STREET,
 MARIE OULGARET, PUDUCHERRY – 605 009.
 Telephone: (0413) 2276222



TC-6480

Puducherry dt. 18.12.2024

TEST REPORT

Sampling Location : **M/s. Puducherry Backwater Resort Pvt. Ltd.,**
 R.S. No: 5, Ayyanar Koil Street,
 Pooranankuppam,
 Puducherry – 605 007.

Report No. : 191 / 2024

Sample Id : DSTE/PPCC/W/2449

Sample Description : Outlet - ETP

Date of Sampling : 10.12.2024, 01.30 P.M.
 & Time

Sample Quantity in liters : 3.1

Sampling Plan and Method : APHA 23rd Edition 2017, 1060 B & C

Nature of Sampling : Grab

Sample Collected by : DSTE-PPCC

Test Completed On : 13.12.2024

Test Commenced on : 10.12.2024

Sl. No	Test Parameters	Protocol	Results	Standard Limit
01	Temperature(°C)	APHA 23 rd Edition 2017, 2550 B Laboratory and Field Method	30.0	--
02	pH @ 25 °C	APHA 23 rd Edition 2017, 4500-H ⁺ B Electrometric Method	7.39	6.0-8.5
03	Biochemical Oxygen Demand (BOD) (mg/l) @ 27 °C for 3 Days	IS 3025 (Part 44) – 1993, Reaff : 2009 3-Day BOD Test	50.5	100
04	Total Suspended Solids@ 103-105°C (mg/l)	APHA 23 rd Edition 2017, 2540 D Gravimetric Method	22.0	100
05	Chemical Oxygen Demand (COD) (mg/l)	IS 3025 (Part 58) : 2006 (Reaffirmed 2012)	88.0	--
06	Oil & Grease (O&G) (mg/l)	IS 3025 (Part 39) : 1991 (Reaffirmed 2014) Partition Gravimetric Method	8.7	10

Standard limit: Effluent discharge Standard as Notified under Environment (Protection) Rules, 1986.

AHESH BY
K. KALAMEGAM
 Environmental Engineer
 Dept. of Science, Technology & Environment
 Govt. of Puducherry

Authorised Signatory for Chemical

(Signature)
 (G. Rukmani)
 Scientist

Copy to:

1. JE-I, DSTE, Puducherry
2. The Standing Guard File.

---End of Report---

Page 1 of 1

No. 627/PPCC/DIR/VCP/JE-I/2025/ 157
GOVERNMENT OF PUDUCHERRY
DEPARTMENT OF SCIENCE, TECHNOLOGY & ENVIRONMENT
PUDUCHERRY POLLUTION CONTROL COMMITTEE
3rdFLOOR, PHB BUILDING, PUDUCHERRY – 605005
Telephone : (0413) 2201256 ; Telefax : (0413) 2203494

* * *

Puducherry, the **26 FEB 2025**

DIRECTION ISSUED UNDER SECTION 33A OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND SECTION 31A OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

- Ref: (1) Consent to Establish Application received online through ponocmms website No. 118184 dated 19.01.2024.
 (2) 170th Committee meeting held on 09.08.2021.
 (3) Letter to Puducherry Planning Authority dated 24.09.2021.
 (4) Application returned online dated 13.10.2022.

WHEREAS, you have established and operating a resort in the name of Puducherry Back Water Resort Pvt Ltd at R..S. No. 5, Iyyanar Koil Street, Poornankuppam village, Ariyankuppam Commune Panchayat, Puducherry.

WHEREAS, application vide cited reference (1) for obtaining Consent to Establish was placed before committee meeting vide ref (2). The Committee deferred the proposal and decided to obtain views of Puducherry Planning Authority. The decision of the PPCC meeting is communicated to the Member Secretary, Puducherry Planning Authority vide ref (3) seeking views regarding violation in building construction. The application was returned online through PPCC online portal to you vide ref (4) to submit revised PPA clearance. The applicant has resubmitted the application on 22.08.2024.

WHEREAS, your resort was inspected by the official of DSTE/PPCC on 29.11.2024 and observed that, your resort is operating without valid Consent to Establish (CTE) and Consent to Operate (CTO) which is contravention of Section 25 of Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of Air (Prevention and Control of Pollution) Act, 1981.

You are hereby directed under Section 31A of The Air (Prevention and Control of Pollution) Act, 1981 and Section 33 A of the Water (Prevention and Control of Pollution) Act, 1974 & Rules there under to stop your operation immediately until the resort obtains valid consent to operate.

A H asked by

K. U

K. KALAMEGAM
Environmental Engineer
Dept. of Science, Technology & Environment
Govt. of Puducherry

Your compliance report shall reach the undersigned within 15 days from the receipt of this notice, failing which necessary action as deemed fit will be initiated.

For & on behalf of PPCC,

N. Ramesh

(Dr.N.RAMESH)

MEMBER SECRETARY

PUDUCHERRY POLLUTION CONTROL COMMITTEE

✓ To

The Occupier
Puducherry Back Water Resort Pvt Ltd
R.S. No. 5, Iyyanar Koil Street, Poornankuppam village, Ariyankuppam Commune Panchayat,
Puducherry.

Copy to:

1. The Commissioner, Ariyakuppam Commune Panchayat.
2. Guard File

Attested by

K. Kalamegam

K. KALAMEGAM
Environmental Engineer
Dept. of Science, Technology & Environment
Govt. of Puducherry

No. 3105/PCZMA/DIR/ SCI /2025/ 6 e
GOVERNMENT OF PUDUCHERRY
DEPARTMENT OF SCIENCE, TECHNOLOGY & ENVIRONMENT
PUDUCHERRY COASTAL ZONE MANAGEMENT AUTHORITY
 3rd Floor, PHB Building, Anna Nagar, Puducherry – 605 005.
 Telephone: (0413) 2201256 ; Telefax: (0413) 2203494

Puducherry, the 10 JAN 2025

**DIRECTION UNDER SECTION (5) OF
 THE ENVIRONMENT (PROTECTION) ACT, 1986**

Sub: PCZMA – Unauthorised constructions and encroachment of bank in the Chunnambar river in CRZ – III (No Development Zone) by M/s. Lagoon Sarovar Premiere Resort (Earlier Puducherry Backwater Resort Pvt. Ltd.) at R.S. No. 5pt, Iyyanar Koil Street, Poornankuppam Revenue Village, Ariyankuppam Commune Panchayat, Puducherry – Direction – Issued.

Ref: 1. Public Complaint dated 8.08.2024.
 2. Hon'ble NGT (SZ) Order dated 01.10.2024 in OA No. 271/2024.
 3. CRZ Notification, 2011.

WHEREAS, you are operating a beach resort in the name and style of M/s. Lagoon Sarovar Premiere Resort (Earlier Puducherry Backwater Resort Pvt. Ltd.) at R.S. No. 5pt, Iyyanar Koil Street, Poornankuppam Revenue Village, Ariyankuppam Commune Panchayat, Puducherry.

AND WHEREAS, R.S. No. 5pt falls within the No Development Zone (NDZ) of the Coastal Regulation Zone (CRZ) – III i.e., up to 100 m from the High Tide Line (HTL) of the River Chunnambar tidal influenced water body as per the existing Coastal Zone Management Plan (CZMP) prepared under CRZ Notification, 2011.

AND WHEREAS, vide reference cited (1) above, public complaint was received stating that unauthorized constructions and encroachment of bank in the Chunnambar river had taken place by dumping of soil and stones, redefining the river and laying of concrete road without following CRZ provisions.

AND WHEREAS, during the inspection on 25.11.2024 and 03.12.2024 by the official of PCZMA, the following unauthorised structures/activities were noticed:

1. Concrete structures were constructed in part of R.S. No. 5, 6 & 26 which falls under CRZ – III (NDZ).
2. Constructed two-storey building for resort workers on the western side of the resort.
3. Beautification and construction of permanent structures including compound wall at the entrance.
4. Pavement block road was laid along the riverbank.
5. Constructed a wooden jetty.
6. Modifications to the Administrative Block.

A H asked by

K. Kalamegam

K. KALAMEGAM
 Environmental Engineer

Dept. of Science, Technology & Environment
 Govt. of Puducherry

K. KALAMEGAM
 Environmental Engineer

Dept. of Science, Technology & Environment
 Govt. of Puducherry

7. Constructed a stage near the swimming pool.
8. Installed 4 Nos. of rainwater overflow pipelines leading into the river.
9. Constructed a Sewage Treatment Plant (STP) with a capacity of 15 MLD.
10. Dumping of soil and stones for beautification purposes.
11. Reclamation and landfilling activities at R.S. No. 24/12A and R.S. No. 24/12B near the Chunnambar river bank.

In view of the above, you are hereby directed to comply with the following:

1. To remove all the unauthorized structures which are built in the No Development Zone i.e., within 100m from the HTL of Chunnamabar tidal influenced water body as per the approved CZMP prepared under Coastal Regulation Zone Notification, 2011 and the area shall be restored to its original condition.
2. To immediately stop any unauthorized construction activity in the CRZ area, if any.
3. To submit compliance status to the building permissions issued by the Puducherry Planning Authority.
4. To submit valid CTE/CTO issued by the Puducherry Pollution Control Committee.
5. To submit details of modifications / alteration / additional buildings constructed within the CRZ area with year of construction.
6. To submit the CRZ maps as per Para 4.2 of the CRZ Notification, 2011 superimposing the project site with label for different buildings.
7. Not to dispose any debris into the water bodies thereby changing the water course.

NOW THEREFORE, in exercise of the powers conferred by Section 5 of the Environment (Protection) Act, 1986 read with sub-rule (3) (a) of rule 4 of the Environment (Protection) Rules, 1986, read with power vested with the PCZMA vide Order S.O.4650 (E) dated 30.09.2022 issued by Ministry of Environment, Forest and Climate Change (MoEF&CC) Government of India, the PCZMA, hereby directs to submit the compliance status **within 15 days** from the date of receipt of this Direction. Any noncompliance shall be viewed seriously and action as deemed fit will be taken against you under the provisions of the Environment (Protection) Act, 1986 and CRZ Notification, 2011 and Rules made there under.

For & on behalf of PCZMA,

[Signature] 10/02/25
 (YASAM LAKSHMI NARAYANA REDDY)
 DIRECTOR (DSTE) /
 MEMBER SECRETARY (PCZMA)

o/c

To
 Thiru. R. Jayaprakash (M/s. Lagoon Sarovar Premiere Resort), No. 87, Rozario Street,
 Muthialpet, Puducherry – 605 003.

Copy to:

1. The District Collector-cum- Chairman, RCZMC, Puducherry - For information.
2. The Member Secretary, PPCC, Puducherry - For necessary action.
3. The Member Secretary, PPA, Puducherry - For necessary action as per Building Bye-law.
4. Standing Guard File.

Approved by
K. Kalamegam

K. KALAMEGAM
 Environmental Engineer
 Dept. of Science, Technology & Environment
 Govt. of Puducherry

K. KALAMEGAM

DESPATCHED

S. B. [Signature]
 10/2/25

**BEFORE THE NATIONAL GREEN
TRIBUNAL
SOUTHERN ZONE, CHENNAI**

**ORIGINAL APPLICATION No.
271 of 2024 (SZ)**

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S/o Subramani
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**COUNTER AFFIDAVIT FILED BY
THE THIRD RESPONDENT**

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Government of Puducherry