

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

**O.A.No.33 of 2022**

**IN THE MATTER OF:**

SUO MOTO

... .. APPLICANT

VERSUS

THE MEMBER SECRETARY AND OTHERS

... .. RESPONDENTS

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Dated at Chennai on this the 24<sup>th</sup> day of September, 2024



M.R.GOKUL KRISHNAN

COUNSEL FOR THE 4<sup>th</sup> and 5<sup>th</sup> RESPONDENT  
(KSPCB)

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE AT CHENNAI**

**O.A.No.33 of 2022**

**IN THE MATTER OF:**

Suo Moto

... .. Applicant

Versus

The Member Secretary and others

... .. Respondents

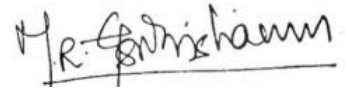
**MEMO FILED ON BEHALF OF THE 4<sup>th</sup> and 5<sup>th</sup> RESPONDENT**

It is most respectfully showeth;

1. It is humbly submitted to this Hon'ble Tribunal that the Karnataka State Pollution Control Board (KSPCB) had inspected Residential Apartment M/s Ds Max Properties Pvt Ltd on 04.09.2024 to verify modification to the existing STP and the inspection report is annexed to this memo. (Annexure I)
2. It is humbly submitted that about 150 numbers of flats have been occupied in the said residential building and the STP was under operation.
3. It is humbly submitted that the project Authority had provided MBR tank adjacent to the aeration tank and insertion of MBBR media at aeration tank and tube settlers at decent tank was not done as per their reply submitted to the board dated 26.09.2023.
4. It is humbly submitted that treated sewage sample was collected from the treated water tank and the sample has been submitted to the Board Laboratory for analysis purpose and the result is awaited.
5. It is humbly submitted that the project authorities have provided compound wall which was near at the Rajkaluve.

6. It is humbly submitted that the project authorities had not provided Organic Waste Converter to treat the wet waste generated from the apartment.
7. It is humbly submitted that the Karnataka State Pollution Control Board (KSPCB) had issued SHOW CAUSE notice to the Director of M/s DS- Max Properties (P) Limited for the non compliance and the show cause notice is annexed to this memo.(Annexure II)

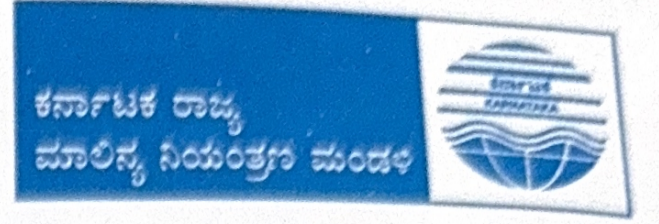
Dated at Chennai on this the 24<sup>th</sup> day of September, 2024.

A handwritten signature in black ink, reading "Mr. G. Srinivasan", written over a horizontal line.

Counsel for 4<sup>th</sup> and 5<sup>th</sup> Respondent

Regional Office : Bangalore - Mahadevapura  
**Karnataka State Pollution Control Board**  
 "Nisarga Bhavana", 3rd Floor, Thimmaiah Road,  
 7th 'D' Main, Shivanagar, Bangalore - 560 079.  
 Phone : 080-23224002  
 Email : bngmdpura@kspcb.gov.in

ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ : ಬೆಂಗಳೂರು - ಮಹಾದೇವಪುರ  
 ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ  
 "ನಿಸರ್ಗ ಭವನ", 3ನೇ ಮಹಡಿ, ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ,  
 7ನೇ 'ಡಿ' ಮುಖ್ಯರಸ್ತೆ, ಶಿವನಗರ,  
 ಬೆಂಗಳೂರು - 560 079.  
 ದೂ. : 080-23224002



towards a cleaner Karnataka

No. KSPCB/RO-MDP /2024-25/837

Date: 24 SEP 2024

To  
 The Member Secretary  
 KSPCB, Bengaluru-01

**Kind Attention: Law Officer (Legal Section)**

Sir,

Sub: Submission of Inspection report w.r.t Hon'ble National Green Tribunal, Southern Zone, Chennai - Original Application No.33 of 2022 filed by Sri. J.Jagan Kumar & IA No.88/2023-reg

Ref: Inspection of the residential apartment building by the DEO of this office on 04.09.2024.

\*\*\*\*\*

With reference to the above subject & reference, please find herein enclosed the latest inspection report w.r.t M/s. DS-Max Properties Private Limited with respect to the Multi-storied residential apartment project in the name of DS Max Sangam Grand at Sy.no.92/3, 92/4, 92/5, 92/6, Seegehalli Village, Bidarahalli Hobli, Bengaluru East Taluk, Benagluru Urban District, for further needful and to file it before Hon'ble NGT on or before 25.09.2024.

This is for your kind information and further needful.

Yours faithfully

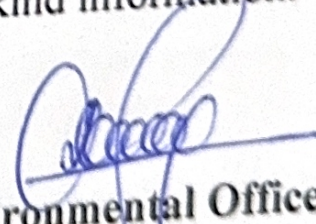
Sd/-

Environmental Officer  
 RO-Mahadevapura

Encl: As above

Copy to:

1. SEO-Infra Cell, 4<sup>th</sup> floor, Parisara Bhavan, KSPCB, Bengaluru for kind information.
2. SEO-BNG-EAST, 3<sup>rd</sup> floor, Nisarga Bhavan, KSPCB, Bengaluru for kind information.
3. Case file.

  
 Environmental Officer  
 RO-Mahadevapura

**Inspection Report of Veena Kona, Deputy Environmental Officer, Regional Office –  
Mahadevapura, KSPCB, Bengaluru**

Date of inspection	04.09.2024
Name and address of the project inspected	Residential Apartment by M/s. DS Max Properties Pvt. Ltd, at Sy. No. 92/3, 92/4, 92/5, 92/6 of Seegehalli Village, Bidarahalli Hobli, Bengaluru East Taluk, Bengaluru.
Representative of the project present	1. Sri.Sachin-Site engineer 2. Sri. Arun – Facility Manager

**Preamble:**

- Ref: 1. CFE issued by the BO vide no.CTE-314482 dated 28.08.2019  
 2. CFO application forwarded to B.O vide no.1661 dated 28.02.2023  
 3. Hon'ble NGT order dated 04.05.2023 w.r.t OA no.33/2022 (SZ)  
 4. Inspection of apartment by the EO along with DEO of this office on 19.05.2023  
 5. CFO issued by the BO vide no.W-337828 dated 26.05.2023  
 6. Hon'ble NGT order dated 05.09.2023 w.r.t OA no.33/2022 (SZ)  
 7. This office notice vide no.781 dated 11.09.2023  
 8. Project authorities reply letter dated 26.09.2023  
 9. Inspection of apartment by the EO of this office on 03.11.2023.  
 10. This office notice vide no. 992, dated: 04.11.2023.

\*\*\*\*\*

In view of Hon'ble NGT order dated 04.05.2023 w.r.t OA no.33/2022 (SZ), Earlier, the project was inspected by the undersigned along with DEO of this office on 19.05.2023 and the report was forwarded to B.O vide no.214 dated 22.05.2023. Further, based on the inspection and Hon'ble NGT order dated 05.09.2023, this office had issued a notice to the P/A vide ref (7) wherein it was informed to submit the STP drawing (signed copy) showing the current STP capacity along with latest photographs and to submit compliance for the statement as recorded in Hon'ble NGT order cited at ref (6) wherein it is recorded that "the learned counsel appearing for the 8<sup>th</sup> respondent has stated now that, **they have already increased the capacity of the STP, a couple of months back**".

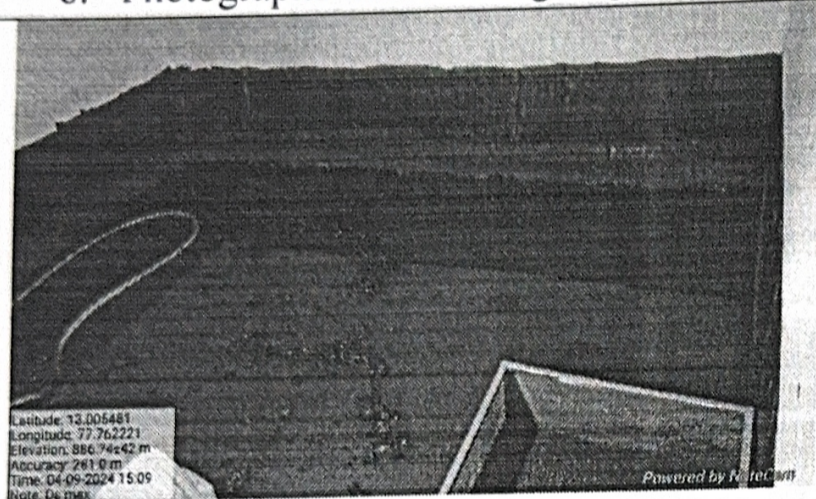
In response to this, the P/A had submitted the reply vide ref (8) along with the copy of Feasibility report for STP of 210 capacity up-graded to 240 KLD by stating that, the treatment technology has been modified to MBBR technology and the existing system is capable of treating the sewage of quantity 240 KLD. In view of the reply, the apartment was inspected on 03.11.2023. During inspection, it was observed that, the STP was under operation, the P/A's has not done any modification to the existing STP as per their reply submitted to this office i.e., insertion of MBBR media at aeration tank and tube settlers at decant tank and also the treated sewage sample was not collected due to there was no much flow to the STP (less occupancy of the apartment).

The said apartment was inspected on 04.09.2024 to verify wheather modification to the existing STP has taken by the P/a's i.e., insertion of MBBR media at aeration tank and tube settlers at decant tank and during inspection, the following observations were made:

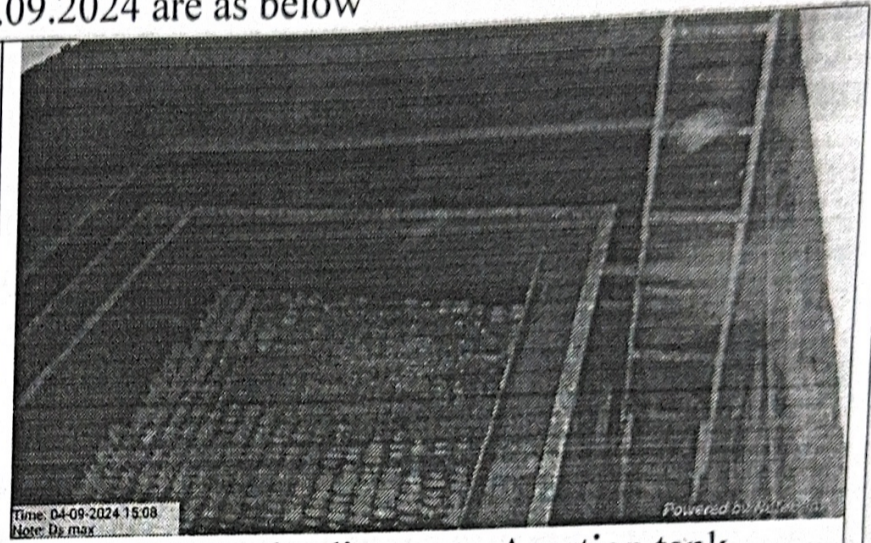
1. As per the information provided in orally by Sri. Arun – Facility Manager in the residential apartmet building about 150 no's of flats have been occupied.
2. STP was under operation.
3. The P/A had provided MBR tank adjacent to the aeration tank and insertion of MBBR media

at aeration tank and tube settlers at decant tank was not done as per their reply submitted dated: 26.09.2023. The same has also been confirmed by Facility manager present at the time of inspection.

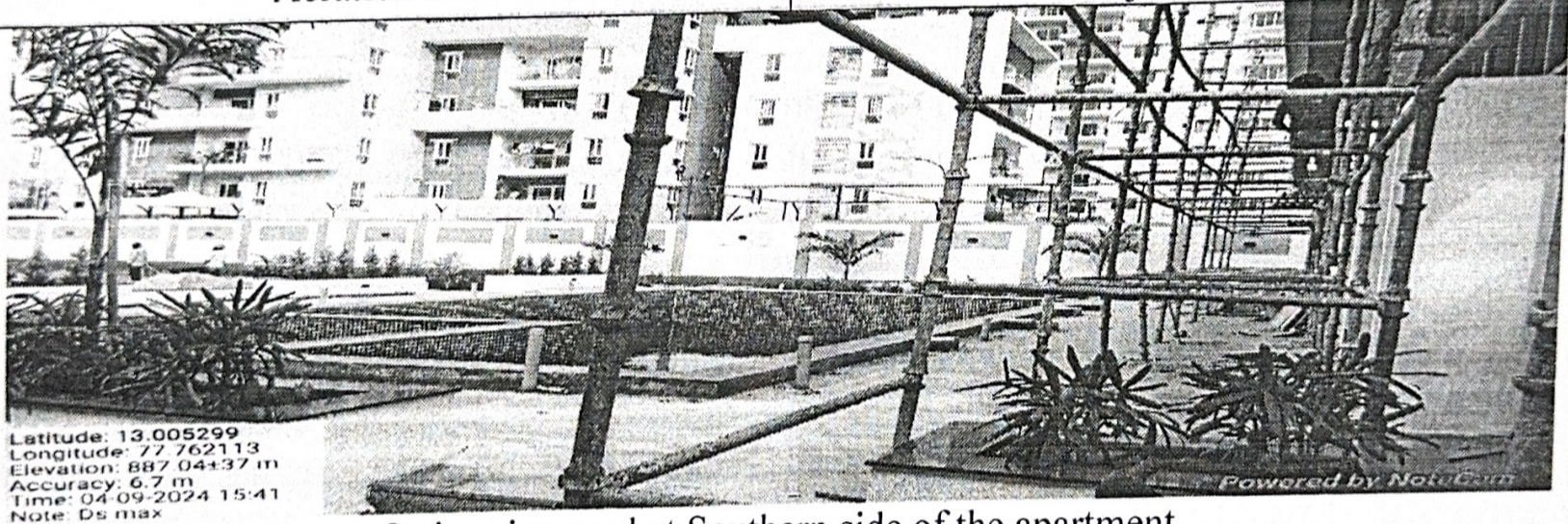
4. The treated sewage sample was collected from the treated water tank and the sample has been submitted to the Board Laboratory for analysis purpose. The analysis report is awaited.
5. At the southern side of the apartment building the project authorities have provided sitting area, one number of swimming pool and Partly Civil, metal structural building in two numbers. As per the information from Site incharge, the two buildings were provided for Gym and for Party Hall purposes.
6. The Project authorities have provided compound wall towards Southern side of the apartment building which was near at the Rajkaluve.
7. Not provided Oraganic Waste Converter to treat the wet waste generated from the apartment.
8. Photographs taken during inspection on 04.09.2024 are as below



Aeration tank



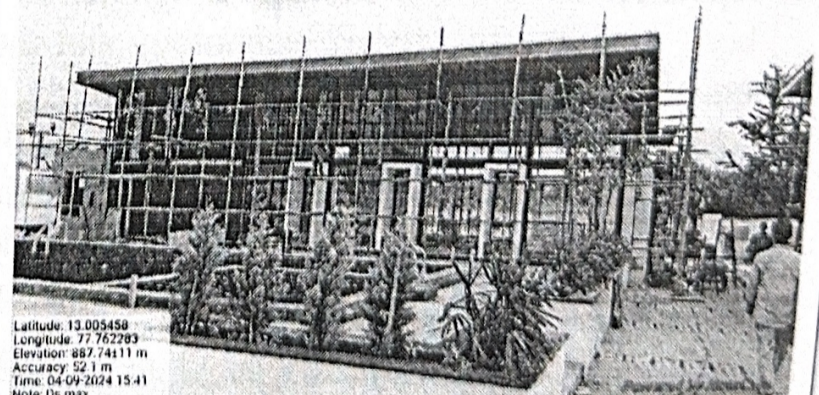
MBR Tank adjacent to Aeration tank



Swimming pool at Southern side of the apartment



Partly civil & metal structure at Southern side of the apartment



Partly civil & metal structure at Southern side of the apartment



Compound wall




Collection of treated sewage sample

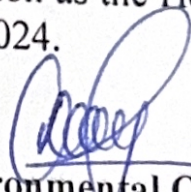
**Recommendation:**

Based on the above said observations, SCN has been issued to the P/A and copy to BDA authority for necessary action w.r.t Buffer Zone. Copy enclosed The inspection report can be forwarded to BO for further necessary action as the Hon'ble NGT OA no.33/2022 pertaining to this project is coming up for hearing on 25.09.2024.

**Remarks of RO:**

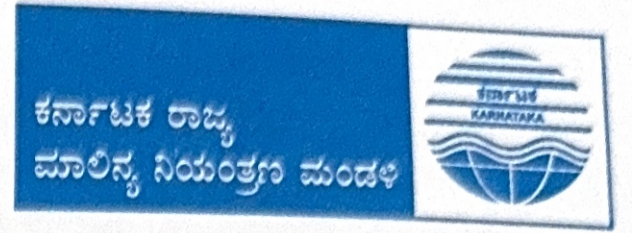
This latest inspection report is herewith forwarded to BO for further necessary action as the Hon'ble NGT OA no.33/2022 pertaining to this project is coming up for hearing on 25.09.2024.

  
Deputy Environmental Officer

  
Environmental Officer  
RO-Mahadevapura  
KSPCB, Bangalore

Regional Office : Bangalore - Mahadevapura  
**Karnataka State Pollution Control Board**  
 "Nisarga Bhavana", 3rd Floor, Thimmaiah Road,  
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ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ : ಬೆಂಗಳೂರು - ಮಹಾದೇವಪುರ  
 ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ  
 "ನಿಸರ್ಗ ಭವನ", 3ನೇ ಮಹಡಿ, ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ,  
 7ನೇ 'ಡಿ' ಮುಖ್ಯರಸ್ತೆ, ಶಿವನಗರ,  
 ಬೆಂಗಳೂರು - 560 079.  
 ದೂ. : 080-23224002



towards a cleaner Karnataka

No: KSPCB/RO(MDP)/2024-25/836

Date: 24 SEP 2024

To  
**The Director**  
**M/s. DS-Max Properties (P) Limited**  
 No.1794, 14<sup>th</sup> Main, 30<sup>th</sup> cross, 1<sup>st</sup> stage,  
 5<sup>th</sup> Block, HBR Layout, Bengaluru-560043

**"SHOW-CAUSE NOTICE"**

Sir,

Sub: Furnishing of details/clarification w.r.t your reply submitted to this office pertaining to Hon'ble NGT OA No.33 of 2022 for your Multi-storied residential apartment project in the name of **DS Max Sangam Grand** at Sy.no.92/3, 92/4, 92/5, 92/6, Seeghalli Village, Bidarahalli Hobli, Bengaluru East Taluk, Bengaluru Urban District-reg.

- Ref:
1. CFE issued by the BO vide no.CTE-314482 dated 28.08.2019
  2. CFO application forwarded to B.O vide no.1661 dated 28.02.2023
  3. Hon'ble NGT order dated 04.05.2023 w.r.t OA no.33/2022 (SZ)
  4. Inspection of your apartment by the EO along with DEO of this office on 19.05.2023
  5. CFO issued by the BO vide no.W-337828 dated 26.05.2023
  6. Hon'ble NGT order dated 05.09.2023 w.r.t OA no.33/2022 (SZ)
  7. This office notice vide no.781 dated 11.09.2023
  8. Your reply letter dated 26.09.2023
  9. Inspection of your apartment by the EO of this office on 03.11.2023
  10. This office Show-Cause notice vide no. 992, dated: 04/11/2023.
  11. Inspection of your apartment by the DEO of this office on 04.09.2024

\*\*\*\*\*

With reference to the above subject, it is to be informed that, this office had issued a notice to you vide ref (7) wherein it was informed to submit the STP drawing (signed copy) showing the current STP capacity along with latest photographs and to submit compliance for the statement as recorded in Hon'ble NGT order cited at ref (6) wherein it is recorded that "the learned counsel appearing for the 8<sup>th</sup> respondent has stated now that, **they have already increased the capacity of the STP, a couple of months back**".

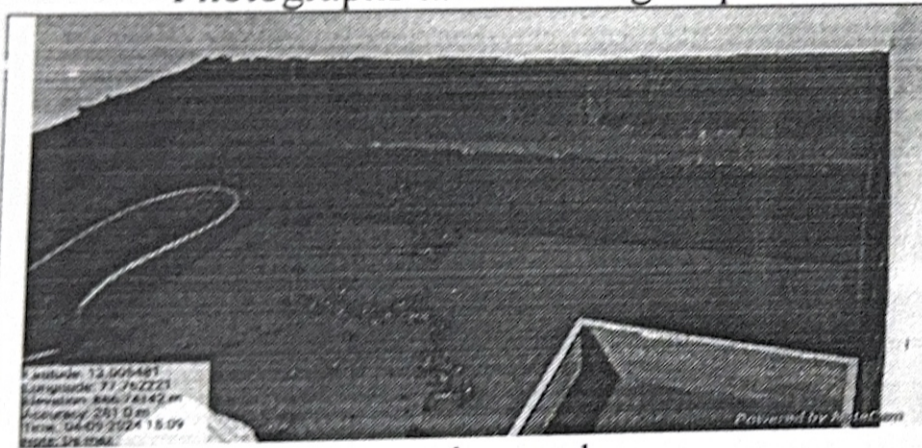
In response to this, you had submitted the reply vide ref (8) along with the copy of Feasibility report for STP of 210 capacity up-graded to 240 KLD by stating that, the treatment technology has been modified to MBBR technology and the existing system is capable of treating the sewage of quantity 240 KLD.

In view of your reply, the apartment was inspected by the EO vide ref (9) and noted that, you have not done any modification to the existing STP as per your reply submitted to this office vide ref (8). This action attracts penalty under Sec.42(1) (f) of Water (P&CP) Act, 1974. Hence, the Show-cause notice has been issued to you vide ref (10). But, on verification of this office record, you have not submitted the reply to the notice.

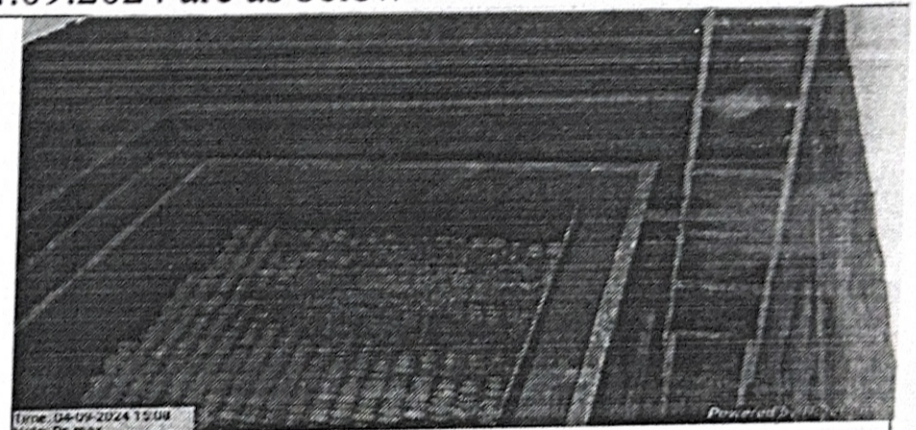
Once again your residential apartment building was inspected by the DEO of this office on 04/09/2024 to verify the steps taken w.r.t modification to the existing STP as per your reply submitted to this office vide ref (8) and during inspection, the following observations were made:-

1. As per the information provided in orally by Sri. Arun – Facility Manager in the residential apartment building about 150 no's of flats have been occupied.
2. STP was under operation.
3. The P/A had provided MBR tank adjacent to the aeration tank and insertion of MBBR media at aeration tank and tube settlers at decant tank was not done as per your reply submitted dated: 26.09.2023. The same has also been confirmed by Facility manager at the time of inspection. In this regard, needs clarification.
4. At the southern side of the apartment building the project authorities have provided sitting area, one number of swimming pool and Partly Civil, metal structural building in two numbers. As per the information from site incharge, the two buildings were provided for Gym and for Party Hall purposes. But, as per the BDA approved building plan dated: 02/02/2018, towards Southern side had earmarked 50 m Nala Buffer from Center line of the Rajakalve to the building line. Hence, the above said structure is not permitted.
5. You have provided compound wall towards Southern side of the apartment building which was near at the Rajkaluve.
6. Not provided Oraganic Waste Converter to treat the wet waste generated from the apartment.

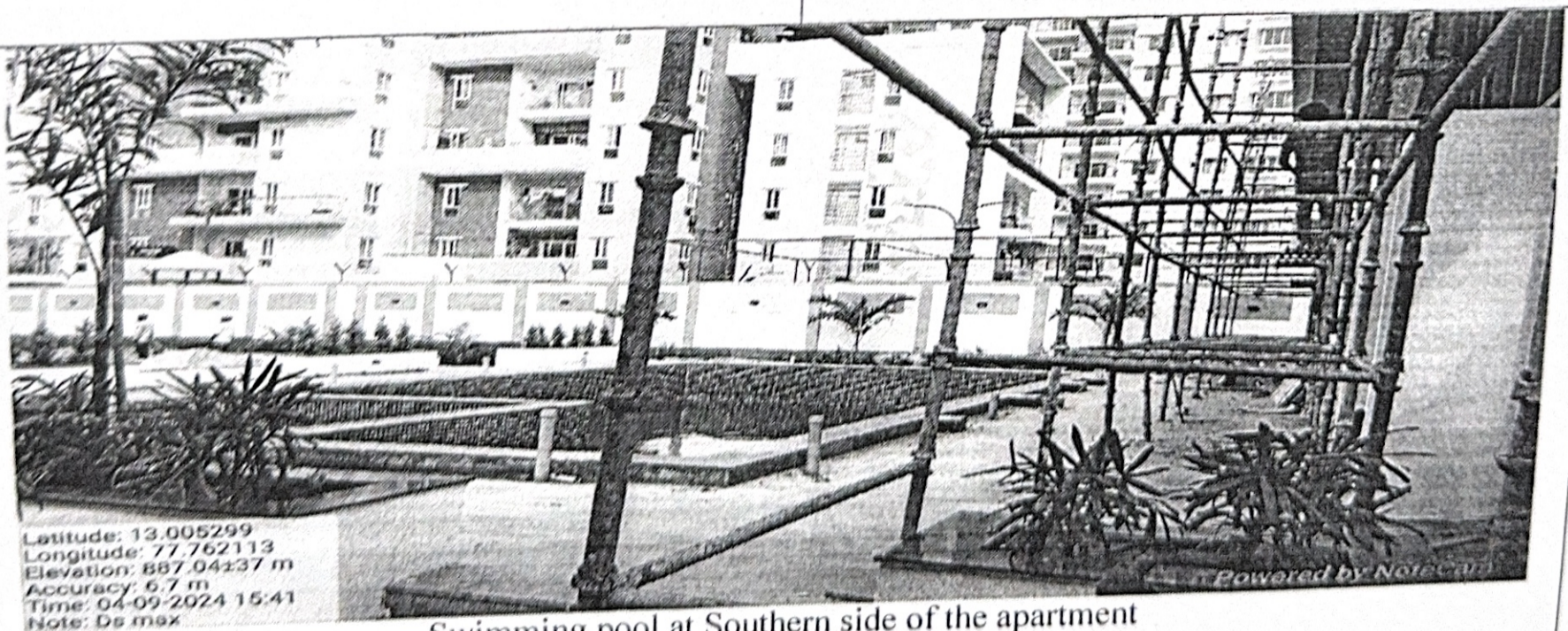
Photographs taken during inspection on 04.09.2024 are as below



Aeration tank



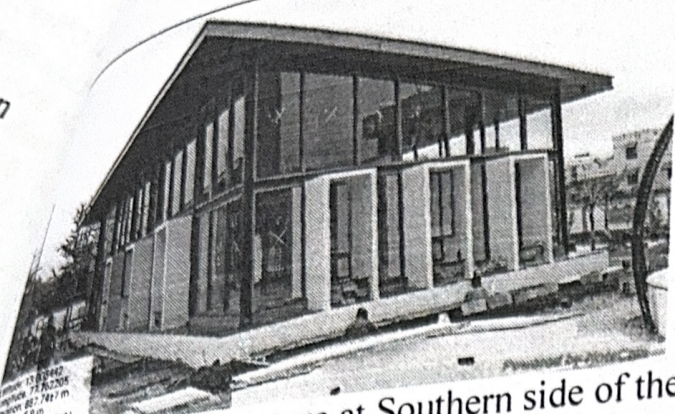
MBR Tank adjacent to Aeration tank



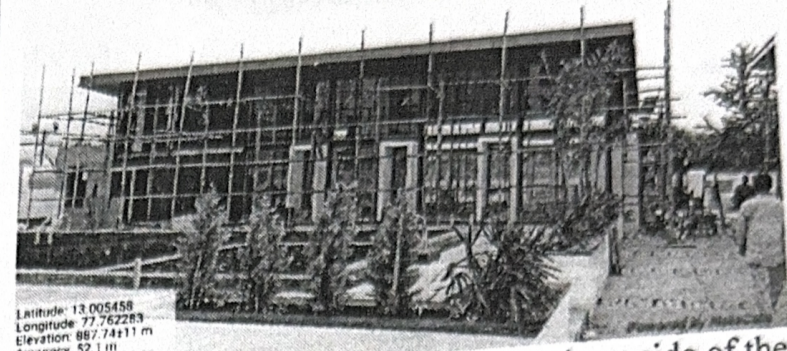
Swimming pool at Southern side of the apartment

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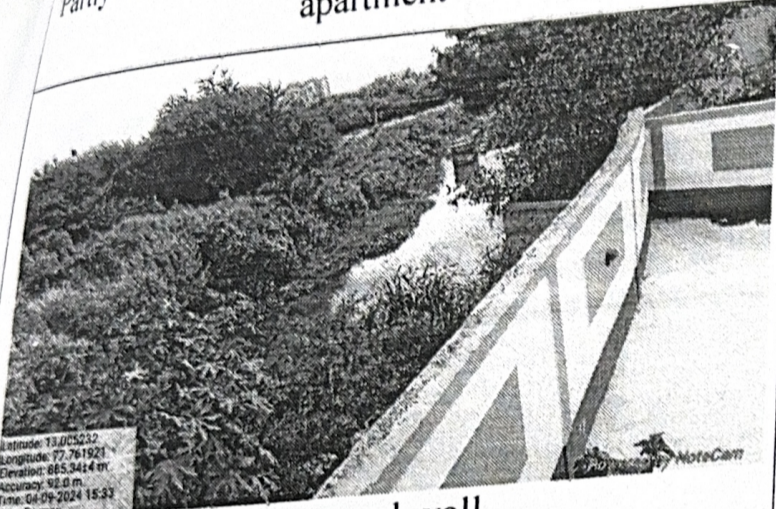
inspected by the DEO of this office on  
to the existing STP as per your reply  
m, the following observations were  
un - Facility Manager in the  
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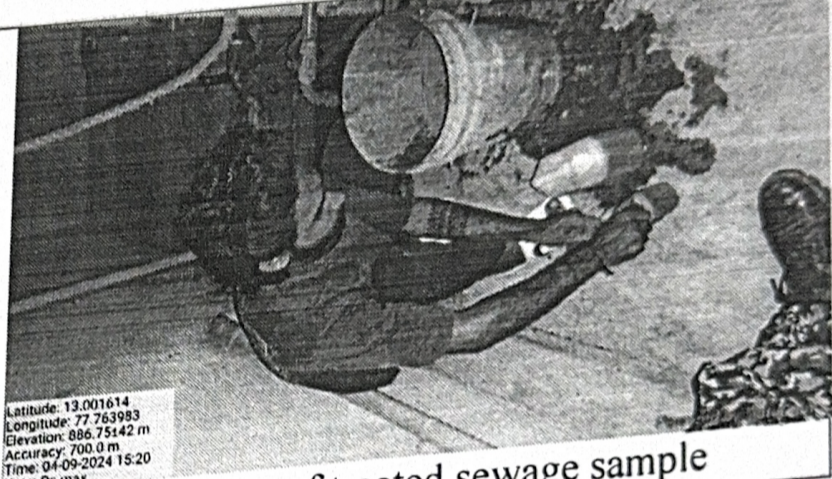
Partly civil & metal structure at Southern side of the apartment



Partly civil & metal structure at Southern side of the apartment



Compound wall



Collection of treated sewage sample

Hence, in view of the above, you are hereby called upon to "SHOW-CAUSE" within 7 days from the date of receipt of this notice so as to why the Board shall not recommend the Board to initiate the penal actions under the provisions of Water (Prevention and Control of Pollution) Act, 1984.

Please note that, action will be initiated without further notice, if you fail to submit your reply along with compliance report within **Seven Days** from the date of receipt of this Notice.

Yours faithfully  
Sd/-

**ENVIRONMENTAL OFFICER  
BANGALORE - MAHADEVAPURA**

Copy to:

- 1) The Commissioner, Bengaluru Development Authority, Kumara Park West, T. Chowdaiah Road, Bengaluru - 560 020 for your kind information and necessary action as said below.
- &
- 2) The Executive Engineer, East Division, Bengaluru Development Authority, BDA, HSR BDA Complex, Bangalore, in view of the above aforesaid observations, it is to be informed you to verify the approved building plan vide dated: 02/02/2018 and nala buffer on site, regarding compliance to Buffer Zone towards Southern side of the residential apartment building project and in view of non-compliance regarding Buffer Zone by the above said apartment authority, initiate action for the violations by the unit according to your prevailing bye-laws. Action taken report may be intimated to this office.
- 3) SEO-BNG-EAST, 3<sup>rd</sup> floor, Nisarga Bhavan, KSPCB, Bengaluru for kind information.
- 4) SEO-Infra Cell, 4<sup>th</sup> floor, Parisara Bhavan, KSPCB, Bengaluru for kind information.

*[Signature]*  
**ENVIRONMENTAL OFFICER  
BANGALORE - MAHADEVAPURA**

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

**O.A.No.33 of 2022**

Suo Moto

...Applicant

-Vs-

The Member Secretary and  
others

...Respondents

**INSPECTION REPORT FILED ON  
BEHALF OF THE 4<sup>TH</sup> AND 5<sup>TH</sup>  
RESPONDENT**

M.R.GOKUL KRISHNAN

Karnataka State Pollution Control  
Board

**COUNSEL FOR 4<sup>TH</sup> AND 5<sup>th</sup>  
RESPONDENT**