

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

O.A.No.33 of 2022

IN THE MATTER OF:

SUO MOTO

... .. APPLICANT

VERSUS

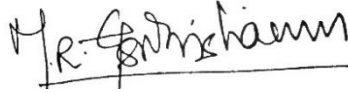
THE MEMBER SECRETARY AND OTHERS

... .. RESPONDENTS

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Dated at Chennai on this the 21st day of January, 2025



M.R.GOKUL KRISHNAN

COUNSEL FOR THE 4th and 5th RESPONDENT
(KSPCB)

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

Original Application No.33 of 2022 (SZ)

IN THE MATTER OF:

Jagan Kumar.J
Bengaluru

....Applicant

-VS-

The Member Secretary
SEIAA Bangalore & Ors

....Respondents

MEMO FILED ON BEHALF OF THE 4th and 5th RESPONDENT

It is most respectfully showeth;

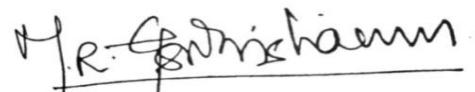
1. It is humbly submitted that this Hon'ble Tribunal in its order dated 25.09.2024 had directed the Karnataka SPCB to follow up with the show cause notice, conduct the enquiry and pass appropriate orders and further directed to file a report in this regard.
2. It is humbly submitted to this Hon'ble Tribunal that the Karnataka State Pollution Control Board (KSPCB) has forwarded copy of the show cause notice to The Commissioner, Bengaluru Development Authority, BDA and also informed to verify the approved building plan vide dated: 02/02/2018, along with the nala buffer on site, specifically regarding compliance with the Buffer Zone towards Southern side of the residential apartment building project. This is in light of the non-compliance regarding the buffer zone by the apartment authority. The KSPCB has further directed the BDA for initiation of action against the unit for violations, in accordance with the prevailing bye-laws.

3. It is humbly submitted that the project authorities have not submitted the compliance made report to the Board so far. Also, KSPCB has not received any action taken report from the Bengaluru Development Authority department regarding the action taken in the matter of compliance to nala buffer zone towards Southern side of the residential apartment building against the said project authority.
4. It is humbly submitted that in view of Hon'ble Tribunal order dated 25.09.2024 and 06.12.2024, the Karnataka State Pollution Control Board (KSPCB) inspected the Residential Apartment M/s Ds Max Properties Pvt Ltd on 30.12.2024 and 06.01.2025 and the inspection report is annexed to this memo. (Annexure I)
5. It is humbly submitted that during inspection, it was observed that about 170 numbers of flats have been occupied in the said residential building and the Sewage Treatment Plant (STP) is currently operational.
6. It is humbly submitted that the project Authority have 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.
7. It is humbly submitted that treated sewage sample was collected and it was found that the parameters viz., Chemical Oxygen Demand (112 mg/L against 50 mg/L) and Total Nitrogen (12 mg/L against 10 mg/L) are not confirms to the stipulated standards of the Board.
8. It is humbly submitted that the project authorities have provided two numbers of wet waste shredder machines and composing machines within the residential apartment premises; however these machines have not yet been utilized.
9. It is humbly submitted that the project authorities have provided compound wall (immediate next to the nala/valley or maybe within valley area), sitting area, one number of swimming pool and Partly Civil, metal structural building for Gym and Party Hall in two numbers at southern side of the residential

apartment building within the nala buffer area provided for Gym and for Party Hall purposes.

10. It is humbly submitted that in this regard, KSPCB had already issued a show-cause notice vide no. 836, dated: 24/09/2024 to take a compliance with the approved site plan obtained from the competent authority.
11. It is humbly submitted that based on the above observations, it was found out that the Residential apartment authority has installed an organic waste converter at site, but it has not been commissioned and remains idle. Additionally the analysis report dated: 04/01/2025 shows that the parameters exceed the limits stipulated by the Board. Furthermore, the compound wall (immediate next to the nala/valley or maybe within valley area), sitting area, one number of swimming pool and Partly Civil, metal structural building provided for Gym and Party Hall purposes in two numbers at southern side of the residential apartment building within the nala buffer zone, have not been removed as required.
12. It is humbly submitted that the in view of above non-compliances, the Environmental Officer, Regional Office has recommended that further action be taken vide his letter dated 13.01.2025 directing the competent authority to demolish civil structures/ amenities provided in the buffer zone and is awaiting orders from the Board.

Dated at Chennai on this the 21st day of January,2025.



Counsel for 4th and 5th Respondent
(KSPCB)

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

ಕರ್ನಾಟಕ ರಾಜ್ಯ
ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ



towards a cleaner Karnataka

No. KSPCB/RO-MDP /2024-25/1324

Date: 13 JAN 2025

DESPATCHED

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: 1. Hon'ble NGT order's dated: 25/09/2024 & 06/12/2024.
2. Inspection of the residential apartment building by the Undersigned on 30/12/2024.

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, 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, which was inspected on 30/12/2024 for further needful and to bring to the kind notice that of Hon'ble NGT on or before 23/01/2025.

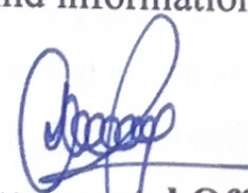
This is for your kind information and further needful.

Encl: As above

Yours faithfully
Sd/-
Environmental Officer
RO-Mahadevapura

Copy to:

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


Environmental Officer
RO-Mahadevapura

**Inspection Report of Dr K M Raju, Environmental Officer, Regional Office –
Mahadevapura, KSPCB, Bengaluru**

Date of inspection	30.12.2024 & 06/01/2025
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	Sri. Vinod – Facility Manager

- 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.
 11. Inspection of the apartment by the DEO of this office on 04.09.2024
 12. This office notice vide no. 836, dated: 24.09.2024.

Preamble:

M/s. DS Max Properties Pvt Ltd, had obtained Consent for Establishment (CFE) order from the Board vide CFE order No. CTE-314482 dated 28.08.2019 for construction of Residential Apartment having 343 Flats having with TBUA of 26,448.54 sq. m and STP capacity of 210 KLD vide ref (1).

Further, the authorities have obtained Consent for Operation (CFO) from the Board for the operation of their Residential Apartment having 343 flats having TBUA of 26,448.54 sq. m and STP of capacity 210 KLD for the period up to 30/06/2027 vide no. W-337828, dated: 26/05/2023.

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 8th 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 by the officer of

this office. 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).

Further, The said apartment was inspected on 04.09.2024 to verify whether 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, it was observed that, the STP was under operation, the project authorities 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 and the treated sewage sample was collected from the treated water tank and the analysis report reveals that, the parameters viz., Biochemical Oxygen Demand (11 mg/L against <10 mg/L), Chemical Oxygen Demand (136 mg/L against <50 mg/L), Ammonical Nitrogen (9.6 mg/L against <5 mg/L) & Total Nitrogen (22 mg/L against <10 mg/L) were not conforms to the stipulated standards. In this regard, this office had issued a demand note cum notice to the project authorities vide no. 1006, dated: 08/11/2024 by informing them to take necessary corrective measures to make the treatment plant work at optimum efficiency. And also this office had issued a Show-cause notice to the project authorities vide no. 836, dated: 24/09/2024 for not providing the tube settlers at decant tank as per their reply letter dated: 26/09/2023, not provided Organic Waste Converter to treat the wet waste and providing of compound wall, swimming pool, two numbers of buildings within the nala buffer. The copy of the same show-cause notice also forwarded to **The Commissioner, Bengaluru Development Authority**, Kumara Park West, T. Chowdaiah Road, Bengaluru – 560 020 and to **The Executive Engineer, East Division, Bengaluru Development Authority**, BDA, HSR BDA Complex, Bangalore, informed 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 their prevailing bye-laws. Copy of the notice herewith enclosed for kind reference as Annexure I. But, the project authorities have not submitted the compliance made report to this office so far. Also, this office has not received any action taken report from the **Bengaluru Development Authority** department regarding the action taken in the matter of compliance to nala buffer zone towards Southern side of the residential apartment building against the said project authority.

Further, in view of Hon'ble NGT order dated 25/09/2024 & 06/12/2024 w.r.t OA no.33/2022 (SZ), the project was inspected by the undersigned on 30/12/2024 & 06/01/2025. In the said order, KSPCB has been directed to follow up with the show cause notice, conduction of the enquiry & pass of appropriate orders and file the report. During inspection, following observations were made:

1. There are about 170 no's of residential 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.
4. The treated sewage sample was collected and it reveals that parameters viz., Chemical Oxygen Demand (112 mg/L against 50 mg/L) and Total Nitrogen (12 mg/L against 10 mg/L) are not confirms to the stipulated standards of the Board.

5. They have provided two numbers of wet waste shredder machines and composing machines within the residential apartment premises. But, not yet started for utilizing.
6. The project authorities have provided compound wall (immediate next to the nala/valley or maybe within valley area), sitting area, one number of swimming pool and Partly Civil, metal structural building for Gym and Party Hall in two numbers at southern side of the residential apartment building **within the nala buffer area** provided for Gym and for Party Hall purposes.
7. In this regard, this office had already issued a show-cause notice vide no. 836, dated: 24/09/2024 to take a compliance w.r.t approved site plan obtained from the competent authority.
8. Photographs taken during inspection on 30/12/2024 are as below



STP room



STP MBR Tank adjacent to Aeration tank



STP Tanks



Swimming pool at Southern side of the apartment



Partly civil & metal structure at Southern side of the apartment, still present.




Compound wall



Recommendation:

1. Residential apartment authority installed organic waste converter at site but not yet commissioned kept as idle.
2. Analysis report dated: 04/01/2025 is exceeding the parameters stipulated by the Board.
3. They have not yet removed compound wall (immediate next to the nala/valley or maybe within valley area), sitting area, one number of swimming pool and Partly Civil, metal structural building provided for Gym and Party Hall purposes in two numbers at southern side of the residential apartment building **within the nala buffer zone.**

Hence, it is recommended to take further course of action by directing competent authority to demolish civil structures/amenities provided in the buffer zone.


Environmental Officer
RO-Mahadevapura
KSPCB, Bangalore