

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

**O.A.No.36 of 2023**

**IN THE MATTER OF:**

Jagan Kumar J

...Applicant

-Vs-

The Deputy Commissioner

Bengaluru Urban district

and Others

...Respondents

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Dated at Chennai on this the 15<sup>th</sup> day of February 2025.



M.R.GOKUL KRISHNAN

COUNSEL FOR THE 5<sup>th</sup> and 6<sup>th</sup> RESPONDENT  
(KSPCB)

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

**O.A. NO.36 OF 2023 (SZ)**

**IN THE MATTER OF:**

Jagan Kumar J

...Applicant

-Vs-

The Deputy Commissioner  
Bengaluru Urban district  
and Other

...Respondents

**MEMO FILED ON BEHALF OF 5<sup>TH</sup> and 6<sup>TH</sup> RESPONDENT**

It is most respectfully showeth;

1. It is humbly submitted that this Hon'ble Tribunal in its order dated 03.01.2025 had directed that the Karnataka State Pollution Control Board (KSPCB) to file report.
2. It is submitted that in compliance to the directions of this Hon'ble Tribunal, KSPCB had inspected the project area on 19.12.2024 and the inspection report is annexed to this memo. (Annexure I).
3. It is humbly submitted that in meantime one of the partners of M/s Bhoo Developers had submitted the layout land documents to Regional office of Karnataka State Pollution Control Board on 31.12.2024.
4. It is respectfully submitted that, with regard to Sy. Nos. 11/4B, 11/5, 11/3, 12, and 299, as per the land documents, the total extent of the land is 5.55 acres.

5. It is humbly submitted that in reference to the GOK Gazette Notification from the Forest, Ecology & Environment vide No FEE 316 EPC 2015, dated: 19/01/2016 & Corrigendum Notification vide No. FEE 43 EPC 2022, dated 12/03/2024, it is stated in Table 2 has mentioned that under Sl. No. 04, "Township and Area Development Projects with an area of 10 Acres and above shall install STP".
6. It is submitted that on verification of Office Record, Board has not given any consent to M/S Bhoo Developers to the said residential township development project. As per the activities listed in Table-2 of notification dated: 19/01/2016, the said township development area is less than 10 Acres. Therefore, the said layout project does not come under the purview of the Karnataka State Pollution Control Board's Consent Mechanism.

It is therefore humbly prayed that this Hon'ble Court may be pleased to record this memo and pass such order or orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

Dated at Chennai on this 15<sup>th</sup> day of February 2025.



Counsel for Respondents

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



towards a cleaner Karnataka

No: KSPCB/RO/MDP/2024-25/1261

Date: 31 DEC 2024

To  
The Member Secretary  
Karnataka State Pollution Control Board  
Bangalore - 01

Kind Attention: Law Officer (Legal Cell)

Sir,

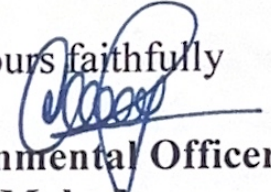
Sub: Submission of Inspection report w.r.t Hon'ble National Green Tribunal (SZ) Chennai Application No. 36 of 2023 filed between Jagan Kumar. J and The Deputy Commissioner Bengaluru Urban District And Others - reg.

Ref: 1. Hon'ble NGT order dated 12.11.2024  
2. Inspection of the residential layout by the undersigned along with DEO of this office on 19.12.2024.

ಶುಭಾಶಂಕೆ

With reference to Hon'ble NGT (SZ) Chennai OA No.36 of 2023 order vide above reference (1) filed between **Jagan Kumar. J and The Deputy Commissioner Bengaluru Urban District And Others** pertaining to M/s. Bhoo Developers. Please find herein enclosed latest inspection report along with documents submitted by the M/s Bhoo Developers authorities for further needful action and to file it before Hon'ble NGT on or before 03.01.2025.

Yours faithfully

  
Environmental Officer  
RO-Mahadevapura

Website : <http://kspcb.kar.nic.in>

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

Date of inspection	19/12/2024
Staff accompanied	Smt. Veena Kona - DEO
Name and address of the project inspected	Residential Layout by M/s Bhoos Developers in the name of "Bhoos Sai Charana" located at Sy No.11 of Belathur village & Sy No. 299 of Kadugodi village, Jeevan Exotica Road, Near Jeevans Exotica Apartments, Belathur, Kadugodi post, Bangalore- 560 067.
Person available at the layout premises	Sri. Ravi Shankar – Who is one of the contractor of the construction of villa for one site/plot. (Not a responsible person)

**Preamble:**

- Ref: 1. Complaint received by this office from Sri. Jagan Kumar. J on 20.01.2023  
2. This office notice vide no.1550 dated 02.02.2023  
3. B.O memorandum vide no.7891 dated 21.02.2023  
4. Hon'ble NGT order dated 25.04.2023  
5. Private notice copy received at this office on 04.05.2023  
6. Copy of Hon'ble NGT Notice after admission received at this office on 15.05.2023  
7. B.O memo vide no.1471 dated 20.06.2023  
8. This office letter no. 917, dated: 15/10/2024.

\*\*\*\*\*

Earlier, this office had received a complaint from Sri. Jagan Kumar J. vide ref (1) resident of D.207, SS Snow Drop Apartment located at Belathur- Medahalli main road, Bangalore and he had alleged that M/s. Bhoos Developers are developing Residential Layout/Villa Plots (**approx. 7 Acres of Land**) in the name of Bhoos Sai Charana by encroaching storm water drain which flows diagonally in the South west of Sy.No.11, encroached part of the stream (connecting stream to river Dakshina Pinakini) which is flowing northern side of Dy.no.11 and encroached stream/storm water drain which flows diagonally west to East in the northern side of Sy. No.299 of Kadugodi and formed road and Residential /Villa Plots and as per the Master Plan 2015, 3.14 Sadaramangala, these Sy. Nos. are marked as Eco Sensitive Area. In the said complaint it was requested to initiate necessary legal action against all perpetrators in accordance with Law.

With respect to the complaint letter from Sri Jagan Kumar J against BHOOS DEVELOPERS, Regional Office Mahadevapura had issued a notice to M/s. Bhoos Developers informing them to submit the land documents, approved layout/site plan & STP feasibility report in order to verify the actual site area of development and informed to apply & obtain CFE vide no. 1550, dated: 02/02/2023 cited at ref (2). On verification of office record, w.r.t notice issued, the authorities of M/s Bhoos Developers has not submitted any replies.

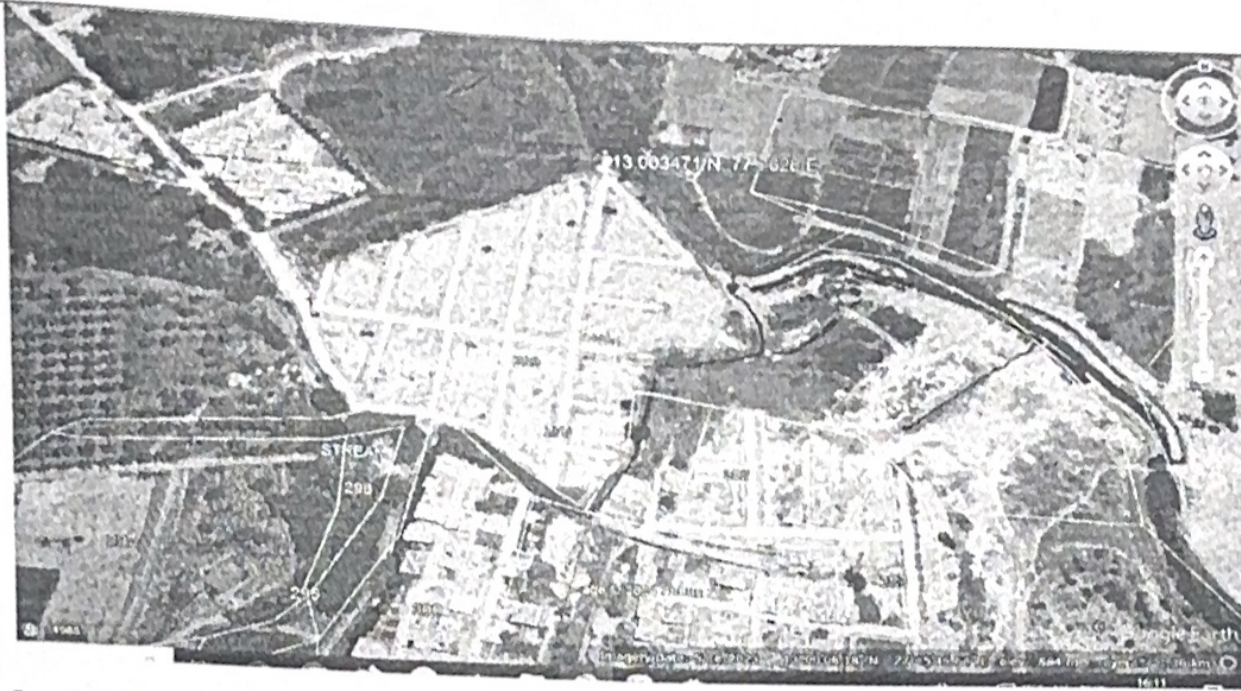
Further, the same complaint was forwarded to this office through Board Office Memorandum vide no. 7891, dated: 21/02/2023 and the application filed in this regard by Jagan Kumar J versus The Deputy Commissioner, Bengaluru Urban District, Bengaluru and Others at Hon'ble NGT has been

admitted vide OA No. 36 of 2023 (SZ) and the latest order has been issued on 25/04/2024. Later, a private notice copy & Copy of Hon'ble NGT Notice after admission was received by Regional office Mahadevapura on 04/05/2023 and on 15/05/2023 respectively. Also, the same private notice has been forwarded to Regional Office Mahadevapura by Board Office through Memo vide no. 1471, dated: 20/06/2023.

In response to this, Regional Office Mahadevapura had addressed a letter to Board Office, SEO (Infra Cell) and the copy of the same letter submitted to Law Officer, Legal Cell, KSPCB, Parisara Bhavan, Bengaluru vide no. 395, dated: 28/06/2023 by stating that, in the said complaint, Sri. Jagan Kumar J had stated that, **the residential layout is being developed at approx. 7 Acres of Land and as per GoK notification no.FEE 316 EPC 2015, Bengaluru dated 19.01.2016, townships & area development projects with an area of 10 acres and above shall install STP & obtain CFE/CFO from KSPCB. However, though the townships & area development projects with an area of less than 10 acres do not fall under the purview of the Board.** Further, it was also stated that, in the Hon'ble NGT order dated 25.04.2023 w.r.t OA No.36 of 2023 (SZ), there is no directions given to KSPCB. However, in the said order BBMP has been directed to verify the allegations and submit a report along with village map & relevant revenue records. Based on the BBMP reply and upcoming further orders of Hon'ble NGT, this office will initiate further course of action against the P/A, if the said project area is 10 acres and above. Copy of letter is enclosed as **Annexure – I**.

Now, in view of Hon'ble NGT order dated 12/11/2024 w.r.t OA no.36/2023 (SZ), the project was inspected by the undersigned along with DEO of this office on 19.12.2024. In the said order, KSPCB has been directed to take appropriate action and file a report. During inspection, following observations were made:

1. The layout premises was inspected and as per the Dishaank application the Survey Numbers of the layout premises was noticed as 11 & 299. The layout authorities have provided the name board as "Bhoo Sai Charana".
2. One of the contractor of residential villa/house building has informed that, about 150 no's of sites are formed. In the layout the number board in yellow color with naming "150" was noticed.
3. At the time of inspection developer of the layout was not found. Construction of individual houses/villas are under progress. All are under construction stage. There are no occupancy/dwellings in the layout. At present, about 20 no's of houses are under construction. One completed building was noticed, which stands with the name board as Alphabetz Preschool, Kadugodi.
4. Internal roads are not alphalted.
5. The layout having facilities such as viz., storm water drain, street lighting.
6. The layout authorities have provided the underground drainage system for the sewage management. Manhole's are noticed in some places.
7. Nala has been observed towards East direction of Sy. No. 299. Towards South side of the Sy. No. 11, the nala was observed.



8. In the meantime, Sri. Ramanjaneya – who was one of the partner of M/s Bhoo Developers has personally submitted the following layout land documents to RO-Mahadevapura on 31/12/2024.
  - a) Copy of Absolute Sale deed executed on 27/08/2021 made between Sri. Krishnamurthy and Others in favour of Sri. Ramanjaneya & Sri. M Krishnamurthy for the schedule property bearing **Sy. No. 11/3, measuring 0 Acre 39 Guntas** of Bealthur Village, Bidarahalli Hobli, Bangalore East Taluk, Bangalore.
  - b) Land conversion copy for **Sy. No. 11/3** measuring 0 Acre 39 Guntas of Bealthur Village, Bidarahalli Hobli, Bangalore East Taluk, Bangalore for Layout – Residential purpose.
  - c) BBMP revenue department register documents bearing sy. no. 11/3.
  - d) BBMP Khatha certificate dated: 19/13/2022, BBMP receipt paid for improvement charges dated: 11/03/2022
  - e) BBMP Property tax paid receipt sy. no. 11/3
  - f) Copy of Absolute Sale deed executed on 11/10/2021 made between Smt Krishna Bai and Others in favour of Sri. Ramanjaneya & Sri. M Krishnamurthy for the schedule property bearing **Sy. No. 11/4B, measuring 01 Acre, Sy. No. 11/5 measuring 01 Acre 22 Guntas, Sy. No. 12 measuring 0 Acres 14 Guntas** of Bealthur Village, Bidarahalli Hobli, Bangalore East Taluk, Bangalore and **Sy. No. 299 measuring 1 Acres 27 Guntas** of Bealthur Village, Bidarahalli Hobli, Bangalore East Taluk, Bangalore.
  - g) BBMP revenue department register documents bearing sy. no. 11/4B, 11/5, 12.
  - h) BBMP Khatha certificate dated: 11/03/2022, BBMP receipt paid for improvement charges dated: 04/03/2022.
  - i) BBMP Property tax paid receipt for sy. no. 11/4B, 11/5, 12.
9. On enquiry, at the time of submission of above said documents by Sri. Ramanjaneya (who is one of the partner of M/s Bhoo Developers) to RO-Mahadevapura. He has informed that, the layout has obtained temporary power connection from the BESCOM department.
10. Also he has informed that, the said layout stands in the name of “Bhoo Sai Charana” has developed in the land bearing Survey No’s 11/4B, 11/5, 11/3, 12 & 299 only. Further informed that, the layout consists of 150 no’s of sites in different sizes and at present all sites

are sold out. Further, he reported that, not obtained approved layout plan from the competent authority.

11. Further, Rajakaluve is passing adjacent to the layout, there is no Dakshina Pinakini river is flowing adjacent to the M/s Bhoo Developers Layout. He also report that, said rajakaluve is widened naturally during the course of heavy flooding.

12. From the above said land documents w.r.t said sy. no's viz., 11/4B, 11/5, 11/3, 12 & 299. The total extent of land is 5.55 Acres only.

**Photos taken during inspection:-**



Name board as Bhoo Sai Charana



Site Number Board in yellow color as 150



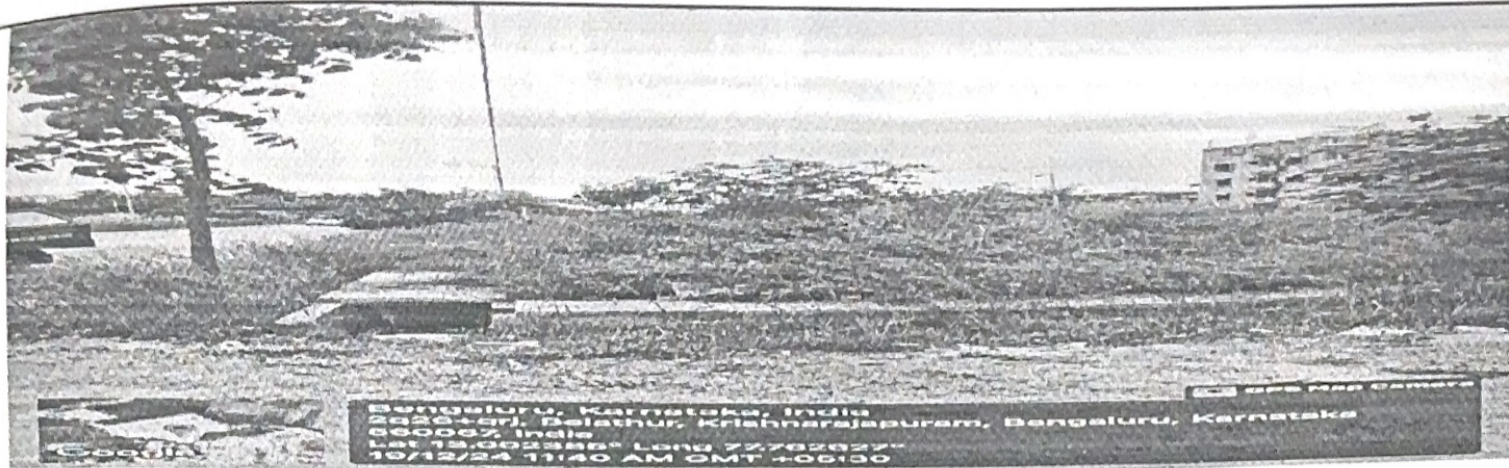
Residential houses are under construction



No asphalt road



School building



Storm water drain



Nala at Sy. No. 11



Nala at Sy. No. 299

**Conclusion:-**

Further in respect of GOK Gazette Notification from the Forest, Ecology & Environment vide No. FEE 316 EPC 2015, dated: 19/01/2016 & Corrigendum Notification vide No. FEE 43 EPC 2022, dated: 12/03/2024. Wherein, the Corrigendum Notification dated: 12/03/2024 w.r.t the Government Notification No. FEE 316 EPC 2015, dated: 19/01/2016 for the Table – 2 has mentioned that, the Sl. No. 04 i.e., **“Township and Area Development Projects with an area of 10 Acres and above shall install STP”**.

On verification of this office record, **Board has not given any Consent to M/s Bhoo Developers to the said residential township develop project from the Board.** Whereas, as per the activities listed in Table-2 of notification dated: 19/01/2016, the said township development area is less than 10 Acres. Hence, **the said layout project will not comes under the purview of Karnataka State Pollution Control Board Consent Mechanism.**

Environmental Officer  
Mahadevapura Regional Office

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

**O.A. 36 of 2023**

Jagan Kumar J

...Applicant

-Vs-

The Deputy Commissioner,  
Bengaluru Urban district

...Respondents

**MEMO FILED ON BEHALF  
OF THE 5<sup>TH</sup> AND 6<sup>TH</sup>  
RESPONDENT**

**M.R.GOKUL KRISHNAN**  
Standing Counsel for  
Karnataka State Pollution Control  
Board (KSPCB)

**COUNSEL FOR THE RESPONDENT**