

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

**O.A No. 53 of 2025**

IN THE MATTER OF

1. G. MOHANA PRIYA,  
D/o. Gopinath,  
Aged about 29 years,  
N-4, Bajanai Koil Street,  
Gurupatham Nagar,  
Varadharajapuram,  
Kancheepuram, Tamil Nadu- 600044
  
2. A.R. RATHNAKUMAR  
S/o. Rathnasabapathy  
Aged about 66 years,  
N-9, Moogambigai Nagar,  
Varadharajapuram,  
Kancheepuram, Tamil Nadu- 600044
  
3. RAYYAPAN VEERARAGHAVAN  
S/o. Veeraraghavan,  
N-3/30, Christhu Raja Kovil Street,  
Erumaiyur, Tirumudivakkam,  
Sriperumbudur, Kancheepuram,  
Tamil Nadu – 600044
  
4. JOSE PUNNOOSE  
S/o. M.C. Punnoose,  
N-82, Navodaya, Varadharajapuram,  
Kancheepuram, Tamil Nadu – 600044.

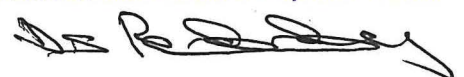
...Applicants

Versus

1. WATER RESOURCE DEPARTMENT,  
Public Welfare Department, Government of Tamil Nadu,  
Through the Chief Engineer,  
PWD Estate,  
Chepauk, Chennai-600 005.  
[eicwrdsn@gmail.com](mailto:eicwrdsn@gmail.com), 044-28410402.



2. TAMIL NADU POLLUTION CONTROL BOARD,  
Through the Chairman,  
76, Mount Salai, Guindy, Chennai - 600 032  
Tel: 044-22353134-139  
Email-ID: [tnpcb-chn@gov.in](mailto:tnpcb-chn@gov.in)
  
3. THE DISTRICT COLLECTOR, KANCHEEPURAM DISTRICT  
First Floor,  
Collectorate,  
Kancheepuram - 631501  
Phone: +91-044-27238433,  
Email: [collrkpm@nic.in](mailto:collrkpm@nic.in).
  
4. TAMIL NADU STATE ENVIRONMENT IMPACT ASSESSMENT  
AUTHORITY (SEIAA),  
Through the Chairman  
Ground Floor, Panagal Maligai, No.1 Jeenis Road,  
Saidapet,  
Chennai-600015  
Tamil Nadu
  
5. Chennai Metropolitan Development Authority  
Through Member Secretary,  
Thalamuthu – Natarajan Maaligai  
No.1, Gandhi Irwin Road  
Egmore  
Chennai- 600008.  
044-28414855, [msmcda@tn.gov.in](mailto:msmcda@tn.gov.in)
  
6. Kishkinta Land Developers Pvt Ltd  
Through the Director,  
Manek Mahal,  
6<sup>th</sup> Floor, 90 Veer Nariman Road,  
Mumbai, Maharashtra- 400020.
  
7. Urban Rise (OPUS 96)  
Through the Managing Partner,  
Plot No. A, No. 36/1, Gandhi Mandapam Rd,  
Kotturpuram, Chennai – 600085
  
8. Alliance Infrastructure Projects Pvt Ltd  
Through the Managing Director,  
Plot No. 'A, No. 36/1, Gandhi Mandapam Rd,



Chitra Nagar, Kotturpuram,  
Chennai- 600085

...RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 8**

I, Mr. Dega Srinivasulu Reddy, aged about 65 years, authorised signatory of M/s. Alliance Infrastructure Projects Pvt. Ltd., having office at No. 243, 19th Main Road, Section 4, HSR Layout, Bangalore 560102, having now come to Chennai, do hereby solemnly affirm and state as under:

1. That, I in the capacity of the authorised signatory of the Company, am fully conversant with the facts of the case and competent to swear this affidavit on behalf of Respondent No. 8 and the board resolution authorising the same is annexed herewith as Annexure R1.
2. That the Respondent No. 8 is the duly authorised Power of Attorney of M/s Urbanrise Constructions Private Ltd. ("UCPL") as per Deed of General Power of Attorney dated 13.08.2024 bearing Doc. No. 7055 of 2024 registered in SRO, Padappai, produced herewith as Annexure R2 and is empowered to execute this counter. That the Respondent No. 8 reserves their right to file additional counter if any during the course of this application.
3. That the instant application has been filed alleging encroachment of water canals at Survey numbers 340/1, 415 to 421, 444 to 446, 464, 465, 466, 467, 468, 469, 470, 472, 473, 474, 475, 480 (all parts), 481/2 of Varadharajapuram Village, Kundrathur Taluk, Kancheepuram District, by Respondents No. 6 & 7 for the establishment of alleged Integrated Town Ship comprising 900 luxury Plots and 3200 residential units under the name OPUS 96.

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4. That all the averments/allegations therein are denied except those that are specifically admitted herein and any non-traversal of the same may not be construed as an admission/waiver on behalf of the Respondent herein.
5. That the instant application deserves to be dismissed *in limine* as the instant application has been filed by suppressing several material facts and under the guise of pendency of this application and the connected appeal, the 4<sup>th</sup> Applicant herein is continuously indulging in malicious acts of a vicious public smearing campaign, obstruction of water flow, filing other frivolous cases and issuance of various notices against the private respondents and their principal as elaborated below, which are not only entirely contrary to truth and baseless, but are also issued with an ulterior intent of causing much disrepute and damage to the private respondents.
6. That the Applicants have preferred this appeal inter alia, alleging that the alleged proposed township encroaches water bodies and that construction had already begun prior to obtaining of EC. The said allegations are baseless, frivolous and invented for the purpose of the matter and are vehemently denied. The environmental clearance for development of high rise residential group development building with a built up area of 1, 77, 399.59 sq.m on land admeasuring about 10 acres, has already been obtained by UCPL represented by this Respondent on 02.04.2025 and the same is under challenge in the connected appeal in Appeal No. 35/2025. The same has been obtained after duly disclosing all relevant facts as mandated under the statute, that there is no suppression. Further, there is no encroachment of any, water body which is fortified by the report filed by the SEIAA in the connected appeal. No construction has been undertaken in the said project and only temporary structure for marketing office of Nspire Developers LLP, another developer in their portion of land, who has not been arrayed as a party herein.

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**A. PRELIMINARY OBJECTIONS:**

**I. SUPPRESSION OF MATERIAL FACTS – VESTED PRIVATE INTEREST COUCHED AS PUBLIC INTEREST:**

7. That the contention in the unnumbered paragraphs in page 6 & 7 of the typeset of the Application and in paragraphs 1-3 are denied as false except to the description of the official Respondents herein limited to their scope of jurisdiction only. The instant application filed by the Applicants is a frivolous petition filed under the guise of public interest being affected as “residents” of the village or an “aggrieved person” being affected by the project, per contra, the said application is motivated by vested private interests which have been deliberately concealed before this Hon’ble Court. The instant application has been filed by suppressing several material facts with the mala fide intention to stall the development project, settle their personal vendetta and also to gain political mileage in the midst of this project. The relevant facts are also brought hereunder:
8. It is submitted that the 4<sup>th</sup> Applicant is currently the Managing Director of a company namely M/s Navodaya Mass Entertainment Ltd. (“*Navodaya*”) and he was also one of the promoters of the company along with his father Mr. M.C. Punnoose, as evident from the details available in the website of Ministry of Corporate Affairs marked as *Annexure R3*.
9. It is submitted that the very first Memorandum of Understanding and Agreement (“*MOU*”) dated 19.02.2006 for development of this project was in fact entered by Navodaya with M/s KGEYES Residency Pvt. Ltd. (“*KRPL*”) and one Mrs. Anita Kumaran where Navodaya agreed to offer their unutilised portions of land of about 71 acres situated at Varadarajapuram and Erumaiyur villages, for the

development of the project namely “Kgeyes Kishkinta Township Project”, marked herewith as Annexure R4. The said project was conceived in order to aid Navodaya to settle their liabilities by developing and utilising Navodaya’s land into a residential/commercial township project. It is important to note that as per the Memorandum of Understanding, the agreement between the parties was one for a joint development of the lands into a residential township project on a profit-sharing basis.

10. It is submitted that subsequently the said MOU was modified vide Memorandum of Understanding and Agreement dated 15.03.2007, entered between Navodaya, Mrs. Anita Kumara and M/s Kgeyes Nelsun Projects Pvt. Ltd. (“*KNPL*”), a related company of KRPL, marked herewith as Annexure R5 where the extent to be offered by Navodaya for the project was reduced to 64.67 acres and it was further agreed that in addition to the amounts already received, Navodaya would be entitled to 1/3<sup>rd</sup> share of the profits.
11. It is pertinent to mention here that Navodaya had in fact received a sum of Rs. 18,00,00,000/- (Rupees Eighteen Crores Only) to settle their liabilities from the said Mrs. Anita Kumaran who also invested Rs. 4,00,00,000/- (Rupees Four crores Only) in the project, hence the total of Rs. 22,00,00,000/- (Rupees Twenty Two Crores only) was to be treated as an unsecured loan extended by the said Mrs. Anita Kumaran to the Developer of the project. It is significant to note that both the abovesaid MOUs were signed by the 4<sup>th</sup> Applicant as well in the capacity of Director of Navodaya, hence the 4<sup>th</sup> Applicant was not only well aware about the said facts but was also an active participant in the development of the project.
12. It is submitted that thereafter, Navodaya set out to sell their lands admeasuring about 4.89 acres to one M/s KGS Developers Ltd. (“*KDL*”, earlier known as

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*KNPL*), related company of KRPL, vide Doc. No. 2733/2008, 2734/2008, 2735/2008 all dated 28.05.2008 and registered in SRO, Padappai, for the purpose of development of the same into a township project. The said sale deeds are marked herewith as *Annexure R6-8*.

13. Thereafter, Navodaya represented by their Power of Attorney Mr. K. Kumaran (the said Deed of Power of Attorney bearing Doc. No. 417/2007 registered in SRO, Padappai marked herewith as *Annexure R9*) conveyed lands admeasuring 62.55 acres to KDL vide Sale deed dated 11.11.2011 bearing Doc. No. 7073/2011, marked as *Annexure R10*. Similarly, the said Mrs. Anita Kumaran also conveyed land admeasuring 21.9815 acres vide Doc. No. 7074/2011 dated 11.11.2011 registered in SRO, Padappai, marked as *Annexure R11*.
14. It is submitted that it is reliably informed that certain disputes arose between Navodaya and KDL from 2016, subsequently renamed as Veas Properties Ltd. ("VPL") and thereafter the said disputes were settled between the parties where Navodaya received a sum of about Rs. 14,00,00,000/- (Rupees Fourteen Crores Only) as full and final settlement of all claims. It is also reliably informed that upon receipt of the same, Navodaya and its representatives including the 4<sup>th</sup> Applicant undertook to not raise any claims in relation to the said project at any point of time after having been adequately compensated for parting with the lands.
15. It is further submitted it is also reliably informed Navodaya and VPL also entered into an exchange deed dated 19.01.2016 where they exchanged adjacent lands admeasuring 6.83 acres in Varadarajapuram and Erumaiyur villages.
16. Therefore, based on the development agreements and the compromises entered therein, it is apparent that Navodaya has received huge sums towards the

development of the project, approximating to about Rs. 32,00,00,000/- (Rupees Thirty Two Crores Only) till date for the conveyance of lands admeasuring 64.03 acres for the purpose of development of Township project.

17. Hence, **the very fact that major portion of lands comprised in the development project were sold by Navodaya, signed and executed by the 4<sup>th</sup> Applicant, was conveniently suppressed by the 4<sup>th</sup> Applicant.** The 4<sup>th</sup> Applicant has misled this Hon'ble Tribunal ever since the institution of this application by filing the same under the guise of being only a resident of the place. The 4<sup>th</sup> Applicant was not only aware but was also the signatory and a party to the documents mentioned above, executing the same on behalf of Navodaya. The 1<sup>st</sup> to 3<sup>rd</sup> Applicants are acting in connivance with the 4<sup>th</sup> Applicant to further their own malicious intention to stall the project which was in fact incepted by the 4<sup>th</sup> Applicant's company only. Therefore, this Application deserves to be dismissed on this ground alone.

18. The Hon'ble Supreme Court and the High courts have in a catena of decisions come down heavily on such frivolous litigants who have wasted precious judicial time by preferring such vindictive applications to settle their personal scores and also imposed exorbitant costs on them. It is humbly prayed that the Applicants herein have not approached this Hon'ble Tribunal with clean hands and hence are liable to be imposed with heavy costs for preferring this application and the connected appeal in deliberate suppression of the above facts. The subsequent contumacious conduct as elaborated below would further fortify the enmity harboured by the Applicants in stopping this project.

## **II. CONTUMACIOUS CONDUCT OF THE APPLICANTS**

19. It is submitted as mentioned above, the previous business transaction of Navodaya including the 4<sup>th</sup> Applicant with the owner of the land namely VPL

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had been deliberately suppressed. All prior disputes pertaining to the said lands acquired from Navodaya have also been settled with Navodaya for a sum of Rs. 32 crores (approx.). However, with the sole intention to extort further huge sums and to stall the development project, the 4<sup>th</sup> Applicant in connivance with the other applicants have filed this petition.

20. It is submitted that the private respondents herein are established concerns of well-repute in the development/construction of township projects across the country. The private Respondents herein have completed several projects successfully while ensuring compliance with statutory regulations and are especially cognisant of the environmental regulations that are necessary for the development of various projects. The private respondents herein as well as the other developers/owners are under the process of developing their respective portions independently and have also garnered public support in relation to the same where several purchasers have come forward to buy the plots as well as the developed apartments whenever they are completed, since their reputation as a long standing, successful business concern in development and construction of Township projects precede them.
21. The Applicants continue to indulge in a public smear campaign specifically directed against the private respondents herein, thereby causing grave disrepute, business and revenue loss and irreparable harm. The private respondents reserve their right to initiate appropriate action in the manner known to law.
22. It is submitted that when the instant application came up for hearing on 26.03.2025, this Hon'ble Tribunal was pleased to direct the Respondents to file their reports and counters and no interim order has been granted till date. However, the following acts of the Applicants through the 4<sup>th</sup> Applicant would

clearly show how the Applicants have misrepresented the proceedings before this Hon'ble Tribunal:

- (i) The Applicants herein unlawfully put up boards near the site of the project as if the project was being developed encroaching water canals, severely damaging the legitimacy of the project.
- (ii) The notice board put by the Applicants further, both in English and Tamil, mischievously misrepresented that this Hon'ble Tribunal had accepted the present appeal/petition filed by the Applicants.
- (iii) Further, the Applicants have also unilaterally changed the nearby area zoning in Google maps as if the area is "Flood prone", particularly very close to the project. Further, the said zoning has been given a name 'Flood Prone Area – NGT Case Pending' which prominently appears next to the project of the private respondents on the Google Maps landscape.
- (iv) The 4<sup>th</sup> Applicant along with a few other members, also held a press conference addressing to the public stating that the project was encroaching water canals when the matter is sub judice and when no order has been passed till date.
- (v) Further, the 4<sup>th</sup> Applicant has also put up a board outside his own residence alleging that the subject matter project is an encroachment in water canals when the matter is sub-judice, and at the same time, alleging that a title dispute in respect of the same property is also pending.

Thus it is evident that the Applicants are indulging in calculated, concerted effort to stall this project by deliberately suppressing their own mala fide, defame the Respondents herein and misinform the general public with false claims. The proof for the above said acts are collectively marked as Annexure R12.

23. Further, they instigated an ex-MLA of the opposition party to send frivolous representations to UCPL alleging encroachment of water canals, marked

herewith as Annexure R13. The said ex-MLA also barged into the site with other henchmen and threatened the workers on site to cease the work immediately.

24. Further, in May 2025, the 4<sup>th</sup> Applicant caused the issuance of legal notices, marked as Annexure R14 alleging that the private respondents herein as well as other developers in the adjoining lands had allegedly encroached his adjoining land. The same was also adequately replied by the private respondents herein vide reply notices dated 13.06.2025, marked as Annexure R15.
25. It is further submitted that during pendency of the instant application, the Applicants caused issuance of legal notice dated 27.10.2025, marked as Annexure R16 to the bona fide purchasers of the land from VPL, by making false allegations that the project was located on water canals and that the said purchasers were not bona fide. Hence, the 6<sup>th</sup> Respondent and Nspire Developers LLP, another developer with VPL issued a Cease and Desist Notice dated 06.11.2025 calling upon the 4<sup>th</sup> Applicant to refrain from indulging in such obstructive, interfering, illegal acts and the same was received by the 4<sup>th</sup> Applicant on 10.11.2025. The cease and desist notice with proof of receipt is annexed herewith as Annexure R17.
26. It is further submitted that during the monsoon season this year, the 4<sup>th</sup> Applicant deliberately laid a hume pipe near the site, thereby preventing the egress of excess water at site and causing excess water logging at the site. The photograph of the pipe so laid is marked herewith as Annexure R18. In addition to the same, the 4<sup>th</sup> Applicant has been instigating various other individuals against the private Respondents in order to stall the private Respondents' project, in addition to making various misrepresentations with the authorities regarding the private Respondents' project. Further, the east side of the culverts are also blocked by

the 4<sup>th</sup> Applicant. The 4<sup>th</sup> Applicant continues to engage in such illegal, obstructive acts with the mala fide intention to stall the project and to cause loss.

27. Further, Navodaya has also filed a suit against M/s Nu Tech Associates, a developer involved in the Township project with VPL, before the Hon'ble Principal District and Sessions Court, Kancheepuram for which summons dated 01.12.2025 has been received, marked as **Annexure R19.**
28. Further, even as recently as from December 2025 to February 2026, the Applicants have caused the issuance of legal notice to several customers of VPL as well as the banks involved in financing the owners in relation to their property alleging that the land so purchased from VPL belongs to Navodaya; that the said purchase is null and void; and that they have instituted a suit in O.S. No. 381 of 2025 before the Principal District Court, Kancheepuram against the private respondents. In relation to the same, notices dated 29.12.2025 are produced herewith as **Annexure R20.** It is evident that the Applicants under the guise of filing the instant application and the connected appeal, have specifically resorted to multiple litigations to harass the private respondents as well as their customers and other related concerns. It is further humbly submitted that the present application and the connected appeal has been filed solely to bring disrepute to and hamper the success of the private Respondent's project.
29. Further, these notices were wantonly issued even without the benefit of any interim order whatsoever from the respective court of law. It is noteworthy that the name of Mr. Jose Punnose, the 4th Applicant herein, was deliberately concealed in the said notices. This is nothing but an underhanded attempt to conceal the factual nexus between the 4th applicant and the development projects.

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30. The 4th Applicant continues his obstructive tactics by raising notice boards containing false information and issuing vexatious notices to the customers till date. As against such unlawful actions and the said untenable notices, a Cease and Desist notice dated 23.01.2026 has also been duly issued by the 6<sup>th</sup> Respondent and Nspire LLP to Navodaya and the 4th Applicant herein and the same was received by both parties on 28.01.2026. The said Notice dated 23.01.2026 along with proof of receipt is marked as Annexure R21.
31. Thus, the Applicants herein have been conducting a targeted malicious campaign against the private respondents herein under the guise of having filed the instant application as residents with public interest and continue to indulge in such mudslinging tactics, with the sole motive to coerce the private respondents to pay them exorbitant sums by stalling the project. The application does not bear any bona fide and is a frivolous litigation filed for the purpose of furthering their own vested private interests only. Hence, the application is liable to be dismissed.

### III. NON-JOINDER OF PARTIES

32. That the contentions in the paragraphs 4-14 are denied as false and the Applicants are put to strict proof. It is respectfully submitted that the Respondent No. 7 mentioned as Urbanrise "OPUS 96" and no such entity/company exists, therefore, prima facie no such Respondent No. 7 exists. The relevant party is Urbanrise Constructions Pvt. Ltd. ("UCPL"), who has not been arrayed as a party in the instant application. The said party owns only 22.23 acres (purchased from VPL) out of the entire 96 acres. In the said extent of 22.23 acres, environmental clearance has been obtained by the Respondent No. 8 in their capacity as Power of Attorney for UCPL, for development of residential project for about 10 acres. Therefore, UCPL is a necessary party in the application since the Applicants are seeking reliefs in relation to the entirety of 96 acres, including

the portion owned by UCPL. For the sake of good order, a vakalat has been filed on behalf of the said Urbanrise Projects Pvt. Ltd., (Previously Urbanrise Projects LLP) who owns the copyright of "URBANRISE". The copyright certificate is marked herewith as Annexure R22. However, without arraying UCPL as a party, the same is liable to be dismissed.

33. It is reliably informed that VPL acquired the entirety of 96 acres and had alienated land parcels to various entities including UCPL and that VPL continues to own about 50 acres of the project.

34. It is submitted that it is reliably informed that VPL had entered into a Joint Development Agreement ("JDA") with M/s Nspire Developers LLP for the development of 50.20 acres in Varadarajapuram and Erumaiyur village by laying out individual plots with common areas and amenities. It is further reliably informed that planning approval has also been obtained by 6th Respondent on behalf of VPL for the above said extent after gifting a certain parcel of land to the Kundrathur panchayat. It is further reliably informed that the said lands are now being subdivided into plots and the same are also being sold.

35. It is submitted that it is reliably informed that VPL also sold lands to one Ahana Lifespaces Pvt. Ltd. from 2022-24 via various sale deeds totally admeasuring about 22.24 acres. It is also reliably informed that VPL also sold land admeasuring about 2.013 acres to Nspire Developers LLP. It is submitted that this Respondent shall endeavour to produce the abovesaid documents if deemed necessary by this Hon'ble Tribunal.

36. It is submitted that all the aforesaid facts occurred prior to the filing of the instant application and connected appeal and the said information is available upon checking the online encumbrances created in the project survey numbers. Hence,

it is an undisputed fact that the lands were acquired by VPL who also sold to other entities as mentioned above. Further, as evident from the status of the RERA application provided as Annexure A8 in the application, it is evident that VPL represented by Respondent No. 6 and Nspire had applied for development of the project, therefore, the above information is well part of record. However, the abovesaid entities namely VPL, Nspire Developers LLP, Ahana Lifespaces who are owners of their respective parcels of land, have not been arrayed as a party in this application.

37. Therefore, VPL and other entities namely Ahana Lifespaces, Nspire and UCPL being the owners of the land forming part of the entire extent of 96 acres (prior to filing of the application), are necessary parties in the application since an all-encompassing relief is being sought against the entirety of 96 acres, including their portions. However, with the aforesaid owners not being a party in the application, the said owners are deprived of their right to defend the title and development in their respective portions and hence the application is untenable.
38. It is respectfully submitted that the UCPL is the owner of only 22.23 acres of land in the project, hence the reliefs in relation to the entire 96 acres do not lie against UCPL. Further, the Respondent No. 6 herein is only the duly constituted Power of attorney on behalf of VPL and Respondent No. 8 is the duly constituted Power of Attorney on behalf of UCPL, who both have undertaken all acts to develop/sell/convey the plots as authorised by their principal and they have no other interest/ownership whatsoever. It is unknown to law where only the agent is arrayed as a party in relation to the acts committed on behalf of the principal, without arraying their principals as parties. Therefore, merely fastening allegations and liability on power agents without impleading the principal also does not arise at all. Similarly, it is also reliably informed that approval for planning layout was also accorded by the Varadharajapuram and Erumaiyur

Panchayat Union, however, they have also not been arrayed as parties to substantiate the rationale behind the same. Hence, the application is liable to be dismissed on that account as well.

**B. OBJECTIONS ON MERITS:**

**IV. ALL APPROVALS OBTAINED PROPERLY IN DUE PROCESS:**

39. It is submitted that Respondent No. 8 as duly constituted Power of Attorney as per Annexure R2 is the applicant of the Environmental Clearance (“EC”) on behalf of UCPL, bearing Identification No.EC24B3812TN5371181N having File No. 11714 dated 02.04.2025, on behalf of UCPL. The said EC was granted for construction of High-Rise Residential Group Development Building at Survey Nos. 480/1 (Part), 481/1 (Part), 483/1B (Part), 473/1(Part), 480/3 (as per Patta 480/3A, 480/3B), 480/4A(As per Patta 480/4A1, 480/4A2), 340/1, 474/1B (Part), 475/1 (Part) (As per Patta 475/1A), 474/1A (Part), 340/2, 481/2 (Part) of Varadarajapuram Village, Kundrathur Taluk, Kancheepuram District, Tamil Nadu under category B1 of item 8(b) of “Township and Area Development Projects” for a total built up area of 177399.59 sq.m.

40. It is respectfully submitted that the application was made in Category B1 in Item 8(b) (Townships and Area projects) of the Schedule to the EIA Notification, 2006 since the project was developed as construction of residential buildings for Township project. It is submitted that the layout project is not an interlinked project, as UCPL is the owner of only 22.23 acres for which environmental clearance has been currently obtained only for developing a residential project for land area of about 40208.77 sq.m. (about 10 acres) and built up area of 177399.59 sq.m It is submitted that there is no encroachment of any water canal on the site and there are no notified water canals or courses. The remaining extent was originally owned by VPL who sold the same to other entities and also entered into JDA for the remaining extent. The said entities have also been

selling the plots to individual land owners with respect to their portions. Hence, the clearance obtained on behalf of UCPL was of its own project, having no correlation with the other extent/adjoining lands. The brochure which was submitted mentioning "96 acres" is only indicative of the fact that the subject development project was situated in a place where a larger township was proposed to be set up.

41. It is submitted that the said approval was obtained without any suppression of facts, after duly disclosing all relevant information in Form I. 16% of the area has been devoted to development of green belt and in the application itself, it was clearly mentioned regarding all the sustainable practices that would be adopted for the reduced discharge and efficient treatment of wastes, clearance of rubble, establishing green belt etc.
42. It is submitted that in the environmental clearance so given, other necessary measures to reduce the instances of air, water pollution and mitigation of disaster have been specifically enumerated. Further, as evident from the counter filed by the Respondent No. 1 in Appeal No. 35 of 2025, the approval was accorded only after following due process, after scrutinising satellite imagery, documents submitted, checking topographic and hydrological maps and having satisfied that no encroachment of any notified water body or canal was committed. In fact, a fresh water commitment was also obtained as per the instructions of the SEAC, as per the minutes of the meeting dated 07.02.2025. Hence, there is no irregularity in obtaining the same. The private respondents are also taking active steps in ensuring their compliance.
43. In this regard, the planning permission application for the building was submitted by Respondent No. 8 bearing online receipt number: CMDA/PP/Ch/19804/2025 dated 03.09.2025, marked as Annexure R23 and the

site inspection for the same was also conducted on 04.09.2025 pursuant to the site Inspection Intimation letter dated 03.09.2025 sent by the CMDA, marked as **Annexure R24**. The Planning approval along with all other necessary approvals including from RERA are under process and is awaited by the Respondent No. 8 and UCPL. It is submitted that hence, all necessary statutory approvals have been duly obtained after disclosing all relevant information, site inspection and detailed scrutiny of all documents and thus there is no irregularity.

44. It is submitted that in relation to the remaining extent owned and developed by other parties viz., VPL, Nspire Developers LLP and Ahana Lifespaces, the Respondents 6-8 are not proper parties to respond to the averments made in the application since they are not the owners and the said other parties ought to have been arrayed to duly respond to the same.

**V. RELIEFS IN THE APPLICATION INFRUCTUOUS:**

45. The Reliefs sought by the Applicants are as follows:

- I. *“Direct the Respondents No. 1 to 4 to remove all illegal encroachments made by Respondents No. 6 to 8, which have obstructed the free flow of water into the Adyar River and impeded the natural water conduits that serve as a flood shield for the regions of Varadharajapuram, Erumiyur, and Rayappa Nagar.*
- II. *Direct the Respondents No. 1 to 4 to conduct a comprehensive survey of the water canals using village maps and to take necessary measures to restore the water canals/tanks in the region to their original position, on the undisputed fact that the region of Varadharajapuram, Erumiyur, and Rayappa Nagar have been consistently affected by recurrent flooding each year.*
- III. *Direct the Respondent No. 4 to initiate appropriate legal action against Respondents No. No. 6 to 8 for their failure to obtain the mandatory prior*

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*environmental clearance under the Environmental Impact Assessment (EIA) Notification before the commence of the activities.*

- IV. *Direct the Respondent No.4 not to consider the application for environmental clearance under the category of "New Project" on the grounds that the project proponents have already commenced large-scale of construction activities without obtaining the mandatory environmental clearance.*
- V. *Initiate penal action and impose environmental compensation on Respondents No. 6 and 7, including restitution measures, for the illegal encroachment of water canals, violation of statutory provisions, loss of ecological services, and the costs associated with restoring environmental and ecological damage caused by their actions.*
- VI. *Fix responsibility and impose penalties on the official respondents who have wilfully neglected their statutory duties and turned a blind eye to the violations, despite multiple complaints raised by the Applicants."*

46. The Respondent No. 8 had obtained EC for construction of High-Rise Residential Group Development Building at Survey Nos. 480/1 (Part), 481/1 (Part), 483/1B (Part), 473/1(Part), 480/3 (as per Patta 480/3A, 480/3B), 480/4A(As per Patta 480/4A1, 480/4A2), 340/1, 474/1B (Part), 475/1 (Part) (As per Patta 475/1A), 474/1A (Part), 340/2, 481/2 (Part) of Varadarajapuram Village, Kundrathur Taluk, Kancheepuram District, Tamil Nadu under category B1 of item 8(b) of "Township and Area Development Projects" for a total built up area of 177399.59 sq.m. The approval so accorded was also based on extensive discussion, investigation of satellite imagery, topo maps, verifying existence of water canals etc. by the expert body namely SEAC. The planning permission and RERA approval is under process and awaited.

47. It is submitted that the Applicants have preferred an appeal against the Respondents 6-8 under Section 16(h) of the NGT Act, 2010 to set aside the EC

granted for Project 1 dated 02.04.2025 wrongfully alleging suppression of encroachment of water canals, suppression of interlinking of Project among other grounds which is completely meritless.

48. It is submitted that thus the environmental clearance having been given and other statutory approvals accorded after detailed scrutiny and survey, the Reliefs I-VI in the instant application are infructuous as the reliefs sought for have already been carried out by the authorities as well as the Respondents 6-8.

**VI. NO ENCROACHMENT OF WATER CANALS:**

49. It is submitted that contents in paragraphs 5-8 are denied as False as the Respondents No. 6-8 have not encroached upon any water canal nor was any debris dumped on the same.
50. With Respect to the project for which EC was obtained, it is submitted that the Respondent No. 8 on behalf of UCPL has duly filed the mandates provided under the EIA Notification 2006 and has obtained an Environmental Clearance for the said Project. As the Project falls under Category B1, Item 8(b), the mandates stipulated under section 6 of the EIA Notification 2006 are of FORM 1, FORM 1A and a conceptual plan must be submitted before the State Environment Impact Assessment Committee, which were duly submitted by Respondent No.8. All the disclosures were made and the same was also scrutinised by the committee. The Committee, after scrutiny, even sought additional documents such as the Fresh Water commitment letter and letter for disposal of treated wastewater from the competent authority, by the minutes of the 531<sup>st</sup> meeting of the SEAC held on 07.02.2025. It is submitted that the Respondent No. 8 duly submitted the said documents, which are recorded in the minutes of the 535<sup>th</sup> meeting of the SEAC on 21.02.2025.

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51. In relation to the remaining extent owned and developed by other parties viz., VPL, Nspire Developers LLP and Ahana Lifespaces, the same cannot be responded to by Respondents 6-8 since they are not owners of the said extents. However, for the sake of good order, it is submitted that prior to the planning approval obtained by VPL, the Water Resources Department (“WRD”) had sanctioned No objection dated 07.12.2023, produced herewith as Annexure R25 for the development of the project in favour of 6th Respondent representing on behalf of VPL. In the said NOC, the WRD recommended raising the ground level of the site in each survey number to overcome any possibility of inundation and thus sanctioned approval for the project.
52. It is reliably informed that during the monsoon season, the Chief Engineer, WRD addressed a letter to VPL to form additional 3 culverts to prevent inundation and the same were also built in to prevent inundation. The images of the existing culverts (2 Nos.) along with the proposed culverts (3 Nos) are marked herewith as Annexure R26.
53. It is alleged that the said project is developed by encroaching 15 water canals, per contra, as stated above, there are no notified water canals or courses on the site and there is no encroachment. The same is also duly substantiated by the SEIAA in their counter in Appeal No. 35/2025 who after having indulged in detailed investigation and being satisfied with the documents given, satellite imagery, topo maps etc. have concluded that the approval can be accorded. The village map so given by the Applicants is self serving and the same is not admitted by Respondents 6-8 since all statutory authorities conducted site inspections at every stage and accorded approvals only after extensive investigation. Even the schedule of the property mentioned in the agreements entered by Navodaya reflects the same. No water canals existed at the time of

acquisition of the lands or at any point of time and thus the entire premise of the Applicants is fallacious.

54. That the contention that the Respondents 6-8 have violated provisions of the Water (Prevention and Pollution) Act is denied as baseless and false. It is submitted that the Applicants have wrongfully contented that the Respondents 6-8 have polluted the water canals without an ounce of proof of the same. The Respondents have merely complied with the mandates imposed by the authorities in prevention of flooding and no encroachment is thus made out.
55. It is further submitted that there is no specific classification by IMD, PWD or CMDA declaring both the project sites as flood prone or hazardous zone and thus it is clear that the Applicants are clearly trying to mislead this Hon'ble Tribunal. Therefore, the contention of the Applicants that the projects fall under flood prone zone is vicious, invalid and uncorroborated. It is therefore submitted that there is no encroachment of any water canal nor the Projects lie in a declared flood prone area.

## **VII. NO VIOLATION OF EIA NOTIFICTION**

### **i. NO INTERLINKING OF PROJECT:**

56. It is submitted that the contention of the Applicants that the project for which EC was obtained is integrated with the entire extent of 96 acres, is denied as False. It is submitted that the high raise project for which the Respondent No. 8 has obtained EC is distinct and separate and has no correlation with the remaining extent. As stated above, the remaining extent is owned by different parties/distinct legal entities executing different development agreements, obtaining different approvals from local authorities for layouts and planning. The projects developed by such distinct entities do not share any common facilities/amenities. Thus, the projects are developed on different land parcels



with independent access, owned by different entities and there is no truth in alleging that they constitute a single project measuring 96 acres which is factually incorrect.

57. It is further submitted that there is nothing to indicate that the POAs executed, reflect a formal alignment of interests among landowners and developers. The executed POAs do not indicate any coordinated development of the projects nor a joint plan. It is submitted that the distinct approvals for the projects and the lack of overlapping activities negate the claim that the projects were part of a single integrated development. Thus, the judgments given by the Applicants have no relevance.

58. It is submitted that the brochure in page nos. 85 to 114 filed as part of the application by the applicants are denied for categorising the projects as integrated in the legal sense. The brochure is merely for promotional purposes and cannot imply legal/operational integration. As stated above, the brochure which was submitted was only indicative that the project was situated in a place where a larger township was proposed to be set up. Therefore, it is submitted that the project (s) cannot be said to be interlinked merely because of the geographical proximity.

59. In **R. Kalyanaraman v Union of India (Original Application No. 171/2023 dated 8.02.2025 before NGT (SZ)**, it was held by the Hon'ble Justice Pushpa Sathyanarayana that

38.4 *"The coincidence of power of attorney dates for Phase-1 and land agreements for Phase-2 on 09.02.2022 does not imply simultaneous development, as it is evident from the fact that Phase-2's planning and permissions began only in 2023. Sequential development, substantiated by distinct approvals, negates claims of integration"*.

38.5“*The applicant's reliance on promotional materials and layout applications to establish a unified project lacks merit. Branding strategies could not be applied legal or operational integration. Approvals for Phase-1 was finalized in 2022 and Phase-2 was initiated in 2023 and there are temporally and procedurally distinct. Promotional developments are short-term marketing strategies that businesses used to boost their sales of certain product or service*”.

60. Thus, attributing different timelines and purposes to separate projects falls within the purview of planning and does not inherently indicate evasion of regulatory requirements or suppression of material facts. Such planning decisions cannot be termed mala fide and do not amount to suppression of fact.

**ii. NO CONSTRUCTION ACTIVITY BY R 6-8**

61. The Contention in para 12 that construction has already commenced before grant of EC is denied as false. It is submitted that in relation to the project for which EC has been obtained, the construction has not begun. The application for planning permission was made on 03.09.2025 produced as Annexure R23 and the same is awaited, hence there is no construction as on date.

62. It is submitted that the Applicants have annexed photographs in the application alleging that the project sites are inundated. The said photographs are denied as false. Per contra, the said photographs were purportedly taken 4-5 years ago and do not reflect the current position of the site. The Applicants have also annexed random photographs without duly disclosing the sources, authenticity or the time in which they were taken. Further, projects purported to have been taken from the site have been annexed out of content to show as if impermissible earth dumping was being done. However, as stated above, the other parties are filling the land to protect the site from inundation during floods as directed by the WRD as per their NOC dated 07.12.2023 produced herewith as Annexure R25. The said photographs have been deliberately inserted to paint a false picture

regarding the habitability of the site and to cast aspersions on the Respondents 6-8.

63. It is further submitted that the Applicants have annexed photographs alleging that a Clubhouse has been constructed on site without obtaining approvals and the same is vehemently denied. However, the same is only a temporary marketing office put up in the land belonging to Nspire Developers and the same does not form part of the project for which EC was obtained. Therefore, the said contention is fallacious.

**iii. EC NOT REQUIRED FOR EXTENT OF 96 ACRES:**

64. That the contention in para 13 is denied as False. It is submitted that, as per the EIA Notification, 2006 as amended, Township and Area Development Projects covering an area exceeding 50 hectares require prior Environmental Clearance under Item 8(b). Even assuming that the entire extent for which approval was requested was of 96 acres, the same is still less than 50 hectares and thus no prior EC is required even under such circumstances. The same is also pointed out by the 2<sup>nd</sup> Respondent in their counter in the instant application. Thus, the cases in para 13 – M.C.Mehta v Kamal Nath (2002) 3 SCC 653 and Indian Council For Enviro – Legal Action v UOI (1996) 5 SCC 281 is inapplicable to the facts of the present case.

65. It is submitted that there is no integrated project as falsely projected by the Applicants. The Environmental Clearance has been duly obtained by Respondent No. 6 for the development of high rise building under category B1 of item 8(b) of “Township and Area Development Projects” for a total built up area of 177399.59 sq.m.. Further as per Clause 7(III)(d) of EIA notification, 2006, public hearings are not required for Township projects covered under Category 8 of the notification. Hence, the application was submitted in Form I

duly disclosing all relevant facts. All instructions of the statutory authorities have been duly adhered to and hence, there is no violation of the EC.

**C. PARA WISE REPLY TO GROUNDS**

66. It is submitted that the contentions in para 15 A, B & C are denied as False. It is submitted that on point No. 10 of Form 1 filed by Respondent No. 8, the Respondent No. 8 has duly listed out all the waterbodies which are in close proximity to the Project. UCPL represented by the Respondent No. 8 is a bona fide proponent of the project who aims to develop the area, which will in turn raise the socio-economic standards of the region. As stated above, the WRD has also given the NOC dated 07.12.2023 marked as Annexure R25. Thus, to contend that that the Respondent 6-8 have encroached the water canals is false.
67. The images submitted in the application filed by the Applicants from page no. 32 to 42 allegedly shows the impact of floods in the years from 2021 to 2023. However, the contention of the Applicants that the development of the project would cause the area to be flooded is merely a false allegation and meritless. It is submitted that the Respondent No. 8 has obtained the Environmental clearance dated 02.04.2025 wherein all data pertaining to the site location including village map and hydrological data were placed before the SEAC and SEIAA and during appraisal, it was found not to encroach any notified waterbodies or natural canals as evidenced by revenue maps, satellite imagery and expert scrutiny conducted by SEAC. Thus, to state that the proposed project is going to flood the nearby localities in Varadharajapuram and Erumaiyur Villages is meritless. The contention that R 6-8 have obstructed free flow of water by dumping debris is denied as false and misleading.

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68. It is submitted that the contention in Para 15 D is denied as False and frivolous. It is submitted that the construction has not begun as mentioned above and for the sake of brevity, the same may be read here as a suitable reply.
69. It is submitted that para 15 E and F are denied as False. The Respondent No. 8 has obtained the Environmental clearance dated 02.04.2025 for development of high rise building and it is reliably informed that Respondent No. 6 has obtained all the approvals including NOC from Water Resources Department dated 07.12.2023, CMDA approval etc. Thus, to state that the proposed project is going to flood the nearby localities in Varadharajapuram and Erumaiyur Villages is presumptuous.
70. It is submitted that contention in para 15 G is meritless and thus denied. It is submitted that para 15 H to N is denied as false and frivolous. The Environmental Clearance for the project has been obtained dated 02.04.2025. The allegation that the Respondent No. 8 has started construction activities is denied as False. The Respondent No.6 has merely complied with the conditions stipulated by the local authority in granting planning permission. The allegation that the Respondent has violated provisions of Water (Prevention and Control of Pollution) Act 1974 is denied as false and the cases cited are misplaced.

It is therefore prayed that the application maybe dismissed with exemplary costs and any such other orders maybe passed as deemed necessary.

For Alliance Infrastructure Projects Pvt. Ltd.

*Dr. R. S. S.*

Solemnly affirmed at Chennai  
on this the 17<sup>th</sup> day of March, 2026  
and signed his name in my presence

Authorised Signatory  
BEFORE ME

*A. J. N.*  
HIGH COURT; CHENNAI  
ENR/NO: 518/2003  
NO: 110; ADDL LAW  
CHAMBERS;  
CHENNAI  
600104

ADVOCATE: CHENNAI

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

**O.A. No. 53 of 2025**

G. MOHANA PRIYA

And 3 ors.

...Applicants

Vs

WATER RESOURCE  
DEPARTMENT,

And 7 ors.

...Respondents

**COUNTER FILED BY  
RESPONDENT NO. 8**

RUKMANI VENUGOPALAN

(MS 2380/2017)

**Counsel for Respondent No. 8**

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