

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

MEMORANDUM OF APPLICATION
(Under Section 18(1) read with Sections 14 and 15 of NGT Act 2010)

Original Application No. 104 OF 2022 (SZ)

IN THE MATTER OF :

GIRISH.N.P

...Applicant

VERSUS

The State of Karnataka & Ors.

...Respondent(s)

**MEMO FILED BY THE APPLICANT
(POLLUTION OF LAKES)**

Shifting of UGD lines from Nagarakere

1. I submit that the respondent no.7, Municipal Commissioner, CMC, Doddaballapur in their report dated 26/07/2023, paragraph 26 stated -

“26. With respect to the shifting of UGD lines from Nagarakere beyond buffer zone in D cross road, it is prayed that this Hon’ble tribunal may allow 12 months’ time to complete the work.”

However despite delay of 12 months the respondent authority has not started the work till date. Thereby causing substantial increase in pollution of Nagarakere.

Environmental Clearance to construct new STP

2. I submit that the respondent no.6, Deputy Commissioner, Bengaluru Rural in their report dated 07/11/2023, paragraph 18 stated -

*“18. It is submitted that a preliminary meeting was held with land owners and land acquisition/ direct purchase of land and DPR Preparation, survey and construction of STP works will be carried out after obtaining sanction from the **competent authority**”.*

I submit that the answering respondent has used vague word “**competent authority**”. It’s unknown whether the respondents are taking **Environmental Clearance before actual or preparatory works are carried out in accordance with the EIA Notification 2006.**

In Kehar Singh vs. State of Haryana (App. No. 124 of 2013), it was held by NGT Principal Bench to obtain Environmental Clearance before establishing STP. One of the relevant lines from 47th paragraph of the order dated 12/09/2013 is reproduced below -

*“.....The purpose of the environmental legislation’s referred to in the NGT Act is to prevent environmental degradation on the one hand and it’s improvement on the other. To perform these functions collectively and effectively, it would be necessary **for such projects to get EC at the very threshold.** It would help to further the cause of the legislations as well as the larger public purpose....”*

Moreover, the respondent no.6 has not submitted any timeline for the completion of proposed STP.

KIADB CETP is not working since 2008

3. I submit that the respondent no.10, KIADB in their report dated 18/01/2024 stated -

*“5. The contractor has been issued with notices to levy penalty and extension of time (EOT) was also given up to end of **March 2024.** By end of March, 2024 once the CETP is ready for testing and trial run, CFO will be obtained from KSPCB for smooth hassle free operations.”*

However the respondent no.10 has not completed the work till date.

Thereby operating several industries without CETP for more than 16 years.

No treatment facility by KSSIDC

4. I submit that the respondent no.9 - KSSIDC has not represented till date. Further, the industries in KSSIDC area are operating without treatment facility. This is evident from the report filed by KSPCB on 23/08/2023. One of the relevant paragraph is reproduced below -

*“In KSSIDC Industrial Estate ie. Karnataka Small Scale Industrial Development Corporation area there are 8 Red category Industries. The sewage generated in those Industries, are collected in Common Septic Tank and Soap Pit and there is **no treatment facility** provided for the same. The **overflow of domestic sewage would join the lake directly.**”*

Despite its operations for several years, the respondent no.9 has not established treatment facility till date.

5. It is prayed that this Hon'ble Tribunal be pleased to consider issuing the following directions :

- a. Direct the respondent no.7, Municipal Commissioner, CMC, Doddaballapur to complete the shifting of UGD lines laid in Nagarakere beyond the buffer zone in a time-bound manner in compliance with the applicable rules.
- b. Direct the respondent no.6, Deputy Commissioner, Bengaluru Rural to obtain Environmental Clearance before actual or preparatory works are carried out for the proposed new STP and to establish it within a time-bound manner in compliance with the applicable rules.
- c. Direct the respondent no.10, KIADB to complete the retrofitting work of CETP within a time-bound manner in compliance with the applicable rules.
- d. Direct the respondent no.9, KSSIDC to file their response and to provide treatment facility within a time-bound manner in compliance with the applicable rules.

It is therefore prayed that this Hon'ble Tribunal be pleased to issue orders as necessary in the facts and circumstances of the case and thus render justice.



APPLICANT

Date : 13/07/2024

Place : Doddaballapur, Bengaluru Rural