

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

APPLICATION NO.37 OF 2023

BETWEEN:

SRI. PARAMESH. V

..... APPLICANT

AND

THE DEPUTY COMMISSIONER & OTHERS

..... RESPONDENTS

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BANGALORE

DATE: 18-07-2024

Advocate for Respondent No.10

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

Application No. 37 of 2023

BETWEEN:

SRI. PARAMESH V

..... APPLICANT

AND

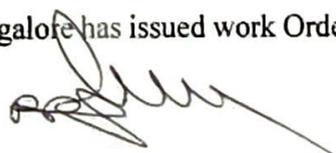
THE DEPUTY COMMISSIONER & ORS

..... RESPONDENTS

STATEMENT OF OBJECTIONS ON BEHALF OF "PAVANI MIRABILIA"

(RESPONDENT- 10)

1. The address of the 10th respondent for purposes of court notices and process is that of its counsel Mr. Ashutosh K L, Advocate, office at Flat No.1, Shree Krishna Residency, Langford Road Cross, Shanthinagar, Bangalore-560025
2. The above application is wholly false, frivolous, vexatious and not maintainable in law or on facts. The same has been filed with the malafide intention of coercing this respondent into terms. The application lacks bonafide and is liable to be dismissed in limine.
3. The application is liable to be dismissed on the ground that it is barred by limitation. Section 14 (3) of NGT Act specifies that no application for adjudication of dispute under Sec. 14 shall be entertained by the Tribunal unless it is made within a period of 6 months from the date on which the cause of action for such dispute arose. In the instant case, admittedly the plans of this respondent were sanctioned as on 30.1.2021, after the respondent obtained necessary permissions, sanctions, approvals etc. from the competent authorities.
4. After a detailed examination of all aspects relating to environment, the State Level Environment Impact Assessment Authority has accorded environment clearance for the project in question. Copy of the Environment Clearance issued by the State Level Environmental Impact Assessment Authority (SEIAA) dated 04.09.2020 is produced herewith marked ANNEXURE A1. Consent for Establishment issued by Karnataka State Pollution Control Board dated 29.04.2022 is produced herewith marked ANNEXUE A2. The Town Planning Authority, Bangalore Development Authority, Bangalore has issued work Order



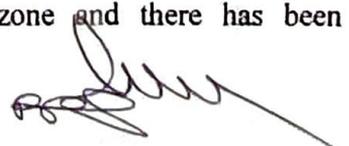
(CFE) vide No. BDA/TPM/DLP-21/2013-14/1440/2020-21 dated 30.01.2021. The plan claiming to be the master plan has been produced by the respondent as ANNEXURE A3. Very significantly, applicant himself refers to all these permissions, sanctions, consent in para 3 (1) of the application.

5. Over 2 years have lapsed subsequent thereto. Application has been filed after a lapse of 2 years. On this ground alone, the application is liable to be dismissed. The construction was commenced immediately thereafter in the same year (2021) and has been ongoing ever since then. In fact, the building Apartments comprising of Block A to Block J are under construction, wherein most of the construction of Block A to D & J have already been completed.

6. The applicant has suppressed material facts that, construction was commenced way back in the year 2021 Towers comprising of Block A to Block J are under construction, wherein the construction of Block A to D & J have already been completed. The Nala which exists in the property have been retained apart from being strengthened. As per the Revenue Documents the Kaludari and Saravu which passes through the Sy. No.23 has been shifted to either side of the project site vide DC Order dated 28.08.2018.

7. The application is liable to be dismissed on the ground of suppression of material facts and documents from this Hon'ble Court. The Hon'ble Supreme court has time and again held that if a litigant suppresses material documents from the court or a judicial forum, the same tantamount to committing fraud on the court or judicial fora and that the proceedings has to be dismissed in limine without even going into the merits of the matter. The applicant has produced documents by interpolating them which again amounts to committing fraud not only on the respondent but also on this Hon'ble Tribunal. In the light of the above background, the respondent controverts various averments and allegations made in the application as under:

8. The allegation made in paragraph 1,2 & 3 of the application that this respondent is constructing multistoried residential apartment on the land specified in this paragraph is true. However, it is false to allege that this respondent is constructing permanent concrete structure by encroaching the stream/Rajakaluve/water bodies and its buffer zone and there has been

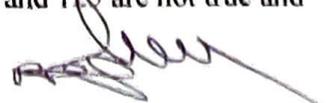


encroachment of protected eco sensitive zone. It is equally false to allege that the construction had violated the guidelines of environmental law and the order of the Hon'ble High Court and the National Green Tribunal. The construction is not illegal as alleged or otherwise and is perfectly legal. The allegation that the respondents 1 to 9 have noticed that there has been illegal construction is also false. As stated earlier, there is no illegal construction. As per the Report submitted by the Karnataka State Pollution Control Board dated 03.07.2023 filed before this Hon'ble forum it is clear that, there is no encroachment of Nala/Rajakaluve and also the buffer zone is being maintained measuring 15 m from the central line of the nala in Sy. No.124 and 125.

9. It is submitted that, the Report submitted by the Bangalore Development Authority dated 30.04.2024 for the construction of G+19 residential building and G+13 commercial building. That, as per the para 4 of the said Report it is crystal clear that, as per the Village Map/Revenue Records it was found that tertiary Nala was passing through Sy. Nos.22, 23, 124/1 and 125/1. Accordingly, from the centre of the Nala, an area of 15 m on either side was earmarked as buffer zone with no constructional activities to be undertaken in the said areas. Further, as per para 5 of the said Report, it is clear that there is no physical existence of the Nala, as per the site conditions, and the buffer zone has been maintained as per the village map and the revenue records.

10. The allegation made in paragraph 4, 5 & 6 under heading facts in brief that Respondents 1 to 9 have colluded with all the respondents and have failed to enforce the law is false. ANNEXURE A1 to A3 produced by the petitioner have been deliberately over-written as it is apparent to the naked eye and physical Nala which does not exist have been shown to pass therein. As per the Report of Karnataka State Pollution Board at para 5 of the said Report, it is clear that there is no physical existence of the nala, as per the site conditions, and the buffer zone has been maintained as per the village map and the revenue records.

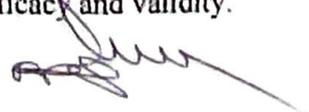
11. The allegation made in paragraph 4 under heading facts in brief Further the water body/ storm water drain which is flowing from east to west in survey No.22, AND water body/ storm water drain/Rajakaluve which is flowing from east to west in survey No. 23 the water body and the pedestrian pathway is been completely encroached and in the survey Number 124 and 125 are not true and



denied as false. It is pertinent to state that, with respect of the same allegations made by the applicant, the inspection report filed by KSPCB, Bangalore in para 2 states that, as per the Revenue Documents the Kaludari and Saravu which passes through the Sy. No.23 has been changed to either side of the project site vide DC Order dated 28.08.2018. The allegation made in paragraph 4 under heading facts in brief, of the application are all false and baseless, the same could be easily proved on perusal of the reports filed by the concerned authorities on the direction of this Hon'ble Tribunal. The said authorities have clearly stated in their report that the Respondent herein has not encroached any such water body nor has constructed any permanent structure on the buffer area. That, the above application is filed only to harass the respondent herein.

12. The petitioner has categorically stated that the building plan has been obtained by the respondent way back on 30.01.2021 environmental clearance from the State Level Environmental Impact Assessment Authority (SEIAA) way back on 04.09.2020, consent for establishment from the Karnataka State Pollution Control Board way back on 29.04.2022 clearly showing thereby that the petitioner was fully aware of these permissions, sanctions and approvals and has kept quiet for over 2 years and has then filed the present application, showing thereby that the application is hopelessly barred by limitation. The property in question falls within the planning area of Bangalore. The Bangalore Development Authority which is the planning authority has prepared the master plan in respect of the said area. A perusal of the same clearly bears out that there has been interpolation and over-writing by the petitioner himself. The application hence is liable to be dismissed on this sole ground.

13. This respondent is producing the relevant page of the master plan of Bangalore pertaining to the area. A perusal of the same bears out that there are no physical nala passing through the land in question. The Hon'ble High Court of Karnataka in Writ Petition No.44277/2011 C/W W.P. No.29108/2011 reported in 2012 SCC Online Karnataka 2679 has held that when the Master Plan is prepared by the planning authority as mandated by the Karnataka Town and Country Planning Act, the village map loses its credibility and ceases to be valid. Copy of the said judgement is produced herewith marked as ANNEXURE A4. In view of the law declared by the Hon'ble High Court of Karnataka, which is binding on all concerned, the village map loses significance, efficacy and validity.

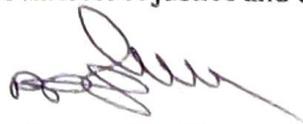


18. The allegation that the respondent has rushed to make financial gain by constructing building over waterbodies throwing all statutory guidelines to air and respondent had indulged in unfair trade practices along with other illegalities are all false.
19. The allegation made in paragraph 4(a) under heading grounds that the respondents authorities have a duty under the law to protect, preserve and maintain waterbody/nala and its buffer zone free from encroachment and contamination may be true. The respondents have carried out their duty properly and there has been no infraction in this regard.
20. The allegation made in paragraph 4(b) under heading grounds that the respondents have not taken any steps to prevent ongoing construction is a meaningless statement. There is absolutely no need to prevent the ongoing construction. The project photographs dated 17/7/2024 is hereby produced as Annexure - E
21. The allegation made in paragraph 4(c) under heading grounds that there has been failure on the part of respondent No.1 to 6 and 9 to perform their fundamental duties and that the same has resulted in the severe damage to the environment and eco system at and around the construction site and that the alleged violation of environment laws has been endorsed by respondent no. 1 to 10 are all totally false.
22. The allegation made in paragraph 5 under heading grounds that the cause of action arose on 17.11.2022 where the applicant sent complaint to the respondents and that this application is well within the prescribed time are false.
23. The petitioner is not entitled to any interim relief or the main relief. The petition being a totally false, frivolous, motivated and malafide petition is liable to be dismissed with costs.

WHEREFORE the respondent No.10 most respectfully pray that this Hon'ble Tribunal be pleased to dismiss the suit with cost in the interest of justice and equity.



Advocate for Respondent No.10



Respondent No.10

VERIFICATION

I, **Ragava Roa**, Managing Director – Sai Sravanthi Infra Projects Pvt. Ltd, #601,
PAVANI VISISTA, Saibaba Temple Road, Greengarden Layout, Munikolala,
Bangalore-560037 do hereby verify and state that the contents above are true to
the best of our knowledge, information and belief.



Respondent No.10

Date: 18-07-2024

Bangalore

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

APPLICATION NO.37 OF 2023

BETWEEN:

SRI PARAMESH. V

..... APPLICANT

AND

THE DEPUTY COMMISSIONER & OTHERS

..... RESPONDENTS

VERIFYING AFFIDAVIT

I, Ragava Roa, Managing Director – Sai Sravanthi Infra Projects Pvt. Ltd, #601, PAVANI VISISTA, Saibaba Temple Road, Greengarden Layout, Munikolala, Bangalore-560037 the respondent No. 10 do hereby solemnly affirm and state on oath and swear accordingly as follows:

1. I affirm that I am the respondent No. 10 in the above case and as such I am conversant with the facts and circumstances of the case hence competent to swear this affidavit.
2. I affirm that the averments made in the accompanying statement of objections from paragraphs 1 to 23 are true and correct to the best of my knowledge, information and belief.

Identified by me

Ramya P.V
KAR/121/2019
Advocate



Deponent

Date: 18-07-2024

Bangalore

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LIST OF DOCUMENTS

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2.	<u>ANNEXURE B</u> : Consent for Establishment issued by Karnataka State Pollution Control Board dated 29.04.2022	23 - 27
3.	<u>ANNEXURE C</u> : Order (CFE) vide No. BDA/TPM/DLP-21/2013-14/1440/2020-21 dated 30.01.2021 issued by Bangalore Development Authority, Bangalore.	28
4.	<u>ANNEXURE D</u> : Copy of the said judgement of The Hon'ble High Court of Karnataka in Writ Petition No.44277/2011 C/W W.P. No.29108/2011 reported in 2012 SCC Online Karnataka 2679	29 - 49
5.	Photographs of the Project dated 17/7/2024	50 - 54

BANGALORE

DATE: 18-07-2024


 Advocate for Respondent No.10

**State Level Environment Impact Assessment Authority-Karnataka**

(Constituted by MoEF, Government of India, under section 3(3) of E(P) Act, 1986)

No. SEIAA 63 CON 2020

Date: 04-09-2020

To,

M/s. Sai Sravanthi Infra Projects Pvt. Ltd,
S. V. Square, 5th Floor,
#8-2-293/82/A/796-B,
Road No. 36, Jubilee Hills,
Hyderabad-500033

Sir,

Sub: Proposed Mixed Used developmental Project at Sy Nos. 23, 22, 21/1, 21/2, 21/3, 124 & 125 of Seegehalli Village, Bidarahalli Hobli, Bangalore East Taluk, Bangalore Karnataka by M/s Sai Sravanthi Infra Projects Pvt. Ltd - Issue of Environmental Clearance - Reg.

This has reference to your online application bearing proposal No.SIA/KA/NCP/52556/2020 received on 19th March 2020 and EIA Report proposal No. SIA/KA/MIS/55589/2020 received on 14th August 2020 by SEIAA, Karnataka and subsequent letters addressed to SEIAA/SEAC Karnataka furnishing further information seeking prior Environmental Clearance for the above project under the EIA Notification, 2006. The proposal has been appraised as per the procedure prescribed in the provisions under the EIA Notification, 2006 on the basis of the mandatory documents enclosed with the application viz., the Form 1, Form 1A, conceptual plans, EIA report and the additional clarifications furnished in response to the observations of the SEAC/SEIAA, Karnataka.

2. It is inter-alia, noted that M/S. Sai Sravanthi Infra Projects Pvt. Ltd. proposed for Construction of Mixed Used developmental Project on a plot area of 61,714.17 Sqm (15-10 Acres). The total built up area is 3, 44,603.80 sqm (Residential - 3,07,053.50 Sqm & Commercial - 37,550.30 Sqm). The proposed building consists of 1967 No's of units (1731 No's + 236 No's EWS Units). Residential Building with 2B+G+19UF & Commercial Building with 3B+G+13UF. Total parking space proposed is for 2,555 No's of Cars. Total water consumption is 1,435 KLD (Fresh water + Recycled water). The total wastewater discharge is 1,215 KLD. It is proposed to construct Sewage Treatment Plant with a capacities of 1200 KLD (Residential) and 100 KLD (Commercial). The project shall have DG sets of 1100 KVA x 6 No's for Residential & 1,100 KVA x3 No's for Commercial, as alternative source of power supply. The total project cost is Rs. 610.10 Crores.

3. The project proposal was considered by SEAC during the meeting held on 21st July 2020 and got recommended for issue of ToR. The said recommendation was

considered by SEIAA during the meeting held on 3rd August 2020 and decided to issue ToR. Accordingly ToR was issued vide letter dated 12th August 2020 for conducting Environment Impact Assessment (EIA) Study.

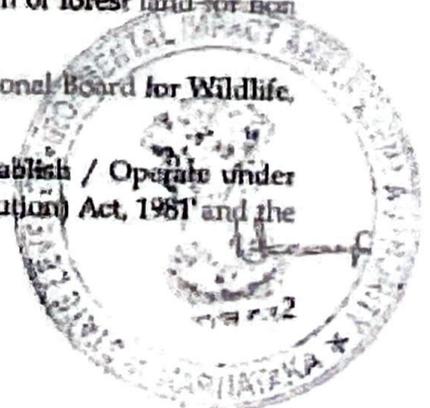
4. It is inter-alia, noted that M/S. Sai Sravanthi Infra Projects Pvt. Ltd, got the EIA study conducted by Sri. Dodda Mudde Gowda K. S. S/o Shivalingaiah K. M/s Aqua Tech Systems, Sree Nele, 7th A Cross, Near Indian Education Society, Janabharathi, 2nd Stage, Mariyappanapalya, Bangalore-560056 in respect of whom the Applicability of the Notification No. S.O 648 (E) dated 3rd March 2016 issued by the MoEF, Govt, regarding mandatory accreditation of Environmental consultant from NABET/QCI stands deferred in view of the interim order granted by Hon'ble High court of Karnataka in W.P. Nos 15026-15038/2016 (GM-RES) dated 21st March 2020. The EIA report was submitted on 14th August 2020.

5. Based on the information submitted by you, presentation made by you and your consultant, Sri. Dodda Mudde Gowda K. S. S/o Shivalingaiah K. M/s Aqua Tech Systems, the State Level Expert Appraisal Committee (SEAC) appraised the proposal in the meeting held on 27th August 2020 and has recommended for issue of Environmental Clearance.

6. The SEIAA Karnataka after due consideration of the relevant documents submitted by the project proponent, additional clarifications furnished in response to its observations and the recommendation of the SEAC have in their meeting held on 31st August 2020 decided to accord Environmental Clearance in accordance with the provisions of Environmental Impact Assessment Notification-2006 and its subsequent amendments, subject to strict compliance of the following terms and conditions: -

I. Statutory Compliance.

- i) The project proponent shall obtain all necessary clearance/permission from all relevant agencies including town planning authority before commencement of work. All the construction shall be done in accordance with the local building byelaws.
- ii) The approval of the Competent Authority shall be obtained for structural safety of the constructions due to earthquakes, adequacy of firefighting equipment etc as per National Building Code including protection measures from lightning etc.
- iii) The project proponent shall obtain forest clearance under the provisions of Forest (Conservation) Act, 1980, in case of diversion of forest land for non forest purpose involved in the project.
- iv) The proponent shall obtain clearance from the National Board for Wildlife, if applicable
- v) The project proponent shall obtain Consent to Establish / Operate under the provisions of Air (Prevention & Control of Pollution) Act, 1981 and the



SEIAA 63 CON 2020

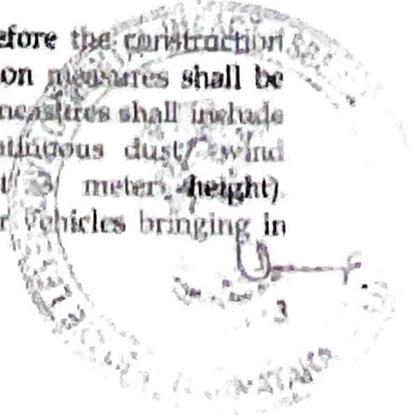
Proposed Mixed Used developmental
Project by M/S. Sai Sevanthi Infra
Projects Pvt. Ltd

Water (Prevention & Control of Pollution) Act, 1974 from the concerned State Pollution Control Board/ Committee.

- vi) The project proponent shall obtain the necessary permission for drawl of ground water / surface water required for the project from the competent authority.
- vii) A certificate of adequacy of available power from the agency supplying power to the project along with the load allowed for the project should be obtained.
- viii) All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department shall be obtained, as applicable, by project proponents from the respective competent authorities.
- ix) The provisions of the Solid Waste Management Rules, 2016, e-Waste (Management) Rules, 2016, and the Plastics Waste Management Rules, 2016 shall be followed.
- x) The project proponent shall follow the ECBC/ECBC-R prescribed by Bureau of Energy Efficiency, Ministry of Power strictly.

II. Air quality monitoring and preservation

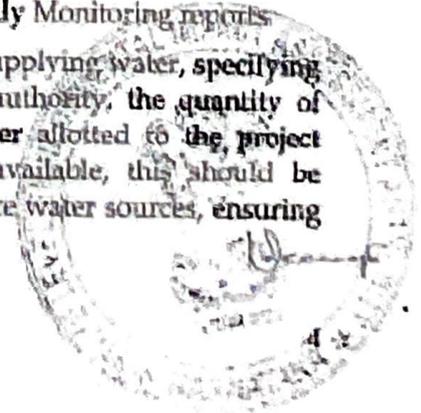
- i) Notification GSR 94(E) dated 25.01.2018 of MoEF&CC regarding Mandatory Implementation of Dust Mitigation Measures for Construction and Demolition Activities for projects requiring Environmental Clearance shall be complied with.
- ii) A management plan shall be drawn up and implemented to contain the current exceedance if any in ambient air quality at the site.
- iii) The project proponent shall install system to carryout Ambient Air Quality monitoring for common/criterion parameters relevant to the main pollutants released (e.g. PM₁₀ and PM_{2.5}) covering upwind and downwind directions during the construction period.
- iv) Diesel power generating sets proposed as source of backup power should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use of low sulphur diesel. The location of the DG sets may be decided with in consultation with State Pollution Control Board.
- v) Construction site shall be adequately barricaded before the construction begins. Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, contiguous dust/wind breaking walls all around the site (at least 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in



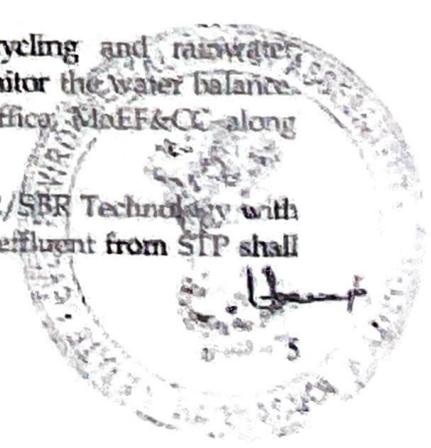
- sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site.
- vi) Sand, murrum, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution.
 - vii) Wet jet shall be provided for grinding and stone cutting.
 - viii) Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.
 - ix) All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Rules 2016.
 - x) The diesel generator sets to be used during construction phase shall be low sulphur diesel type and shall conform to standards prescribed under Environmental (Protection) Rules for air and noise emission standards.
 - xi) The gaseous emissions from DG set shall be dispersed through adequate stack height as per CPCB standards. Acoustic enclosure shall be provided to the DG sets to mitigate the noise pollution. Low sulphur diesel shall be used. The location of the DG set and exhaust pipe height shall be as per the provisions of the Central Pollution Control Board (CPCB) norms.

III. Water quality monitoring and preservation

- i) The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site, on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.
- ii) Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
- iii) Total fresh water use shall not exceed the proposed requirement as provided in project details.
- iv) The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project proponent. The record shall be submitted to the Regional Office, MoEF&CC along with six monthly Monitoring reports.
- v) A certificate shall be obtained from local body supplying water, specifying the total annual water availability with local authority, the quantity of water already committed, the quantity of water allotted to the project under consideration and the balance water available, this should be specified separately for ground water and surface water sources, ensuring that there is no impact on the other users.



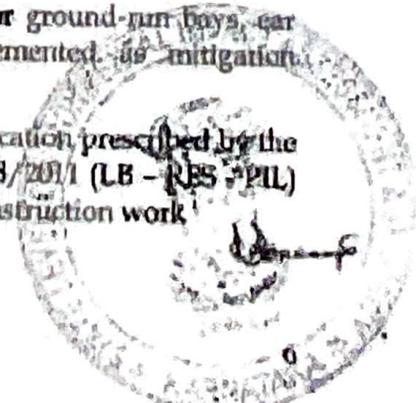
- vi) At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
- vii) Installation of dual pipe plumbing for supplying fresh water for drinking, cooking and bathing etc and other for supply of recycled water for flushing, landscape irrigation, car washing, thermal cooling, conditioning etc. shall be done.
- viii) Use of water saving devices/ fixtures (viz, low flow flushing systems; use of low flow faucets tap aerators etc) for water conservation shall be incorporated in the project area.
- ix) Separation of grey and black water should be done by the use of dual plumbing system. In case of single stack system separate recirculation lines for flushing by giving dual plumbing system be done.
- x) The project proponent shall identify a suitable source of treated water for construction and submit an MOU/ Agreement with such suppliers. If so the supplier identified shall be responsible for treatment of water with appropriate technology to the standards required for construction purpose.
- xi) The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Byelaws, 2016.
- xii) A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.
- xiii) All recharge should be limited to shallow aquifer.
- xiv) No ground water shall be used during construction phase of the project.
- xv) Any ground water dewatering should be properly managed and shall conform to the approvals and the guidelines of the CGWA in the matter. Formal approval shall be taken from the CGWA for any ground water abstraction or dewatering.
- xvi) The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance. The record shall be submitted to the Regional Office, MoEF&CC along with six monthly Monitoring reports.
- xvii) Sewage shall be treated in the STP based on MBBR/SBR Technology with tertiary treatment i.e. Ultra Filtration. The treated effluent from STP shall



- be recycled/re-used for flushing, landscaping and HVAC cooling. No treated water shall be discharged to municipal drain.
- xviii) No sewage or untreated effluent water would be discharged through storm water drains.
- xix) The existing water body, canals and rajakaluve and other drainage and water bound structures shall be retained unaltered with due buffer zone as applicable and maintained under tree cover.
- xx) Onsite sewage treatment of capacity of treating 100% waste water to be installed. The installation of the Sewage Treatment Plant (STP) shall be certified by an independent expert and a report in this regard shall be submitted to the Ministry before the project is commissioned for operation. Treated waste water shall be reused on site for landscape flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per statutory norms notified by Ministry of Environment, Forest and Climate Change. Natural treatment systems shall be promoted.
- xxi) Periodical monitoring of water quality of treated sewage shall be conducted. Necessary measures should be made to mitigate the odour problem from STP.
- xxii) Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organization (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.

IV. Noise monitoring and prevention

- i) Ambient noise levels shall conform to residential area both during day and night as per Noise Pollution (Control and Regulation) Rules, 2000. Incremental pollution loads on the ambient air and noise quality shall be closely monitored during construction phase. Adequate measures shall be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB / SPCB.
- ii) Noise level survey shall be carried as per the prescribed guidelines and report in this regard shall be submitted to Regional Officer of the Ministry as a part of six-monthly compliance report.
- iii) Acoustic enclosures for DG sets, noise barriers for ground-run hoys, ear plugs for operating personnel shall be implemented as mitigation measures for noise impact due to ground sources.
- iv) The project proponent shall ensure the time specification prescribed by the Hon'ble High Court of Karnataka in WP. No. 1958/2011 (LB - RES - PIL) on 04.12.2012 for different activities involved in construction work.

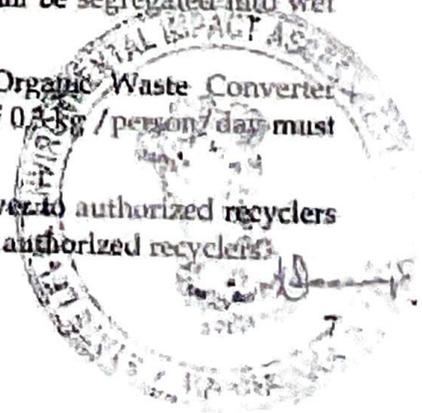


V. Energy Conservation measures

- i) Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC.
- ii) Outdoor and common area lighting shall be LED.
- iii) Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window, and roof u-values shall be as per ECBC specifications.
- iv) Energy conservation measures like installation of LED for the lighting the area outside the building should be integral part of the project design and should be in place before project commissioning.
- v) Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.
- vi) Solar power shall be used for lighting in the apartment to reduce the power load on grid. Separate electric meter shall be installed for solar power. Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.

VI. Waste Management

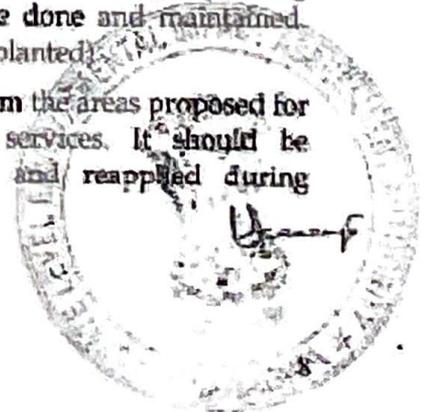
- i) A certificate from the competent authority handling municipal solid wastes, indicating the existing civic capacities of handling and their adequacy to cater to the M.S.W. generated from project shall be obtained.
- ii) Disposal of muck during construction phase shall not create any adverse effect on the neighboring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- iii) Separate wet and dry bins must be provided and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials.
- iv) Organic waste compost/ Vermiculture pit/ Organic Waste Converter within the premises with a minimum capacity of 0.3kg /person/day must be installed.
- v) All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.



- vi) Any hazardous waste generated during construction phase, shall be disposed off as per applicable rules and norms with necessary approvals of the State Pollution Control Board.
- vii) Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include Fly Ash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials.
- viii) Fly ash should be used as construction material as per the provision of Fly Ash Notification of September, 1999 and amended as on 27th August, 2003 and 25th January, 2016. Ready mixed concrete must be used in construction.
- ix) Any wastes from construction and demolition activities related thereto shall be managed so as to strictly conform to the Construction and Demolition Waste Management Rules, 2016.
- x) Used CFLs/TFLs/LED should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/ rules of the regulatory authority to avoid mercury contamination.

VII. Green Cover

- i) No tree cutting/transplantation should be carried out unless exigencies demand. Where absolutely necessary, tree transplantation shall be with prior permission from the concerned regulatory authority. Old trees should be retained based on girth and age regulations as may be prescribed by the Forest Department. Plantations to be ensured species (cut) to species (planted).
- ii) A minimum of 1 tree for every 80 Sqm of land should be planted and maintained. The existing trees will be counted for this purpose. The landscape planning should include plantation of native species. The species with heavy foliage, broad leaves and wide canopy cover are desirable. Water intensive and/or invasive species should not be used for landscaping.
- iii) Where the trees need to be cut with prior permission from the concerned local Authority, compensatory plantation in the ratio of 1:10 (i.e. planting of 10 trees for every 1 tree that is cut) shall be done and maintained. Plantations to be ensured species (cut) to species (planted).
- iv) Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.

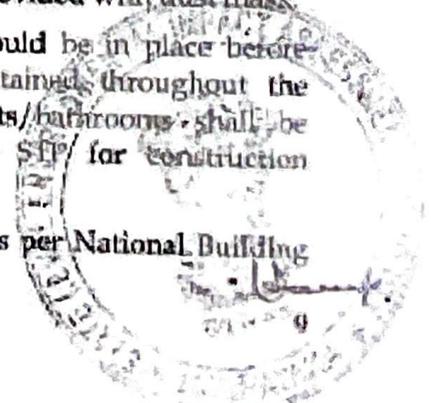


VIII. Transport

- i) A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria.
 - a. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic.
 - b. Traffic calming measures.
 - c. Proper design of entry and exit points.
 - d. Parking norms as per local regulation.
- ii) Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards be operated only during nonpeak hours.
- iii) A detailed traffic management and traffic decongestion plan shall be drawn up to ensure that the current level of service of roads within a 5 km radius of the project is maintained and improved upon after the implementation of the project. This plan should be based on cumulative impact of all development and increased habitation being carried out or proposed to be carried out by the project or other agencies in this 5 km radius of the site in different scenarios of space and time and the traffic management plan shall be duly validated and certified by the State Urban Development department and the P.W.D./ competent authority for road augmentation and shall also have their consent to the implementation of components of the plan which involve the participation of these departments.
- iv) Provide at the main entrances bell gates, which are located at least 12' inside the boundary of the project to enable smooth flow of traffic on the main road leading to the entrance

IX. Human health issues

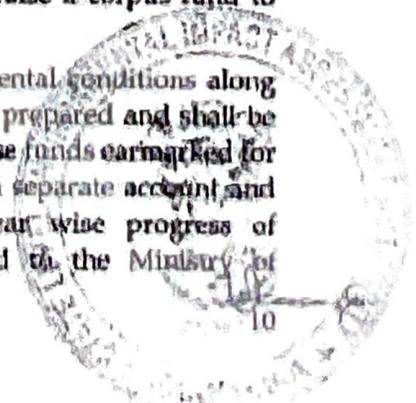
- i) All workers working at the construction site and involved in loading, unloading, carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.
- ii) All required sanitary and hygienic measures should be in place before starting construction activities and to be maintained throughout the construction phase. Sufficient number of toilets/bathrooms shall be provided with required mobile toilets, mobile SIP for construction workforce
- iii) For indoor air quality the ventilation provisions as per National Building Code of India.



- iv) Emergency preparedness plan based on the Hazard Identification and Risk Assessment (HIRA) and Disaster Management Plan shall be implemented.
- v) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, creche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- vi) Occupational health surveillance of the workers shall be done on a regular basis.
- vii) A First Aid Room shall be provided in the project both during construction and operations of the project.

X. Corporate Environment Responsibility

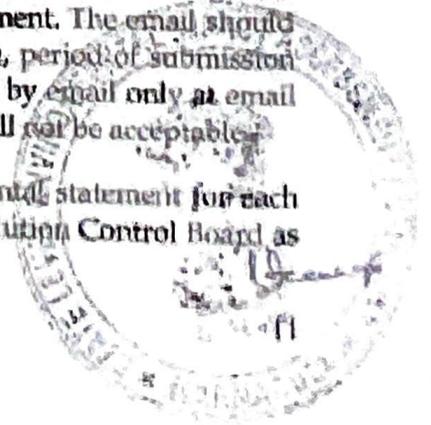
- i) The project proponent shall comply with provision contained in OM vide F.No. 22-65/2017-IA.III dated 1st May 2018, of the Ministry of Environment, Forest and Climate Change as applicable, regarding Corporate Environment Responsibility and shall execute the action plan with a total cost of minimum of Rs. 12.2 Crores contribute to CM Cares Fund, as submitted vide letter dated 03/9/2020.
- ii) The company shall have a well laid down environmental policy duly approved by the Board of Directors. The environmental policy should prescribe for standard operating procedures to have proper checks and balances and to bring into focus any infringements/deviation/violation of the environmental / forest / wildlife norms / conditions. The company shall have defined system of reporting infringements / deviation / violation of the environmental / forest / wildlife norms / conditions and / or stakeholders / stake holders. The copy of the board resolution in this regard shall be submitted to the MoEF&CC as a part of six-monthly report.
- iii) A separate Environmental Cell both at the project and company head quarter level, with qualified personnel shall be set up under the control of senior Executive, who will directly to the head of the organization. The project proponent enter into an agreement with the prospective buyers/tenants to ensure that they maintain the cell and take care of all environment concerns during the operation phase of the project. In addition, sufficient fees should be levied so as to raise a corpus fund to maintain the Environment cell.
- iv) Action plan for implementing EMP and environmental conditions along with responsibility matrix of the company shall be prepared and shall be duly approved by competent authority. The year wise funds earmarked for environmental protection measures shall be kept in separate account and not to be diverted for any other purpose. Year wise progress of implementation of action plan shall be reported to the Ministry of



Environment, Forest and Climate Change/ Regional Office along with the Six Monthly Compliance Report.

XI. Miscellaneous

- i) The project proponent shall prominently advertise it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days indicating that the project has been accorded environment clearance and the details of MoEFCC/SEIAA website where it is displayed.
- ii) The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
- iii) The Project Proponent shall obtain the construction material such as stones and aggregates etc. only from the approved quarries and other construction material shall also be procured from the authorized agencies/traders.
- iv) The project proponent shall not use Kharab land if any for any purpose and keep available to the general public duly displaying a board as public property. No structure of any kind be put up in the Kharab land and shall be afforested and maintained as green belt only.
- v) The Project proponent shall build in infrastructure required for use of Piped Natural Gas (PNG) such as pipelines and space for installation of PNG distribution equipment for both domestic/commercial purpose and DG set and shall ensure that PNG is supplied for both commercial and for DG sets instead of other type of fuels.
- vi) The project proponent shall upload the status of compliance of the stipulated environment clearance conditions, including results of monitored data on their website and update the same on half-yearly basis.
- vii) The project proponent shall submit six-monthly reports on the status of the compliance of the stipulated environmental conditions on the website of the ministry of Environment, Forest and Climate Change at environment clearance portal.
- viii) The Half Yearly Compliance Reports (HYCRs) with its contents of a covering letter, compliance reports, and environmental monitoring data has to be in PDF format merged into a single document. The email should clearly mention the name of project, EC No & date, period of submission and to be sent to the Regional Office of MOEF&CC by email only at email ID rosz.bng-mefcc@gov.in Hard copy of HYCRs shall not be acceptable.
- ix) The project proponent shall submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as



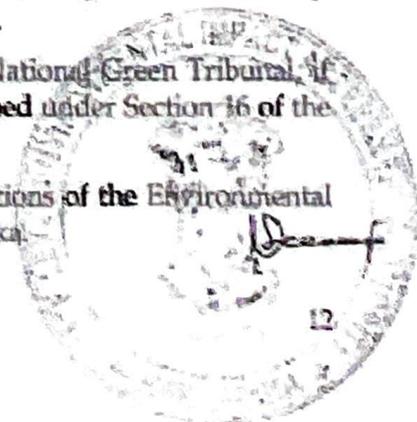
State Level Environment Impact Assessment Authority-Karnataka
(Constituted by MoEF, Government of India under section 3(3) of EIA Act 1986)

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SELAA 63 CON 2020

Proposed Mixed Used developmental
Project by M/S. Sai Sravanthi Infra
Projects Pvt. Ltd

- prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company.
- x) The project proponent shall inform the Regional Office as well as the Ministry of Environment, Forest and Climate Change, the date of financial closure and final approval of the project by the concerned authorities, commencing the land development work and start of production operation by the project.
 - xi) The project authorities must strictly adhere to the stipulations made by the State Pollution Control Board and the State Government.
 - xii) The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP report and also that during their presentation to the Expert Appraisal Committee.
 - xiii) No further expansion or modifications in the plan shall be carried out without prior Environmental Clearance from the competent authority.
 - xiv) Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of Environment (Protection) Act, 1986.
 - xv) The State Level Environment Impact Assessment Authority, Karnataka may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.
 - xvi) The SELAA, Karnataka reserves the right to stipulate additional conditions if found necessary. The Company in a time bound manner shall implement these conditions.
 - xvii) The Regional Office of MoEF&CC shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information/monitoring reports.
 - xviii) The above conditions shall be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 along with their amendments and Rules and any other orders passed by the Hon'ble Supreme Court of India / High Courts and any other Court of Law relating to the subject matter.
 - xix) Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
 - xx) Copies of six monthly compliance on the conditions of the Environmental Clearance shall be submitted to SELAA, Karnataka.



XII. Specific Conditions

- i) CNG Gen sets in place of DG sets may be put up if feasible.
- ii) Only registered labours should be employed.
- iii) 20% eco friendly materials to be used for construction.
- iv) The waste generated during the process of construction should be disposed in accordance with Construction & Demolition waste handling rules-2016.
- v) E-waste generated should be separately collected and disposed off through authorized recyclers in accordance with the E-waste handling rules.



Yours faithfully,


(Vijayakumar Gogi)
Member Secretary,
SEIAA, Karnataka.

Copy to:

1. The Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, Allgani, New Delhi - 110 003.
2. The Commissioner, Bruhat Bengaluru Mahanagara Palike (BBMP), N.R. Square, Bangalore - 560 002
3. The Member Secretary, Karnataka State Pollution Control Board, Bengaluru.
4. The APCCF, Regional Office, Ministry of Environment & Forests (SZ), Kendriya Sadan, IV Floor, E & F wings, 17th Main Road, Koramangala II Block, Bengaluru - 560 034.
5. Guard File.

**Consent For Establishment (CFE)**

Consent No. CFE-331068 Valid upto: 28/04/2027

Karnataka State Pollution Control Board
Parivara Bhavan, No.10, Channarayana Street, Bangalore-560001
Phone: 080-25587111, 25587112
Fax: 080-25587111
Email id: kspcb.gov.in

Industry Colour: RED Industry Scale: LARGE

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(This document contains 5 pages including annexure & excluding additional conditions)

ANNEXURE - B

Consent Order No. CTE-331068 PCB ID: 107230 Date: 29/04/2022

To,

The Applicant

Sai Sravanthi Infra Projects Pvt Ltd Mixed Used Development Project
M/s. Sai Sravanthi Infra
Projects Pvt. Ltd., S. V.
Square, 5th Floor, #8-2-293/8

Sir,

Sub: Consent to Establish under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981-reg.,

Ref: 1. CFE application submitted by the industry/organization on 28/10/2021 at Regional Office

2. Inspection of the project site by Regional Officer Bangalore Mahadevapur on 24/01/2022

3. Proceedings of the ECM dated 04/04/2022 held on 28/03/2022

With reference to the above, Karnataka State Pollution Control Board hereby accords Consent for Establishment for new Activity under the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 at the location indicated below subject to the following terms & conditions.

Location:Name of the Applicant: Sai Sravanthi Infra Projects Pvt Ltd Mixed Used Development Project
Address: SY NOS. 23, 22, 21/1, 21/2, 21/3, 124 & 125, BIDARAHALLI HOBLI, BANGALORE EAST TALUK, BANGALORE
Industrial Area: Not in I.A. SEEGEHALI VILLAGE,
Taluk: BBMP- W- 52, District: Bangalore Urban**Conditions:**

1. This consent for establishment is valid up to 28/04/2027 from the date of issue.
2. The applicant shall not undertake expansion/diversification without the prior consent of the Board.
3. The applicant shall obtain necessary license/clearance from other relevant statutory agencies as required under the law.
4. This consent is granted considering the following activities:

Sr	Product Name	Applied Qty	Unit
1	Mixed used development (commercial office building having 37,550.30 sqm & residential apartment with 1967 flats having 3,07,053.50 SQM both having a combined TBUA of 3,44,603.80 SQM)	1.0000	Number Of

1. WATER CONSUMPTION:

1. The source of water shall be from Other and total water consumption shall be as below.

Particulars	Water consumption(KLD)
Domestic Purpose	1435.0



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(This document contains 5 pages including annexure & excluding additional conditions)

II. WATER POLLUTION CONTROL:

1. The discharge from the premises of the applicant shall pass through the terminal manhole/manholes where from the Board shall be free to collect samples in accordance with the provisions of the Act or Rules made there under.
2. The applicant shall treat the domestic wastewater from the factory in septic tank with soak pit. No overflow from the soak pit is allowed. The septic tank and soak pit shall be designed as per IS 2470 Part - I and Part- II
3. The applicant shall treat the domestic wastewater in the Sewage Treatment Plant (STP) as per the proposal submitted. It shall meet the standards specified in Annexure-I & shall be used on land for gardening/greenbelt within the factory premises.
4. The quantity of domestic waste water and trade effluent generated from the proposed industry shall not exceed the permitted quantity as indicated below

-Discharge of effluents under the Water Act:

Sl. No.	Description	Permitted Quantity of discharge in KLD	Mode/Place of disposal
	1 Domestic Purpose	1215.000	Sewage effluent shall be discharge into STP of capacity 1300 KLD (Residential 1200 KLD & Commercial 100 KLD), treated to standards stipulated at all times and used for secondary urban purposes within the premises with Zero Liquid discharge outside.

5. The applicant shall treat the trade effluent in proposed ETP which consists of the following:

STP & ETP details

SlNo	ETP/STP NO	ETP Code	Category Name	Capacity (Meter Cubic)	Units	Remarks
1	STP2	BS-	Bar Screen	0.20	1	
2	STP1	BS-	Bar Screen	0.20	1	
3	STP1	DEC	P-Decanter	52.33	1	
4	STP2	DEC	P-Decanter	360.00	1	
5	STP1	EQU	P-Equalization Tank	40.00	1	
6	STP2	EQU	P-Equalization Tank	400.00	1	
7	STP1	AER	S-AERATION TANK	110.25	1	
8	STP2	AER	S-AERATION TANK	478.00	1	
9	STP2	SHT	S-SLUDGE HOLDING TANK	60.00	1	
10	STP1	SHT	S-SLUDGE HOLDING TANK	6.00	1	
11	STP1	CFL	T-CARBON FILTER	6.00	1	
12	STP2	CFL	T-CARBON FILTER	37.50	2	
13	STP2	SFL	T-SAND FILTER	37.50	2	
14	STP1	SFL	T-SAND FILTER	6.00	1	

6. The applicant shall ensure that the ETP will treat the effluent to the stipulated standards as indicated in Annexure-I
7. The applicant shall not discharge any effluent outside the industry premises.
8. The applicant shall provide separate flow meter for inflow & outflow of effluents through ETP and separate energy meter and shall maintain a logbook for hourly record of meter reading for the verification of inspecting officers
9. The applicant shall discharge the effluents only to the place mentioned in the Consent order.



Consent For Establishment (CFE)

Consent No. CTE-331068 Valid upto: 28/04/2027

Karnataka State Pollution Control Board
Parivara Bhavana, No.49, Choral
Street, Bangalore-560001
Tel: 080-255891120, 25581283
Fax: 080-25586321
email id: kspcb@kspcb.gov.in

Industry Colour: RED Industry Scale: LARGE

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(This document contains 5 pages including annexure & excluding additional conditions)

5. The applicant shall immediately report to the Board of any accident or unforeseen act or event resulting in release of discharge of effluents or emissions or solid wastes etc. in excess of the standards stipulated. And the industry shall immediately take appropriate corrective and preventive actions under intimation to the Board.
6. The Board reserves the right to review, impose additional condition or conditions, revoke, change or alter the terms and conditions.
7. This CFE does not give any right to the Party/Project Authority/Industry to forego any other legal requirement, that is necessary for setting/operation of the plant.
8. The applicant shall furnish pointwise compliance to the conditions given under this consent for establishment along with the application for Consent to operate.
9. The applicant is liable to reinstate or restore, damaged or destroyed elements of environment at his cost. In case applicant/occupier as the case may be shall be liable to pay the entire cost of remediation or restoration amount equal to the cost estimated by Competent Agency or Committee.
10. The applicant shall comply with all the Conditions and guidelines issued from time to time.
11. The applicant must create structure/facility for rain water harvesting and ground water recharge.
12. The applicant shall develop extensive green belt within the periphery of the plant.
13. This consent is issued without prejudice to Court Cases pending in any Hon'ble Court.

Please note that this is only consent for establishment issued to you to proceed with the formalities for establishment of the industry and does not give any right to proceed with trial/regular production. For this purpose, separate consents of the Board for discharge of liquid effluent and the emissions to the air shall have to be obtained by remitting prescribed consent fee. The application for consent has to be made 45 days in advance of commissioning for trial production of the plant.

The receipt of this letter may please be acknowledged.

Consent Fee paid :Rs. 375000

Note:

The Conditions II(2),(6), III(2), IV(1), V(1) mentioned in the schedule are not applicable.

Additional Conditions:

- II(2),(6), III(2), IV(1), V(1), VI(1) & VII(4) these conditions are not applicable.

The project authorities shall strictly comply with the conditions stipulated in Annexure I contains pages.

The CFE is issued as per the recommendations of the Enforcement Committee Meeting held on 28th March 2022 duly approved by Member Secretary & Hon'ble Chairman.

COPY TO:

1. The Environmental Officer, KSPCB, Regional Office, Bangalore Mahadevapura for information and to inspect the industry during your next visit to the area.
2. Master copy (Dispatch).
3. Office copy.

ANNEXURE- II



Industry Colour: RED Industry Scale: LARGE

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(This document contains 5 pages including annexure & excluding additional conditions)

III. AIR POLLUTION CONTROL:

1. The Source of emission, Stack height & Air Pollution Control (APC) measures shall be as specified in ANNEXURE-II.
2. The applicant shall provide port holes for sampling of emission, access platforms for carrying out stack sampling, electrical points and all other necessary arrangements including ladder as indicated in Annexure-II.
3. The applicant shall upgrade/modify/replace the control equipment with prior permission of the Board.

IV. NOISE POLLUTION CONTROL:

The applicant shall ensure that the ambient noise levels within its premises during construction and during operational period shall not exceed w.r.t Area/Zone as per Noise Pollution (Regulation and Control) Rules, 2000 as mentioned below:-

- a) In Industrial Area 75 dB(A) Leq during day time and 70 dB(A) Leq during night time.
- b) In Commercial Area 65 dB(A) Leq during day time and 55 dB(A) Leq during night time.
- c) In Residential Area 55 dB(A) Leq during day time and 45 dB(A) Leq during night time.
- d) In Silence Zone 50 dB(A) Leq during day time and 40 dB(A) Leq during night time.

Note: - * Day time shall mean 6 am to 10 pm and Night time shall mean 10 pm to 6 am.

- * dB(A) Leq denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing.
- * A "decibel" is a unit in which noise is measured.
- * "A", in dB(A) Leq, denotes the frequency weighting in the measurement of noise and corresponds to frequency response characteristics of the human ear.
- * Leq: It is an energy mean of the noise level over a specified period.

V. SOLID WASTE (OTHER THAN HAZARDOUS WASTE) DISPOSAL:

1. The applicant shall collect, treat and dispose off all solid waste generated from the process other than wastes covered under the Hazardous and other Wastes (Management & Transboundary Movement) Rules 2016, in such manner so as not to cause environmental pollution.
2. The details of solid waste generated from the proposed plant and mode of disposal shall be as below.

Sr	Solid Waste Name/Type	Qty-Unit	Mode of Disposal
1	Organic Solid Waste	94.0800 - M.T	OTH
2	Inorganic Solid waste	67.3200 - M.T	OTII

VI. HAZARDOUS AND OTHER WASTES (MANAGEMENT & TRANSBOUNDRY MOVEMENT) RULES 2016:

1. The applicant shall apply and obtain authorization under Hazardous and Other Wastes (Management & Transboundary Movement) Rules 2016, and comply with the provisions of the said Rules.

VII. GENERAL:

1. The applicant shall transport and store the raw materials in a manner so as not to cause any damage to environment, life and property. The applicant shall be solely responsible for any damages to environment.
2. The applicant shall not commission the proposed plant for trial or regular production unless necessary Water & air pollution control equipments are installed as specified in the Consent Order.
3. The applicant shall ensure that the treatment plant and control equipments are completed and commissioned simultaneously along with construction of the factory and erection of machineries.
4. The applicant shall not change or alter (a) raw materials or manufacturing process, (b) change the products or product mix (c) the quality, quantity or rate of discharge/emissions and (d) install/replace/alter the water or air pollution control equipments without the prior approval of the Board.



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(This document contains 3 pages including annexure & excluding additional conditions)

Chimney No.	Chimney Capacity KVA Rating	Minimum chimney height to be provided above ground level (in Mtr)	Constituents to be controlled in the emission	Tolerance limits mg/NM3	Fuel	Air pollution Control equipment to be installed, in addition to chimney height as per col.(4)	Date of which air pollution control equipments shall be provided to achieve the stipulated tolerance limits and chimney heights conforming to stipulated heights.
1	D.G. Sets 1100 KVA - 9 Nos.		30 PM, SO2, NOx	75.0, 710	DIE	AEC	

Note:

AEC : Acoustic Enclosures

LOCATION OF SAMPLING PORTHOLES, PLATFORMS, ELECTRICAL OUTLET.

1. Location of Portholes and approach platform:

Portholes shall be provided for all chimneys, stacks and other sources of emission. These shall serve as the sampling points. The sampling point should be located at a distance equal to atleast eight times the stack or duct diameters downstream and two diameters upstream from source of low disturbance such as a Bend, Expansion, Construction Valve, Fitting or Visible Flame or rectangular stacks, the equivalent diameter can be calculated from the following equation.

$$\text{Equivalent Diameter} = \frac{2 (\text{Length} \times \text{Width})}{(\text{Length} + \text{Width})}$$

- The diameter of the sampling port should not be less than 100mm dia". Arrangements should be made so that the porthole is closed firmly during the non sampling period.
- An easily accessible platform to accommodate 3 to 4 persons to conveniently monitor the stack emission from the portholes shall be provided. Arrangements for an Electric Outlet Point of 230 V 15 A with suitable switch control and 3 Pin Point shall be provided at the Porthole location.
- The ladder shall be provided with adequate safety features so as to approach the monitoring location with ease.

FOR AND ON BEHALF OF KARNATAKA POLLUTION CONTROLBOARD

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13076/2024
Shiva Shankar Reddy
ANNEXURE - D

29

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 10TH DAY OF FEBRUARY, 2012

BEFORE

THE HON'BLE MR. JUSTICE B.S.PATIL

W.P.No.44277/2011 (LB-BMP)

C/w

W.P.No.29108/2011 & 29318-27/2011 (LB-BMP)

BETWEEN:

Sobha Developers Limited,
a Company incorporated under
the Companies Act, 1956,
having its registered office at
E-106, Sunrise Chambers,
22, Ulsoor Road,
Bangalore - 560 042,
Represented by its
Authorised Signatory,
Mr. Vijaykumar G.Bagoji.

... PETITIONER
(COMMON)

(By Sri K.G.Raghavan, Sr. Counsel for
Sri Suraj Govinda Raj, Adv., for
M/s. Anup S.Shah Law Firm, Advs.)

AND:

1. Bruhat Bangalore Mahanagara Palike,
Hudson Circle, N.R.Road,
Bangalore. Represented by its
Commissioner
2. Assistant Executive Engineer,
Bruhat Bangalore Mahanagara Palike,
Peenya Industrial Centre, Sub-Division,
H.M.T.Layout, Bangalore - 560 073.



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Pages

Received

3. Bangalore Development Authority,
T.Chowdalah Road, Kumara Park West,
Bangalore, Represented by its
Commissioner.

... RESPONDENTS
(COMMON)

(By Sri I.G.Gachchinamath, Adv. for R-1 & R-2;
Sri M.B.Prabhakar, Adv. for R-3)

W.P.No.44277/2011 is filed under Articles 226 & 227 of the Constitution of India, praying to quash the endorsement dated 19.11.2011 vide Annexure-A.

W.P.No.29108/2011 & W.P.No.29318-27/2011 is filed under Articles 226 & 227 of the Constitution of India, praying to direct restraining the respondents, their agents or any one claiming through or under the respondents from in any manner trespassing on the schedule property belonging to the petitioner and/or in any manner demolishing or attempting to demolish the construction or any of its peripheral compound wall or other structures erected by the petitioner on the schedule property.

These petitions having been and heard and reserved for orders on 01.02.2012, coming on for 'Pronouncement of Order', this day, the Court made the following:

ORDER

1. Since the questions raised and the parties in these writ petitions are common, they are clubbed together, heard and disposed of by this common order.
2. Petitioner is a construction company incorporated under the provisions of the Companies Act, 1956. In this writ petition, it is aggrieved by the refusal by respondents 1 & 2 to grant permission for road cutting to lay the electrical underground



cable for the residential project known as Sobha Ruby and Sobha Platinum constructed in Sy.No.5/3, 18/1 to 18/6, 23, 68,69/2 and 70, situated at 8th Mile, Nagasandra Village, Yeshwantpura Hobli, Bangalore North Taluk.

3. The lands in question were purchased by the petitioner under a Sale Deed dated 23.3.2005 in auction proceedings initiated by the Court receiver as per the order passed by the Debts Recovery Tribunal-I, Mumbai in O.A.No.264/2001. After the purchase, petitioner claims to have got the property converted to residential use for the purpose of construction of residential apartments. The petitioner applied for all necessary clearances, approval and sanctions from various statutory authorities for the purpose of putting up construction. The Surveyor attached to the office of the Special Land Acquisition Officer, Bangalore Development Authority, conducted a survey and submitted a survey sketch on 3.3.2006 as per Annexure-C.

4. It is the case of the petitioner that the said survey sketch was prepared on 'as is where is' and 'as is what is' basis. It is relevant to notice here that before the petitioner purchased the property and got it converted for residential use, there were industrial sheds and factory building belonging to Deepak



Insulated Cables Corporation Ltd., which came to be sold in public auction pursuant to the order passed by the Debts Recovery Tribunal. The petitioner approached the then Bangalore Development Authority with the development and building plan and after the same were approved, petitioner undertook demolition of the factory and commenced the construction of residential building complex. Necessary commencement certificate came to be issued by the Bangalore Development Authority.

5. It is the further case of the petitioner that they have relinquished their rights in a portion of the aforementioned properties for undertaking development as required under the Karnataka Town and Country Planning Act,. According to the petitioner, they have relinquished an area measuring 11,623.52 sq. mtrs. for park and open spaces, an area measuring 7,749.01 sq. mtrs. for civic amenities and an area measuring 2,606.751 sq.mtrs. for road widening in favour of the Bangalore Development Authority, vide relinquishment deed dated 1.12.2006. The Bangalore Development Authority issued work order dated 26.2.2007 and plan sanction order dated 23.3.2007 authorizing the petitioner to construct the group housing



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project on the aforementioned properties. A copy of the work order and the plan sanction order are produced at Annexure-F. It is also urged by the petitioner that after the revised Master Plan, 2015, came into force, based on the application made by the petitioner to the Bangalore Development Authority, the modified work order dated 26.3.2010 and modified plan sanction order dated 23.4.2010 authorizing the petitioner to construct the group housing project in terms of the modified plan came to be issued. A copy of the same is also enclosed to the writ petition at Annexure-G.

6. Petitioner has filed W.P.No.29108 & 29318-327/2011 alleging interference with the possession by the respondents herein on the ground that the petitioner had put up construction on a Nala and a pathway as depicted in the village map. The petitioner has since put up construction of multistoried apartment building and it is urged by the petitioner that the built up area comes to around 19 lakhs sq. ft. on the property in question and the construction has been put up strictly in terms of the modified plan sanctioned.

7. It is the case of the petitioner that out of the 1200 apartments, the petitioner has already sold more than 934



apartments to various purchasers. According to the petitioner, in terms of the modified plan sanctioned, there are in all 6 blocks to be constructed, out of which block No.1 & 5 have already been constructed for which occupancy certificate has been issued by the Bangalore Development Authority on 26.5.2011. In furtherance of the same, sale deeds have been executed in favour of third parties and the said parties are stated to be in occupation of their respective apartments. The construction in respect of other blocks as urged in the writ petition has been under progress at varying stages, in that, while some of them are completed, some are nearly completed and the others are at an advanced stage of construction. In fact the petitioner has produced along with a memo during the course of arguments, one more occupancy certificate issued by the Bangalore Development Authority on 12.1.2012 for the constructed residential block No.4 with 184 dwelling units.

8. The petitioner applied on 20.8.2011 to the 2nd respondent requesting permission for road cutting so as to lay the electrical underground cable for its project from the Nelagadarahanahalli KPTCL Sub-Station. There was no response. Another application was submitted on 9.11.2011 requesting the 1st



respondent to act upon the application at the earliest pointing out the difficulties faced by the occupants of the premises in the residential project. These two representations are produced at Annexures-R & S, respectively. By an endorsement dated 19.11.2011, the 1st respondent has rejected the request made for permission to lay the electrical underground cable on the ground that certain illegalities have been resorted to by the petitioner in diverting the natural course of a Nala and the pathway running in the property in question. It is also stated that the petitioner had approached this Court in W.P.No.29108 & 29318-327/2011 against the BBMP and Bangalore Development Authority wherein an interim order is obtained against the Corporation in connection with the property in question and therefore, no permission could be granted. It is also stated in the endorsement that the subject is seized by the Public Works Standing Committee of the Corporation for consideration and decision. Thus, the stand taken by the respondent Corporation as per the impugned endorsement is that, as the petitioner had committed illegality as stated above and the cases were pending, no permission could be granted for road cutting. In this background, aggrieved by the endorsement issued refusing permission for road cutting and



seeking a direction to the 1st respondent to grant permission for road cutting, the present writ petition is filed.

9. It is contended by Mr. K.G.Raghavan, learned Senior Counsel appearing for the petitioner that the entire action of the 1st respondent is wholly illegal and arbitrary and is violative of Articles 14, 19 & 21 of the Constitution. His contention is that the petitioner having obtained the sanctioned plan from the Town Planning Authority viz., the Bangalore Development Authority and the said plan having been granted strictly in conformity with the comprehensive development plan and as also the revised master plan and zonal regulations, followed by the construction already put up by the petitioner culminating in the grant of occupancy certificate by the BDA, it was absolutely impermissible for the 1st respondent to subject the petitioner to such harassment by intentionally refusing to issue the road cutting permission on baseless and untenable grounds.

10. It is his further contention that the petitioner has not violated any of the conditions imposed and has in fact, relinquished in favour of the BDA vast extent of vacant land for the purpose of earmarking the same as park, open space and for road. It is urged that sale deeds have been executed in



favour of various third parties by the petitioner in respect of most of the apartments and as such third party rights have been created in respect of the persons who have purchased the various apartments by raising loans from banks and financial institutions and refusal to grant permission for road cutting has been causing irreparable injury to the petitioner and the residents who have occupied premises.

11. He has invited the attention of the Court to Section 505 of the Karnataka Municipal Corporations Act, to contend that the Corporation is bound to act in conformity with the Town and Country Planning Act, meaning thereby the master plan and the zonal regulations and the revised master plan prepared are binding on all the authorities including the respondent-Corporation and it is not open for the 1st respondent to contend by relying on a village map that there existed a Nala or a pathway, when in fact no such Nala or pathway has been shown to have been in existence at the place with such width in the revised master plan. It is his contention that suitable and adequate arrangement for roads, storm water drains, culverts have been made in the revised Master Plan.



12. It is urged by him that there is no power or jurisdiction vested with the 1st respondent to enforce the village map ignoring the revised Master Plan and the roads, streets and other things provided for in the revised Master Plan in the locality. In other words, according to him, the BBMP had failed to establish that the land was covered by a Nala and pathway belonging to Government by producing any valid documents in any proceedings validly instituted before any Court of law.

13. Sri K.G.Raghavan, learned Senior Counsel has taken me through the provisions contained under the Karnataka Town and Country Planning Act, particularly Sections 12, 14, 26 and 76. To support his contention that when there is a Master Plan prepared by the Planning Authority, the same gets superimposed over any village map that might have been in existence prior to the area being included in the Comprehensive Development Plan and the Master Plan prepared and revised. He has further contended, by referring to Section 61-A of the Karnataka Municipal Corporations Act, that there is no power vested in the Standing Committee to sit in judgment over the plan sanctioned by the Planning Authority as all works in private land are being regulated by the planning authority. The



impugned endorsement issued stating that the Standing Committee is seized of the matter has been attacked as ex facie illegal. His contention is that once the Planning Authority sanctions the building plan and permits the construction in terms of the Master Plan prepared and strictly in conformity with the rules and regulations framed, it will not be open for the Corporation at the fag end when the entire construction is almost completed, to deny road cutting permission on the ground that the construction put up was on a pathway or a Nala as depicted in a village map. He urges that principles of promissory estoppel applies. Reliance is placed on the judgment of the Apex Court in this regard in the case of **STATE OF PUNJAB VS NESTLE INDIA LTD. AND ANOTHER - (2004)6 SCC 465**. He has also relied on the judgment of the Division Bench in the case of **H.V.VIJAYARAGHAVAN AND OTHERS VS MALATHI DAS & OTHERS - 2009(4) KCCR 2313** to contend that once Master Plan is prepared and finalized, any change in the same can only be as per Section 14A as interpreted by the Supreme Court in **S.N.CHANDRASHEKAR AND ANOTHER VS STATE OF KARNATAKA AND OTHERS - (2006)3 SCC 208**.



14. He has furnished the list of dates and events starting from the date on which the application was submitted to the Town Planning Member, Bangalore Development Authority on 1.2.2006 ranging over various stages through which the entire process of obtaining the sanction plan, commencement, construction and other activities have gone on. He therefore contends that the respondents are estopped from alleging that the petitioners deviated the natural course of storm water drain from the Centre of their property to the western most periphery.

15. Respondent-BBMP has filed statement of objections. It is contended by him that apart from diverting the Nala and the natural course of the stream which was running across the schedule property from North to South, the petitioners have brought down the size of the passage of the water course, thereby increasing the scope for unexpected floods. He has further referred to the stand taken by the BBMP that the joint survey was conducted as requested by the petitioner and it was found that the petitioner had put up construction on the Nala violating the building bye-laws and the provisions of the Town and Country Planning Act. The map issued by the revenue



authorities is referred to substantiate that there was a kachcha road and the Nala in existence in the land in question.

16. The Bangalore Development Authority has not filed any statement of objections. However, learned Counsel representing the Bangalore Development Authority Mr. M.B.Prabhakar has sought to justify the action of the BBMP. He has further contended that though Annexure-C- sketch and map depicting the kharab portion in the land in question, its topography is prepared by the surveyor attached to the Land Acquisition office of the Bangalore Development Authority, the said sketch does not seem to reflect the true state of affairs. He has placed reliance on the decision of the Apex Court in the case of **M.C.MEHTA VS KAMAL NATH AND ORS (1997) 1 SCC 388**.

17. Counsel for the respondent-BBMP contends that the petitioners have not only disturbed and shifted the natural course of the stream which was running across the schedule property from North to South passing across National Highway No.4, but have also brought down the size of vent way of the water course thereby increasing the scope of unexpected floods and unwarranted mishap during the rainy season. According



to him, petitioner has closed the natural Nala that was running across the center of the schedule property in contravention of all the rules and regulations. It is also urged by them that BBMP had issued a show cause notice to the petitioners calling upon them to show cause why the building license should not be cancelled. Petitioner had replied requesting the BBMP to conduct joint survey and the BBMP obliged and conducted the survey.

18. As the petitioners had contended that the survey had been conducted by the BBMP behind their back, this Court directed a fresh survey to be conducted by the Surveyor in the presence of the petitioner and the representatives of the Corporation. Accordingly, a fresh survey is conducted and a report is filed before this Court. On the basis of the said report, Mr. Gachchinmath, learned Counsel for the respondent-Corporation submits that even as per the said survey, it was apparent that the petitioner had deviated the natural flow of the Nala and also the pathway that was running in the land

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19. Upon hearing the learned Counsel for the parties and on careful perusal of the materials on record, the only question that requires to be examined in the instant case is,

“whether the respondent Corporation is justified in denying the road cutting permission to the petitioner to lay underground cable to the residential apartments constructed by them in the lands in question?”

20. Petitioner has produced along with the rejoinder filed on 22.11.2011, a Revised Master Plan 2015, and the proposed land use map in respect of the area in question. The drain passing in the lands in question is indicated with two parallel green lines under the category Hydrography. The area earmarked in purple colour is shown as industrial area, whereas the area shown in yellow colour is the residential area. It is not in dispute that the petitioner has got the area that was earlier reserved for industrial purpose changed into residential purpose. It is also not in dispute that as per the Master Plan, its construction is in the area meant for residential purpose including the portion for which the petitioner got the change of land use from industrial to residential purpose. Admittedly, there is no other drain, nala or pathway in the Master Plan to demonstrate that the petitioner had deviated the same for the



purpose of putting up construction. It is also evident from Annexure-C - survey sketch prepared by the BDA on 03.03.2006 that no Nala or pathway as claimed by the respondent-Corporation has been shown to be running in the lands in question as is sought to be projected in the survey sketch prepared by the Surveyor based on the village map. Annexure-C - Sketch prepared by the BDA is prior to the date on which the petitioner was granted license.

21. As rightly contended by the Counsel for the petitioner, once the Master Plan is prepared indicating the existence of roads, drains, streets, etc., and particularly the Planning Authority at an undisputed point of time had prepared a sketch of the lands wherein no such passage of Nala in the middle of the property or the existence of pathway therein was shown, it is not open for the Corporation at such a belated stage to raise an objection solely based on the village map to contend that the existing Nala was deviated by the petitioner. It is to be noticed that the draft of the Master Plan would be published and sent to the Government enclosing the report of the survey conducted and after taking into consideration all the relevant aspects, the Master Plan submitted by the Planning Authority viz., BDA for



approval and the same is approved. The BBMP, at no stage had raised any objection nor is there anything to show that anybody had raised any objection to the contents of the revised Master Plan when the objections were called for. The Revised Master Plan 2015 has come into effect on 25.06.2007. The Master Plan contains showing of lands, street pattern, areas reserved for parks, playgrounds and other civic amenities or for public purpose as also areas of special control and development. In such circumstances, the objection raised by the Corporation at the stage of grant of underground cable connection to the occupants of the premises is wholly unjustified. Section 505 of the Karnataka Municipal Corporations Act, 1976, makes it clear that exercise of powers by the Corporation shall be in conformity with the provisions of the Karnataka Town and Country Planning Act, 1961, with regard to any matter relating to land use or development as defined in the explanation to Section 14.

22. Section 76M of the Karnataka Town & Country Planning Act, 1961, gives primacy to all the provisions of the Act over any other provisions of any other law. It is not the case of the respondents that there is any violation of the usage mentioned



in the Master Plan or the building plan sanctioned and when there is no grievance made regarding the violations of any set backs or permissible vacant areas to be set part, It is not understandable how the Corporation can, by referring to a village map deny permission for road cutting after the petitioner put up construction by investing huge amount of money. The plan is sanctioned on 23.03.2007. The commencement certificate and work order has been issued by the BDA followed by the work order. In such event, how the Corporation can come to the conclusion that the original path or stream/nala has been deviated and its width is reduced by 10 feet before deviating its route is not clear.

23. As rightly urged by the learned Counsel for the petitioner, Section 61-A(1) deals with the power of the Standing Committee. It is not demonstrated how the Corporation can defer or deny the permission sought for road cutting stating that the matter is seized by the Standing Committee. Nothing is pointed out regarding the powers and functions of the Standing Committee to go into this aspect of the matter, particularly when the complaint is not with regard to the violation of the building plan or deviation from the usages



mentioned in the revised master plan. The Corporation undoubtedly has to ensure that the existing Nalas and the drains have to be kept intact and no encroachment is made by any private parties on the same. They have every right to prevent the obstruction to be caused for free flow of water in the Nala/drain. The existence of the drain in the instant case is also evident from the master plan. The survey sketch now prepared now prepared also discloses that the nala is in existence and the same is constructed on the sites by the petitioner as it passes by the side of the petitioner's construction. If the width of the nala is reduced only at the place where the nala passes through the properties of the petitioner and if the Corporation on expert's opinion finds that the reduced passage would cause flooding in the area in and around, then the best course is to find a solution to the problem by engaging the petitioner and owners of the area over which the nala passes for widening the nala in the interest of their own safety and security. The Corporation can also resort to other legal measures in this connection. But that does not enable the Corporation to block the entire project that is either substantially completed, in respect of some blocks or nearing



completion in respect of several others from being occupied or enjoyed. Such an action is totally arbitrary and unreasonable.

24. The reasons assigned in the impugned endorsement to deny the permission for road cutting are legally untenable. Interim order passed in the connected writ petition cannot be a ground to deny the said permission as the interim order passed is restraining the respondents from in any manner interfering with the peaceful possession and enjoyment of the schedule property owned by the petitioner. The connected petitions are filed seeking a direction restraining the respondents from in any manner trespassing on the schedule property belonging to the petitioner and/or in any manner demolishing or attempting to demolish the construction or any of its peripheral compound wall or other structures erected by the petitioner on the schedule property. Now the said writ petition does not survive for consideration in view of the order passed in this case setting aside the impugned endorsement.

25. For all the aforementioned reasons, W.P.No.44277/2011 is allowed. The impugned endorsement is set aside. The Corporation is directed to give permission to the petitioner for



road cutting to lay underground cable in accordance with law, expeditiously.

Sd/-
JUDGE

KK



TRUE COPY
[Signature]
Section Officer 16/3/24
High Court of Karnataka
Bengaluru - 560 001

- a) The date on which the application was made 15/3/24
- b) The date on which charges and additional Charges if any are called for -
- c) The date on which charges and additional Charges if any are deposited/Paid -
- d) The date on which the copy is ready 16/3/24
- e) The date of notifying that the copy is ready for delivery 16/3/24
- f) The date on which the applicant is required to appear on or before 20/3/24
- g) The date on which the copy is delivered to the Applicant 25/3/2024
- h) Examined by [Signature]



A block west side elevation



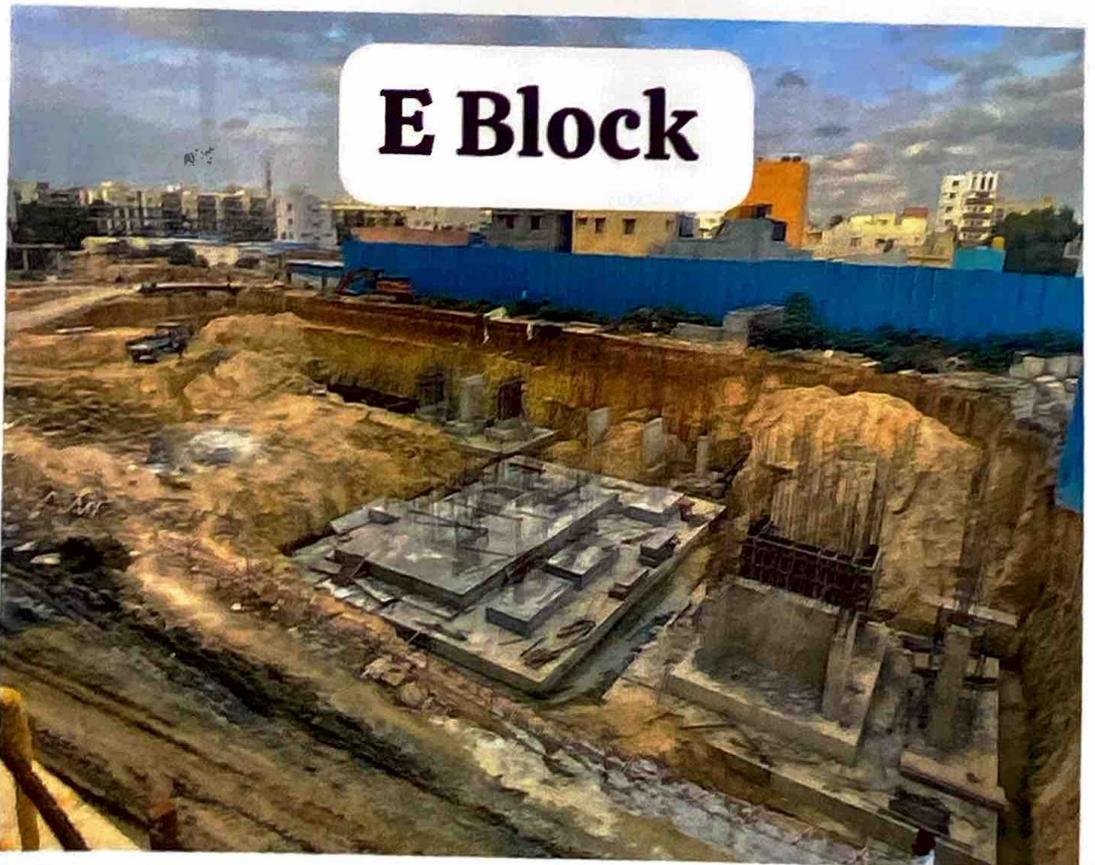
A & B block south elevation



E block foundation



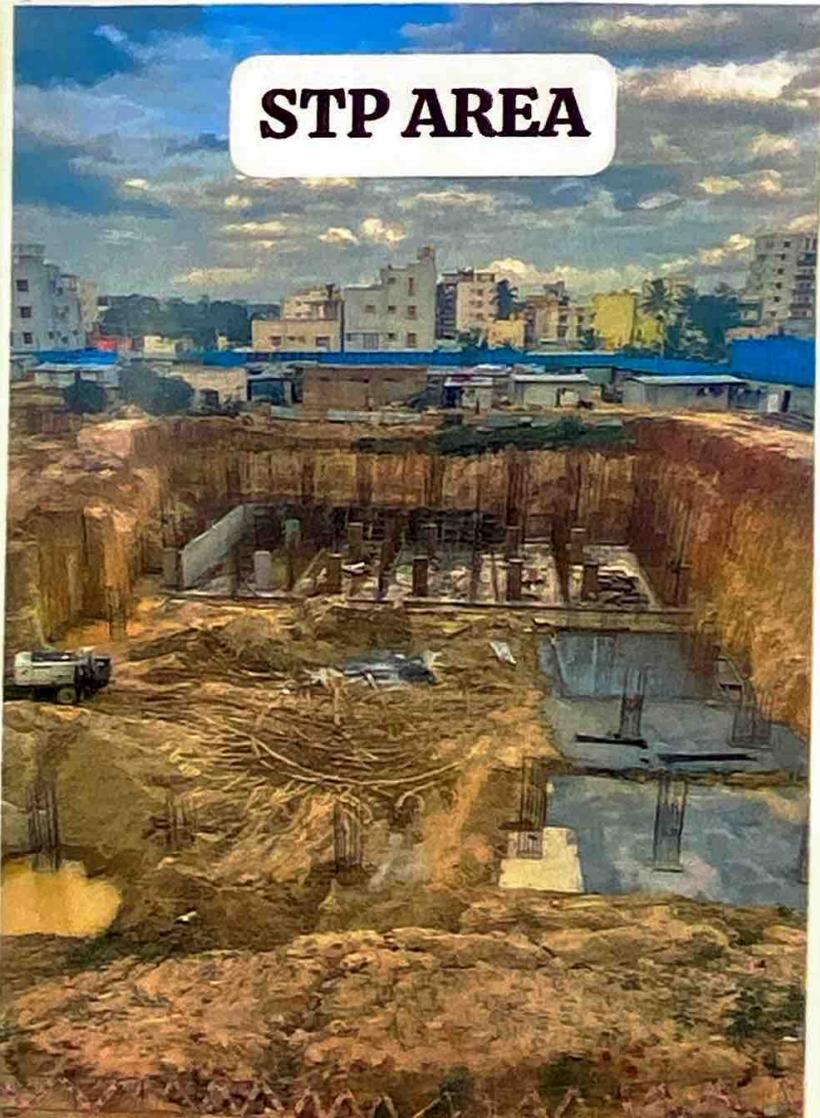
E Block







J block south elevation



STP AREA

IN THE COURT OF THE *National Green Tribunal*
at Chennai

OA No. *37* of 20*23*

Plaintiff/s Petitioner/s Appellant/s
Complainant/s Decree Holder/s

Paramesh

Vs.

Defendant/s Respondent/s
Accused / Judgement Debtor

The Dy Commissioner & others

I/We *Raghava Rao*

the *Respondent*

Nos. *10* in the above matter hereby appoint and retain

Sri/Smt. *Abhijith K L & Rama PV*

to appear, act and plead for me/us in the above matter and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceeding connected with the same or with any decree or orders passed therein appeals and or other proceedings arising there from and also in proceedings for review of judgement and for leave to appeal to Supreme Court and to obtain return of any documents filed therein or receive any money which may be payable to me/us.

2. I/We hereby authorise him/her them on my / our behalf to enter into a compromise in the above matter, to execute any decree/order therein to appeal from any decree / order/ therein and to appeal, to act to plead in such appeal if any, preferred by any other party from any decree / order therein.

I/We further agree that, if I/We fail to pay the fees agreed upon or to give due instructions at all stages, he/she/they is / are at liberty to retire from the case and recover all amounts due to him/her/them and retain all my / our monies till such dues are paid.

Executed by me/us this the *17* day of *July*, 20*24* at *Bangalore*



[Signature]
Signature/s

Executant/s is/are personally known to me/us and he/she/has they have signed before me/us

Satisfied as to identity of Executant's Signature/s.

(Where the executant/s is / are illiterate, blind or unaquainted with the language of Vakalath) Certified, that the contents were explained to the executant/s in my presence in *English* language, known to him/her them who appear/s who have perfectly to understood the same and has / have signed in the presence.

Accepted *[Signature]*
Signature *Abhijith K.L.*

Roll No. *849/18*

Address for Service :

Signature *Rama P.V.*
Advocate/s for *Respondent 10*

Roll No. *KAR/121/19*

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Place : *Bangalore*

Date : *17/7/2024*