

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL NEW DELHI

O.A. No. 125 of 2017 & 217 of 2017

IN THE MATTER OF :-

Court on its own Motion

....PETITIONER.

VERSUS.

State of Karnataka & ORS.

....RESPONDENTS.

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THROUGH



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10.08.2020

Individual Para wise Reply of the BDA to Concise Submissions by Amicus Curiae - Raj Panjwai, Senior Advocate of Sl.No.15 a & b of National Green Tribunal dated 07-08-2020 issued in regard to Pipeline Alignment Along the Periphery of Varthur Lake.

Due to paucity of time individual reports are being filed by the individual departments however a convince compilation will be filed this Hon'ble Court on 11.08.2020.

15. (Sl. 5) of Hon'ble Justice Santosh Hegde Committee Report dated 06.03.2020

- a. Regarding encroachments in Bellandur Lake, particulars of any action taken to get the interim order vacated which was passed by the High Court of Karnataka on 20.11.2019, has not been provided.
- b. Regarding encroachments in Varthur Lake, the Monitoring Committee has referred to a report submitted by ADLR, Bengaluru, East Taluk. It is submitted that in the absence of any evidence contrary to what has been stated in the report of the Monitoring Committee, the Hon'ble Tribunal may accept the report of the ADLR.

**Pg. 20 of Compliance report dated 29.07.2020 @ Sl. No. 7**

- a) The Writ Petition No. 50953/2019 is pending before the Hon'ble High Court of Karnataka. The Hon'ble High Court in its interim order dated: 20.11.2019 granted interim relief as prayed for till the next date. The case had come up for hearing on 15.05.2020. The Hon'ble High Court continued the interim Order. Since then the case has not been posted for hearing by Hon'ble High Court of Karnataka, Bengaluru due to the Covid situation.

**BDA:-**Out of the 228 slum dwellers, 128 have been evicted by Karnataka Slum Development Board as on date and have been allotted flats constructed by the Karnataka Slum Development Board. The remaining 100 slum dwellers will be evicted after the vacation of interim relief granted by the Hon'ble High Court. This case was listed for hearing on 15.05.2020. The Hon'ble High Court Continued the Interim Order and adjourned.

Since then the case has not been posted for hearing by Hon'ble High Court of Karnataka, Bengaluru. In the said case, BDA has preferred an impleading application in the said case in order to hasten the process of vacating Interim Order.

- b) The Monitoring committee has recommended to accept the report of the ADLR.

6. (Sl. 6) of Hon'ble Justice Santosh Hegde Committee Report dated 06.03.2020

- a. The list of erring officers has been submitted. According to the Compliance Report of **BWSSB** notices have been issued and replies have been received, which have been found unsatisfactory and that a letter (dated 26.05.2020) has been sent to the government seeking approval for initiating disciplinary action. Regarding **BBMP**, the Compliance Report filed on 04.08.2020 is silent about the action initiated against the erring officials and regarding **BDA**, it has not filed any compliance report before this Hon'ble Tribunal.
- b. It is submitted that ACS (UDD) of the state government has identified and submitted the list of the erring officers in BBMP, BWSSB and BDA, which list is mentioned in para 6 of the Monitoring Committee Report dated 06.03.2020 (at page 9). The Hon'ble Tribunal may direct the concerned authorities to expedite the process of contemplated disciplinary action including recovery of the loss caused to the Exchequer and the damages for destruction and restitution of environment.

**Pg. 22 Compliance report dated 29.07.2020 @ Sl. No. 8**

- a) Officers who have worked in the prescribed period have been identified and show cause notices have been issued for initiating actions against them by the BBMP, BWSSB and BDA. The replies from the erring Officers/ Officials of BWSSB were found to be unsatisfactory pursuant to which a letter has been sent to the Government seeking approval for initiating disciplinary action. The above said proposal of the BWSSB is under examination. [p. 23]. The replies from the erring Officers/ Officials of BDA have been received and are under examination. After examination, action will be initiated. [p. 25]

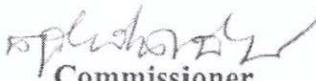
**12. (Sl. 12) of Hon'ble Justice Santosh Hegde Committee Report dated 06.03.2020**

- a. Apparently the said direction [para 28(xii) of order dated 18.12.2019] of this Hon'ble Tribunal has been misconstrued by BDA in as much as BDA is construing the direction to mean that the Bio-diversity parks are to be set-up within the lake boundaries. The said fact is clearly borne out in the proposal of the BDA which is mentioned in para 15 of the Monitoring Committee Report dated 06.03.2020 which states that "the area above 16.6 acres which falls outside the pipeline but within the outer lake boundary will not be available for water impounding. In para 12, the Monitoring Committee itself has observed that "*In such areas (bio-diversity parks), silt of appropriate quantity from the lakes may be used for raising the appropriate heights. The bio-diversity parks may be raised with the help of Expert Committee in the field*".
- b. This proposal runs counter to the efforts & spirit of this Hon'ble Tribunal to protect & preserve the lake bodies.
- c. A bio-diversity park, if any is to be set-up, it can be along the periphery of the lake boundary including the 30 meter buffer zone.

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**Pg. 52 Compliance report dated 29.07.2020 @ Sl. No. 14**

- a) The formation of wet lands/ bio-diversity park, are on the lines recommended by the Monitoring Committee will be taken up under the main contract being awarded for the de-silting work. However, the work of Bio-Diversity park has already been undertaken in Bellanduru Lake near Suncity and Yamlur waste weir and in respect of Varthuru Lake, near Belagere and Siddapura which was identified and approved by the NGT Committee outside the Periphery of lake by depositing excavated silt of respective lake.

  
Commissioner  
BDA, Bengaluru  
