

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

O.A. NO. 145 OF 2022 (SZ)

IN THE MATTER OF:

Parameh.v Bengaluru

... .. Applicant

Versus

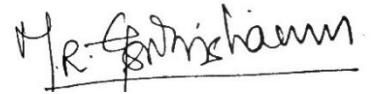
The Deputy Commissioner & others

... .. Respondents

INDEX

S.NO	DESCRIPTION	PAGE NO
1.	MEMO FILED ON BEHALF OF RESPONDENT	1
2.	STATUS REORT FILED BY KARNATAKA STATE POLLUTION CONTROL BOARD. (ANNEXURE I)	4- 8

Dated at Chennai on this the 13th day of September 2024



Counsel for 3rd to 5th Respondent

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

O.A. NO. 145 OF 2022 (SZ)

IN THE MATTER OF:

Parameh.v Bengaluru

... .. Applicant

Versus

The Deputy Commissioner & others

... .. Respondents

MEMO FILED ON BEHALF OF THE 3rd to 5th RESPONDENT

It is most respectfully showeth;

1. It is humbly submitted that this Hon'ble Tribunal had directed the 3rd to 5th Respondent Karnataka State Pollution Control Board (KSPCB) to verify the present status of residential apartment and to collect treated sewage sample.
2. It is submitted that in compliance to the directions of this Hon'ble Tribunal, the apartment was once again inspected by Karnataka State Pollution Control Board (KSPCB) on 26.08.2024 to verify the present status and to collect treated sewage sample. The Status report is annexed to this memo. (Annexure I)
3. It is humbly submitted that during inspection old STP tanks are still in 30m lake buffer, but are being used for storage of treated water.
4. It is humbly submitted that, the sewage generated from the apartment is being taken into the new STP. A sample of treated sewage from the final

tank of STP was collected and submitted Board Lab for analysis and the results are awaited.

5. It is humbly submitted that, provided energy meter and flow meter to the STP are not being recorded and the same is not in working condition.
6. It is humbly submitted that there is no organic waste converter for management of organic wastes. Bio bins have been placed in 30m lake buffer which are not being used for organic wastes. Additionally both organic and non organic waste is being disposed through outside vendors.
7. It is humbly submitted swimming pool which is present in 30m lake has not been fully filled with stand. They have been placed a temporary iron sheet/ wooden sheet on swimming pool and filled thin layer of sand on it. Some of the sheets have been collapsed. There is every chance of falling of resident or children in the swimming pool, if walked on the said temporarily closed pool.
8. It is humbly submitted that during inspection they were asked to demolish the structures provided in the buffer zone immediately.

Dated at Chennai on this the 13th day of September, 2024



Counsel for 3rd to 5th Respondent

Regional Office : Bangalore - Mahadevapura
Karnataka State Pollution Control Board
 "Nisarga Bhavana", 3rd Floor, Thimmalah Road,
 7th 'D' Main, Shivanagar, Bangalore - 560 079.
 Phone : 080-23224002
 Email : bngmdpura@kspcb.gov.in

ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ : ಬೆಂಗಳೂರು - ಮಹದೇವಪುರ
 ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
 "ನಿಸರ್ಗ ಭವನ", 3ನೇ ಮಹಡಿ, ತಿಮ್ಮಲಾಹ ರಸ್ತೆ,
 7ನೇ 'ಡಿ' ಮುಖ್ಯರಸ್ತೆ, ಶಿವನಗರ,
 ಬೆಂಗಳೂರು - 560 079.
 ದೂ. : 080-23224002



towards a cleaner Karnataka

No. KSPCB/RO-Mahadevapura/2024-25/ 736

Date: 05 SEP 2024

To
 ✓ The Member Secretary
 KSPCB, Bengaluru

Kind Attention to: Law Officer-Legal Section

Sir,

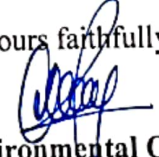
Sub: Submission of inspection report w.r.t Hon'ble NGT Application No. 145/2022 (SZ) filed by Sri. Paramesh.V – Reg

- Ref:
1. Hon'ble NGT order in the matter of OA No.145/2022 (SZ) dated 30.05.2023
 2. Inspection of the apartment by DEO of this office on 30.06.2023
 3. This office letter vide no.425 dated 06.07.2023
 4. Hon'ble NGT order in the matter of OA No.145/2022 (SZ) dated 21.11.2023
 5. Inspection of the apartment by the EO of this office on 02.12.2023
 6. This office letter vide no.1118 dated 06.12.2023
 7. This office letter vide no.1352 dated 08.02.2024
 8. Inspection of the apartment by DEO of this office on 13.02.2024
 9. B.O letter vide no.5898 dated 17.02.2024
 10. P/As reply dated 27.02.2024 (received at this office on 02.03.2024)
 11. This office letter vide no.1578 dated 27.03.2024
 12. B.O e-mail dated 06.08.2024
 13. Hon'ble NGT order in the matter of OA No.145/2022 (SZ) dated 06.08.2024
 14. Inspection of the apartment by the undersigned along with DEO of this office on 26.08.2024

With reference to the above subject & references, this is to inform that, pertaining to the above said Hon'ble NGT OA No.145 of 2022 w.r.t Residential Apartment project "United Highlands" by M/s. United Infrastructures at Sy. No. 326, 327/3, Ammani Bellandur Khane Village, Varthur Hobli, Bengaluru East Taluk, Ward No – 149, Bengaluru, the undersigned along with DEO of this office has conducted spot inspection on 26.08.2024 and is herewith submitting the inspection report of the same for further needful and to file it before Hon'ble NGT on or before 17.09.2024 after obtaining approval from the Member Secretary.

This is for your kind information and further needful.

Yours faithfully


 Environmental Officer
 RO-Mahadevapura

Encl: As above

Inspection report of Dr.K.M.Raju, EO, RO-Mahadevapura, KSPCB, Bengaluru

Name and address of the project	Residential Apartment project "United Highlands" by M/s. United Infrastructures at Sy. No. 326, 327/3, Ammani Bellandur Khane Village, Varthur Hobli, Bengaluru East Taluk, Ward No - 149, Bengaluru.
Date of Inspection	26.08.2024
Staff accompanied	Smt.Rathi.A.R-DEO Sri.Aathmananda-Field Assistant
Person contacted	Sri. Karan Chatare - Security supervisor Sri.Rajesh-STP operator
Category	Large Red (Sewage generation more than 100 KLD)
CFE details	
M/s. United Infrastructures has obtained CFE to construct residential apartment having 232 flats with BUA of 31,590.93 sq m with water consumption of 157 KLD, Wastewater generation of 126 KLD and STP of capacity 135 KLD from Board Office vide no. CTE-319737 dated 21.08.2020 which is valid upto 20.08.2025.	
EC details	
Sri. Gangadhar has obtained EC from SEIAA vide no. SEIAA 73 CON 2019 dated 10.03.2020 for construction of residential apartment having TBUA of 31,590.93 sq. m comprising of Stilt+GF+3UF+TF with 232 units and STP of capacity 180 KLD.	
Site plan details	
As per BBMP approved modified plan dated 01.10.2020, this is a Residential Apartment project having TBUA of 31,139.20 sq. m (Gross BUA of 31,577.69 sq.m) comprising of Stilt+GF+3UF+TF with 232 units.	
CFO details	
M/s. United Infrastructures has obtained CFO from the B.O vide no.AW-336300 dated 20.02.2023 with validity upto 30.06.2026.	
Preamble:	
<p>Earlier, M/s. United Infrastructures had applied for CFE for their residential apartment project at above said address having TBUA of 31,590.93 sq.m comprising of Stilt+GF+3UF+TF with 232 units. On receipt of application, the project site was inspected and observed that, they had already taken up the construction activity and during inspection, the Site engineer was asked to produce the site plan for verification and in order to measure the distance from the lake fencing. The site engineer had produced the BBMP approved Site plan dated 21.12.2019, wherein it was noted that, plan has been approved for Residential Apartment project with 196 units wherein play area, swimming pool, STP & OWC location were proposed in 30m lake buffer area. Also, the same was depicted in their brochure. However, on enquiry, the site engineer & marketing executive orally informed that they are planning to apply for modification as per site plan submitted with CFE application wherein 30m lake buffer is shown as no development zone. Hence, in view of the above, notice was issued by this office vide no.190 dated 02.07.2020. In response to this, they had submitted an undertaking on e-stamp dated 08.07.2020 stating that, they will relocate the location of STP, OWC & swimming pool from southern side lake buffer to northern side setback area.</p> <p>Further, this office had forwarded the CFE application to B.O vide no.278 dated 27.07.2020 with a recommendation that, the issue of CFE may be considered with a specific condition to comply with the P/A commitment dated 08.07.2020 w.r.t relocation of STP from lake buffer area along with general terms & conditions. Later, the Board office has issued the Consent for Establishment (CFE) order vide no.CTE-319737 dated 21.08.2020 with the condition that, "The applicant shall strictly</p>	

adhere to the Zoning Regulation with respect to buffer zone towards any Lake, Nala, drain or any other water bodies as per the local planning authorities guidelines" and "The applicant STP shall not be permitted in the Buffer Zone" (at page no. 2 & 8 of Annexure-I respectively uploaded in XGN).

Later, the P/A had applied for CFO vide inward no.132651 bearing PCB ID: 119279 on 13.01.2022. However, this office had queried to P/A that, "earlier, they had submitted an undertaking on e-stamp dated 08.07.2020 (received at this office on 14.07.2020) stating that, they will relocate the location of STP, OWC & swimming pool from southern side lake buffer to northern side setback area and had applied for CFE with PCB ID 86842. Now, you have applied in another new PCB ID, which is not acceptable. Hence, apply CFO through existing ID only along with compliance made report on relocation of the STP (in respect of Lake buffer zone)".

Hence, during routine inspection of the area, the said residential apartment project by name "United Highlands" was inspected on 17/03/2022 to verify the status of compliance w.r.t CFE order regarding STP location and P/A commitment stated in the undertaking letter in respect of "relocation of STP, OWC and Swimming Pool from Southern side lake buffer to Northern side setback area". During inspection, it was noticed that, the P/A has erected/installed Sewage treatment plant, Swimming pool and changing rooms within 30m area i.e., the distance between the compound wall of the project and building line of apartment building is 30m which was manually measured with the measuring tape viz., towards southern side of the apartment which was in violation to the undertaking given on e-stamp dated 08.07.2020. Also, during inspection, it was noted that, presently, a mud road is formed between the project compound wall and lake boundary for the purpose of vehicular movement for de-silting work of varthur lake. Hence, exact lake boundary could not be ascertained.

Hence, in view of the above said non-compliances, this office had issued a notice to the P/A vide no.1425 dated 24.03.2022 (copy also marked to B.O, SEIAA & ADTP-BBMP) informing them to relocate the STP location and swimming pool amenities which are located in the lake buffer zone to other location within the project premises as per their earlier commitment in the undertaking letter. Later, the project consultant had approached this office and informed that, they have filed new CFO application on 26.04.2022 with same PCB ID: 86842 and have re-located the STP. Hence, this office had accepted the application bearing inward no.156096.

Hence, the apartment was once again inspected on 12.05.2022 and observed that, the P/As has not yet demolished any amenities provided in 30m lake buffer zone, viz., STP, swimming pool along with changing rooms and play area. However, the swimming pool was filled with sand. Further, they had set up PSF & ACF filters, pumps & other pipelines towards North-East side within the building wherein there were three number of underground tanks (Civil constructed tanks) and board displayed as STP pump room. The filters, pumps & pipelines appeared to be a temporary set up as no equipments were completely installed (not yet screwed on to the ground, but simply kept). Also, earlier pipelines made to carry the sewage to STP located in lake buffer zone still existed which was a permanent connection made.

Also, modified plan has been approved by BBMP dated 01.10.2020 with STP location marked within 30m lake buffer. Later, this office had forwarded CFO application filed by M/s. United Infrastructures to BO vide no.204 dated 19.05.2022 along with above said observations and with a recommendation that, suitable decision on disposal of application may be taken at B.O level by placing the subject before ECM as the civil structures & STP equipments viz., STP room, changing rooms, swimming pool & play area are still existing in 30m lake buffer area. In this regard, the P/A was called for Personal Hearing at B.O on 02.09.2022 vide BO notice no.3261 dated 10.08.2022.

27/1
I/1
40

Meanwhile, this office had received an e-mail complaint from Sri.Paramesh.V dated 05.09.2022 against this project for lake buffer encroachment and he had requested the Board to cancel issued CFE, remove the constructions in buffer zone & initiate legal action.

Later, this office had received the proceedings of PH vide no.4351 dated 27.09.2022 wherein the P/A had been directed to demolish all the constructed infrastructure in the buffer zone and to submit the compliance report to this office along with photographs within one month time.

Further, this office had issued a notice to the P/A vide no.866 dated 29.09.2022 informing them to comply with the PH directions and submit compliance report to this office with photographic evidence within one month time. However, the P/A failed to submit the compliance report.

Later, this office had received the copy of application filed before Hon'ble NGT vide no.145/2022 (SZ) by the applicant Sri.Paramesh.V regarding the same issue of lake buffer encroachment by this project on 16.01.2023. The said case is still pending before Hon'ble NGT and ATRs are being filed by the Board.

Meanwhile, CFO has been issued by the BO vide no.AW-336300 dated 20.02.2023 with validity upto 30.06.2026.

Subsequently, in order to file latest ATR before Hon'ble NGT, the apartment was inspected on 30.06.2023 & 02.12.2023. During inspection, a sample of treated sewage was collected for analysis and the analysis results of the same are non-conforming to the prescribed standards. Notice was issued by this office vide no.1117 dated 04.12.2023 for the sample collected on 30.06.2023. However, the P/A has failed to reply to the said notice.

Hence, in view of repeated incidents of non-conformance, it was recommended to call the P/A for personal hearing at B.O for further deliberation as the same needs to be updated before Hon'ble NGT in the upcoming hearing date.

Meanwhile, this office has collected one more sample of treated sewage as per Water (P&CP) Act, 1974 on 13.02.2024 and the results are non-conforming to the prescribed standards. Notice was issued by this office vide no.1461 dated 29.02.2024 for the sample collected on 02.12.2023 & 13.02.2024.

Later, PH was conducted on 27.02.2024. However, proceedings of PH has not yet been issued from the B.O. Further, the P/A had submitted certain details which were sought during PH vide their letter dated 27.02.2024 (received at this office on 02.03.2024) viz., STP completion certificate, BESCO power sanction dated 03.10.2022 & Occupancy certificate issued by BBMP dated 29.07.2022. The said P/A's reply and inspection report of 13.02.2024 was forwarded to B.O vide no.1578 dated 27.03.2024.

Now, this office has received an e-mail on 06.08.2024 from Legal section, wherein it is informed to submit a detailed report as to the present position after conducting inspection and the case has been adjourned to 17.09.2024. Hence, in view of this, the apartment was inspected on 26.08.2024 to verify the present status and to collect the treated sewage sample (because of repeated incidents of non-conforming results of treated sewage):

1. Old STP tanks are still in 30m lake buffer, but are being used for storage of treated sewage water.
2. The new STP (relocated STP) at the entrance of the apartment viz., towards North side as reported earlier was under operation. The sewage generated from the apartment is being

taken into the new STP. A sample of treated sewage from the final tank of STP was collected and submitted to Board lab for analysis. The results are awaited.

- 3. They have provided energy meter and flow meter to the STP. However, flow meter readings are not being recorded, and the same is not in working condition.
- 4. Not provided organic waste converter for management of organic wastes. Bio-bins have been placed in 30m lake buffer which are not being used for composting organic wastes. Both organic & inorganic waste is being disposed through outside vendors.
- 5. Swimming pool which is present in 30m lake buffer has not been fully filled with sand. They have placed a temporary iron sheet/wooden sheet on swimming pool and filled thin layer of sand on it. Some of the sheets have been collapsed. There is every chances of falling of resident or children in the swimming pool, if walked on the said temporarily closed pool. Photographs & Videograph (through e-mail) taken during inspection is enclosed along with this report.
- 6. During the time of inspection, they were informed to demolish the structures provided in the buffer zone mandatorily.



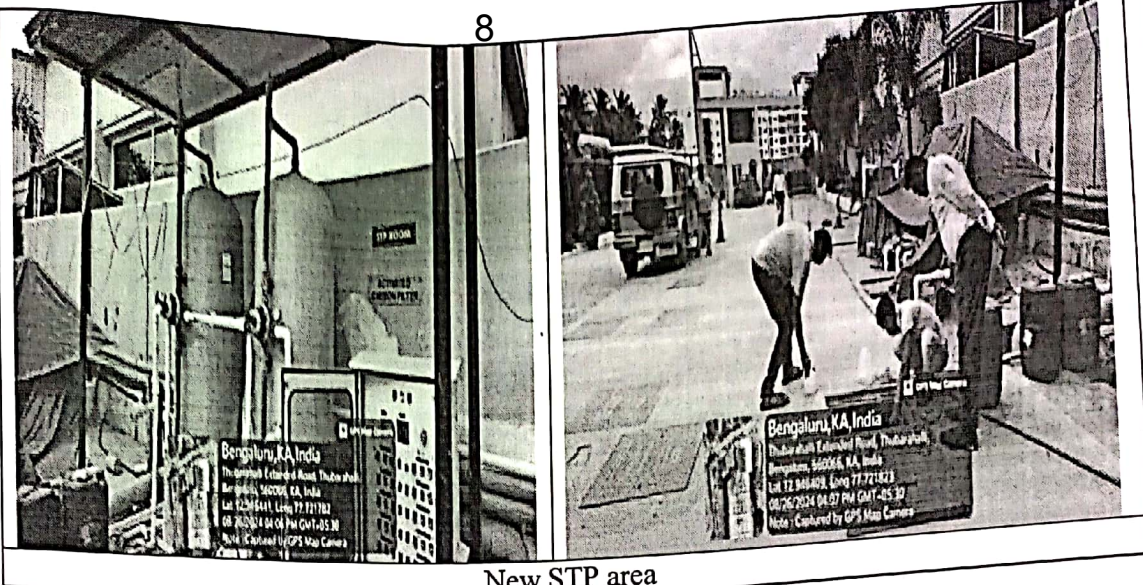
Old STP tanks, swimming pool & play area in 30m lake buffer



Swimming pool area

7/08/2024

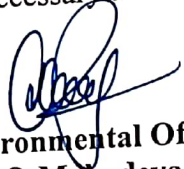
for in
not &



New STP area

Remarks of RO:

In view of the application filed before Hon'ble NGT vide no.145/2022 and its latest order dated 06.08.2024 & e-mail dated 06.08.2024 from the B.O, the apartment "United Highland" has been inspected. Hence, the inspection report is herewith forwarded to B.O for further necessary action.


Environmental Officer
RO-Mahadevapura

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

O.A. 145 of 2022

Paramesh V. Bengaluru

...Applicant

-Vs-

The Deputy Commissioner

...Respondents

STATUS REPORT FILED
ON BEHALF OF THE 3rd
TO 5TH RESPONDENT

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

COUNSEL FOR THE RESPONDENTS