

**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.**

**AND**

**Dr. Kupendra Reddy**

**....Petitioner**

**Versus.**

**State of Karnataka**

**..Respondent**

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**THROUGH**



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**Date:-29/07/2020**

**Place New Delhi**

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 125 of 2017  
And  
Original Application No. 217 of 2017

**IN THE MATTER OF:**

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AND  
Dr. Kupendra Reddy  
Versus  
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..Respondent  
  
..Applicant  
  
..Respondent

COMPILATION REPLY ON THE NOTE SUBMITTED BY THE LEARNED AMICUS CURIAE

TO THE HON'BLE NGT BY THE CONCERNED STAKE HOLDERS

Sl.No.	Points raised the Ld. Amicus Curiae vide the Concise Submissions dt. 07.08.2020	Reply of the concerned stake holders
1. (Sl.1) (a)	<u>Sl.No. 1(a), Page 1 of the Submissions</u> <u>“The previous Committee Report dated 31.05.2015 at Page 1498 gives details of six STPs which are under construction....”</u>	<u>Refer S.No. 1, Pg. 3-8 of the Compliance Report dt. 15.07.2020</u>  i. As per the envisaged action plan, BWSSB was required to construct 6 STP's out of which 4 of the STPs at Cubbon Park <b>(completed and commissioned in June 2018)</b> , Sarakki <b>(1(d), Pg. 5)</b> , Hulimavu <b>(1(f), Pg. 6)</b> , Agaram <b>(1(h),Pg. 7)</b> are already <b>completed and commissioned</b> , whereas the 5 <sup>th</sup> STP at Chikkabegur <b>(S. No. 1(e), Pg. 6)</b> is <b>ready and</b>

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		<p><b>treatment of sewage has been started</b> and formation of Bacterial media is under progress, however as stated in compliance status report dated 15-07-2020 the STP in full will be completed <b>by September 2020</b>. As far as the 6<sup>th</sup> STP at K&amp;C Valley of 150MLD, the work is in progress and as on date a progress of <b>80% is achieved</b>. The delay in completion of this STP is mainly due to the situation of COVID-19 conditions, which have been explained in the status report dated 15-07-2020, the same is also reiterated in Remarks column. However, as per the compliance report the work will be completed by 31-03-2021.</p> <p>ii) Further, as per Action plan, the work of 210MLD Intermediate Sewage Pumping Station (ISPS) at Koramangala sports complex (<b>1(b), Pg. 4</b>) is complete and ready to pump sewage to the 150MLD STP at K&amp;C Valley, however the same can be done after completion of the STP and the work of laying of pumping main.</p> <p>iii) Laying of 1800 mm dia (<b>1(c), Pg. 4</b>) raising main from 210 MLD ISPS to 150 MLD STP – S2D(a) of length 5.315 Km, this work is under progress and there is delay in completion due to the fact that Laying of pipelines in the storm water drains (SWD) is very difficult as the location of the work in this drain is at the end of the valley carrying huge quantity of storm water. At present 3500 RMT of pipeline work is completed as against 5315 RMT. Further the NGT Monitoring Committee in its report has also opined that “Laying of pipelines in the storm water drains (SWD) is very difficult as the location of the work in this drain is at the end of the valley carrying</p>

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		<p>huge quantity of storm water. At present 3972 RMT of pipeline work is completed as against 5315 RMT.” However this work will also be completed before 31-3-2021.</p> <p>iv) Setting up of Waste Water wet well of 32.5 MLD capacity <b>(1(i),Pg. 7)</b> near this STP to augment sewage from adjoining areas of this STP, the delay in carrying out this is mainly due to COVID-19 conditions. However, it is to submit that due to other sewage network linking works carried out on upper reaches a total of around 85 to 90MLD sewage is already being treated in 90MLD STP at Bellandur Ammainkere STP.</p> <p>BWSSB has put all efforts in completing the work in adherence with the timelines provide by this Hon’ble Tribunal. It is humbly prayed that considering the prevailing circumstance, the timeline fixed by this Hon’ble Tribunal may be extended upto 31.03.2021.</p> <p>Note: In view of the COVID-19, the Hon’ble Government of India declared Nationwide Lock Down since 23.03.2020 onwards. Hence, there had beenno progress of work from 24.03.2020 upto 14.04.2020. Further, vide order No. 15.04.2020 Department of Health and Family welfare, Government of Indiaclassified Bengaluru urban under Red hot zone. Under the circumstances, the restrictions were continued till 03.05.2020 and as such though movement of non-essential goods vehicles were permitted still mainly the necessary</p>

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		<p>cement and steel for the constructional activities could not be arranged because of shutdown of the manufacturing units.</p> <p>Construction activities for STP requires skilled labours for centring, shuttering, installation of electromechanical equipment etc. Almost all the skilled labours were engaged by the contractor from the states of Jharkhand, Chhattisgarh, Bihar, West Bengal and Odisha. The Government of India in its directions on 29.04.2020 has allowed in situ activity for constructional purposes with guidelines to maintain social distance and other precautionary measures as per stipulations. Due to this, the contractor has actually started mobilizing the work force to the site and had also placed orders for constructional materials. However, physical activities in the site had been started on 02.05.2020, as the steel and cement reached the site on those days. In the meanwhile Government of India in its order dated 02.05.2020 permitted the movement of migrant workers who want to go to their residences. Due to which most of the migrant workers from other states have moved out of the site and have gone to their native places. On the other hand Bangalore being in the Red zone no labourers from any other districts is allowed to enter Bangalore.</p> <p>Even though unlock was announced by the Government from Jun 8<sup>th</sup> onwards, due to raise in the number of COVID cases in Bangalore, it has become very difficult to strengthen the existing labour force required for carrying out works.</p>

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		<p>Also, as the type of works which are being carried out are mostly associated with sewage, the labours required for such type of works are also not ready to work in these pandemic conditions. This has resulted in acute shortage of labour force. Hence, the timelines fixed for the identified works for Bellandur and Varthur lakes may not be achievable and also uncontrolled of COVID-19, the Hon'ble State Government of Karnataka has declared Lock Down since 14.07.2020 at 8 P.M to 22.07.2020 at 5 A.M. Due to this at present the probable date of completion of all the works cannot be proposed till situation with respect to labourers and materials becomes clear.</p> <p>Under the circumstances, the exact timeline required for completion of the work can only be estimated after substantial easing out of the situation and also after sufficient labour force movement is allowed. Thus it is humbly requested that the Hon'ble NGT may kindly consider all the above facts in assessing the situation and allow more time for completion of the works.</p>
(e)	<p><i>“Lastly, BWSSB has omitted to state the status of the “Reuse of treated water from the STPs under construction”, the details of which are mentioned on page 5 of the Monitoring Committee Report dated 06.03.2020.”</i></p>	<p><b><u>BWSSB</u></b>  <b><u>Refer – S. No. 5, Pg. 16 of Compliance Report dt. 15.07.2020</u></b></p> <p>As reported by the Monitoring Committee, vide its report dated 06.03.2020, keeping in line with the objectives of National Green Tribunal to enhance the ecological balance, BWSSB in the joint meeting with MI department has concluded that MI department will install the necessary infrastructure to augment the treated water and to pump the</p>



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	by the Hon'ble Tribunal. Further direct if the identified works are not completed by 30.09.2020, the names & designations of officers responsible for such work be provided to the Hon'ble Tribunal along with the details of action taken against such officers."	
2. (Sl.2) (a)	<i>From the Monitoring Committee Report as well as the Compliance Report (dated 15.07.2020) filed by BWSSB, it is not clear about the steps initiated and work undertaken for removal of Biological Nutrient from the sewage and particularly in respect of 248 MLD STP at K&amp;C Valley. BWSSB in its compliance report has stated that "under the circumstances the timeline for completion of work will go beyond</i>	<b>Refer - S.No. 2, Pg. 8 of the Compliance Report dt. 15.07.2020</b>  Based on the concept note developed by the Professors of IISc and in consultation with the consultants M/s CH2M Hill India Pvt. Ltd., appointed for upgradation of 248 MLD STP at K&C Valley, the estimate prepared for immediate action to achieve Biological Nutrient Removal in 248 MLD STP has been approved by Government of Karnataka including approval to take up the works from M/s KRIDL under 4G exemption. Proposal is also approved in Board meeting of BWSSB on 27.01.2020. The work orders for consultancy for upgradation of the 248 MLD STP is issued to the consultants M/s CH2M Hill (India) Pvt. Ltd. Also a letter to proceed with the work has been issued to M/s KRIDL for taking up the works. In this regard M/s. KRIDL had called tenders for procurement of equipments and instruments on 20-04-2020 with 29-04-2020 as the last date for submission of tenders, the bids were opened on 02-05-2020 and no tenderers have participated in the tender. 2 <sup>nd</sup> call of the tender is uploaded on 11-05-2020. Even for the second extended call, there were no proper responses from the tenderers. Under the circumstances, M/s
(b)	<i>In view of the above, the Hon'ble Tribunal be pleased to direct BWSSB to provide details of the steps initiated and work undertaken for removal of Biological Nutrient from the sewage."</i>	

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		<p>KRIDL have written a letter to BWSSB to take up the said works from BWSSB side only.</p> <p>This situation is mainly due to prevailing pandemic due to which the suppliers are asking for a lead time for supply of around 6 months.</p> <p>As such in order to attain the target of time line fixed by NGT as 30.09.2020 for removal of BNR, BWSSB in consultation with the consultants M/s CH2M Hill India Pvt. Ltd. and the team of Professors from Indian Institute of Science has evaluated a concept to achieve removal of Nitrates before 30.09.2020 by making changes in the existing process of treatment and BWSSB has taken action to call tender.</p>
<p><b>3. (Sl.3)</b></p> <p>(a)</p> <p>(b)</p> <p>(c)</p>	<p><i>Hon'ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i></p> <p><i>Hon'ble Tribunal had directed action to be taken against persons for discharge of treated water in the Underground Drainage Network (UGD), which was resulting in a loss of over Rs. 7 Crore per year, which was without any justification</i></p> <p><i>As per the report of the Monitoring Committee (06.03.2020), admittedly 4.58 MLD of excess treated sewage is yet being discharged in the UGD Network, the corresponding loss for 4.58 MLD works out to Rupees 2.79 Crores per year.</i></p> <p><i>The Monitoring Committee report is silent about the action initiated for the past discharge of 11.462 MLD and the current continuing discharge of 4.58 MLD. It is therefore, submitted that at least the continuing Rupees 2.79 Crores per year which are being lost</i></p>	<p><b>Refer – S. No. 4, Page 13 of the Compliance Report dt. 15.07.2020</b></p> <p>The list provided by KSPCB for 496 buildings having STPs has been inspected by BWSSB engineers and out of 496 buildings 109 buildings UGD connections are disconnected, there is no BWSSB UGD network near 378 buildings, 2 buildings are beyond the 110 village limits of BBMP, 5 buildings addresses are repeated in the list, 1 building address is not traceable and 1 building does not have STP. BWSSB is identifying the sources of discharge of sewage and will disconnect water supply and UGD connections of the defaulting establishments and also send a complaint to KSPCB. If the defaulting establishment is using ground water then the complaint has also to be booked with KSPCB for its action. Further, the treated water was allowed only as per the conditions stipulated in the order of the consent issued by KSPCB. Thus, the proposal to recover Rupees 2.79 Crores per year from BWSSB is not right, as KSPCB is the authority to</p>

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	<i>without justification, be recovered from BWSSB and the 109 Units which are generating excess treated sewage.</i>	give consent to the STP's treated water discharge point.
(d)	<i>The Report is also silent about the final utilization of the treated sewage water which is being discharged by 378 Units which are not connected to the BWSSB UGD Network. It can be presumed that all the excess treated sewage is being discharged into open drains, which presumably could reach one STP or the other."</i>	
4. (Sl.4)	<i>Hon'ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i>	
(a)	a) As per the report of the Monitoring Committee, KSPCB had stated that there are 61 Units without STPs and Rs. 271.5 Crores are estimated to be recovered. However, no details have been furnished about the action initiated for the recovery of the said amount. Nor the stage of the proceedings for closure under Section 33A of the Water Act. It may be pointed out that KSPCB has not filed any affidavit of compliance before this Hon'ble Tribunal. Consequently, the Hon'ble Tribunal may direct KSPCB to file a comprehensive affidavit in respect of all the matters.	<p><b>KSPCB</b></p> <p>As per the directions of the Honorable NGT, the KSPCB had given the notices to the Apartments discharging untreated sewage. They are 61 in Number and Rs. 271.5 Cr was accessed.</p> <p>Meanwhile the following apartments had approached the Honorable High Court against the payment of EC demand from the PCB and Court directed as below;</p> <p>In Writ Petition No. 3303/2020, the Hon'ble High Court has issued interim order on 12.02.2020 directing the KSPCB to issue Show Cause Notice to the petitioner to be heard for a liability of Rs. 7 Crores. Meanwhile, the electricity supply to the premises of the Petitioner shall not be disconnected.</p> <p>Another Writ Petition No 4284/2020 has been filed before the Hon'ble High Court of Karnataka by M/s. Sharewood Residents Association:</p> <p>An interim direction on 26.2.2020 has been issued from</p>

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		<p>Hon'ble High Court as under: -</p> <ul style="list-style-type: none"> <li>➤ By way of add-interim relief, we restrain the second respondent from initiating any proceedings to recover the amount mentioned in Annexure-F1 and F2.</li> <li>➤ However, notwithstanding pendency of this petition it will be always open for the second respondent (KSPCB) to issue Show cause notice in terms of Annexure F1 &amp; F2.</li> <li>➤ Needless to add that before passing final orders on the notices at Annexure A1&amp; A2 as well as G1 &amp; G2 and Showcause notices issued in terms of Paragraphs 9 above an opportunity has being heard shall be granted to the petitioners.</li> </ul> <p>In view of the COVID-19, the Hon'ble Government of India has declared Nationwide Lock Down since 23.03.2020 onwards. Hence, there had been no progress of work from 24.03.2020 upto 14.04.2020. Further, vide order No. 15.04.2020 Department of Health and Family welfare, Government of India has classified Bengaluru urban under Red hot zone. Under the circumstances, the restrictions were continued till 03.05.2020.</p> <p>Accordingly, the KSPCB has to wait until the peak of Covid and Lockdown to get over. Post which they were sent letters to attend the Personnel Hearing. However, they sought postponement due to Covid.</p>

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		<p>Again, letter was issued to attend and once again they sought postponement. At this stage, the PCB had invited the Office Bearers of the Bangalore Apartments Federating (BAF) and it was jointly agreed to have the PH over VC.</p> <p>Accordingly, the Video Conference was done on 4.7.2020 (Meeting ID 1666707609 Password: 9Ua3tyt2mMU) called all the Apartments who are due to pay the EC. After hearing them, the Board has taken a decision and directed the defaulters to pay the Environmental Compensation Charges as assessed by the Board earlier otherwise to initiate actions under 33(A) of the Water Act and as per the direction of the Hon'ble NGT.</p> <p>Post the PH, still as they have not paid, and making correspondences each one giving some reasons why they can't pay. Now the PH proceedings are being brought to the notice of the Hon'ble NGT, Hon'ble High Court and Board would initiate action and the process is initiated and shortly the closure orders will be issued for such units.</p>
5. (Sl.5)	<i>Hon'ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i>	
(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	<p><b>BDA:</b></p> <p><b>Pg. 20 of Compliance report dated 29.07.2020 @ Sl. No. 7</b></p> <p>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</p>

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		<p>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.</p> <p><b>BDA:-</b>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.</p> <p>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 order to hasten the process of vacating Interim Order.</p>
(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.	b) The Monitoring committee has recommended to accept the report of the ADLR.
6.(Sl.6)	<i>Hon'ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i>	
(a)	The list of erring officers has been submitted.	

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	According to the Compliance Report of <b>BWSSB</b> 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 <b>BBMP</b> , the Compliance Report filed on 04.08.2020 is silent about the action initiated against the erring officials and regarding <b>BDA</b> , it has not filed any compliance report before this Hon'ble Tribunal.	<p><b>Pg. 22 Compliance report dated 29.07.2020 @ Sl. No. 8</b></p> <p>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. [<b>@p. 23</b>]. The replies from the erring Officers/ Officials of BDA have been received and are under examination. After examination, action will be initiated. [<b>@p. 25</b></p>
(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.	
7. (Sl.7)	<i>Hon'ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i>	
(a)	<b>a)</b> Despite the direction of the Hon'ble Tribunal, KSPCB has not issued any order or direction to bring into force the recommendation of the BIS on the standards for phosphorus for use in soaps and detergents. The Hon'ble Tribunal may direct the KSPCB/State Government to issue an appropriate order/direction in this regard preferably within four weeks.	<p><b>KSPCB:</b> The Bureau of Indian Standards (BIS) (Chemical Department) was contacted on 7.8.2020 and it was learnt that the standards have been fixed for the Phosphorous content in the Detergent/Soaps and it has been sent to their publication Department for issuing Notification. The KSPCB will follow up with BIS for the early release of Notification/Gazette.</p> <p>Also, as per the earlier order of the Hon'ble Supreme Court, in the case of laying standards for the Kerosene, had directed</p>

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		<p>to get standards laid down by BIS. The details are shown below:</p> <p>In a judgement dated 30.8.2016, in Application No. 81 of 2015(W/Z) titled Dileep B Nevatia Vs Union of India &amp; Ors. Was challenged before the Honourable Supreme Court, where in by its order dated 7.5.2018 in CA Diary No 42031 of 2017 Honourable Supreme Court was pleased to direct:</p> <p><b><i>“That may be so. However, having regard to the statutory regime, since it is the BIS which has to lay down such standards, MoEF may approach the BIS for this purpose and once these desired standards are laid down by BIS, MoEF can lay down the standards within 6 months. This appeal stands disposed of with the observations”.</i></b></p>
9.(Sl.9)	<i>Hon’ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i>	
(a)	Compensation of Rupees 19.85 Crores had to be recovered from 376 defaulting units. A sum of Rupees 75 lakhs has been recovered from 14 units.	<p><b>KSPCB</b></p> <p>Out of 376, units 22 units have paid an Environmental Compensation (EC) amount of Rs 115 lakhs;</p>
(b)	The Hon’ble Tribunal may direct the KSPCB to file a detailed action taken report along with copies of orders passed in this regard along with a summary of compensation recovered	<ol style="list-style-type: none"> <li>1. M/s Happiest Minds, Ganapa Towers, No. 51/3, Hosur Main Road, Madiwal, Bengaluru - 560 076</li> <li>2. M/s Prism Properties, Prism Sovereign Apartment, Sy No. 106/1 &amp; 107, Kundalahalli Village, K.R Puram Hobli, Bengaluru East Taluk</li> <li>3. M/s Nandi Gaardens Apartment Owners Association, Nandi Gardens, J.P Nagar 9th phase, Aalahalli, Anjanapura Post, Bengaluru.</li> <li>4. M/s Sumadhura Silver Ripples Owners Welfare Association at Sy No. 25/1A, 25/2, 28, 30/2, Nallurahalli Village, KR Puram Hobli, Bengaluru - 5600 066.</li> </ol>

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		<p>5. M/s Chitrakut Environs Apartment Owners Welfare Association, at Sy No. 184, 7th Cross, Veerabhadra Nagar, Talacauvery Layout, Basavanagar, Bengaluru - 560 037.</p> <p>6. M/s SJR Builders by name SJR Luxuria, at Sy No. 100/P/1, 101/1 &amp; 103, Arekere Village, Begur Hobli, Bengaluru.</p> <p>7. M/s Ferns Icon &amp; Developers Ltd, Ferns Icon Apartment, at Sy No. 28, 34/3, 36/2, 36/3, 36/4 &amp; 36/5, Doddanekundi Village, Bengaluru East Taluk.</p> <p>8. M/s Island Star Mall Developers Pvt Ltd., at No. 40/41, Lower Ground, Whitefield Main Road, Mahadevapura Post, Bengaluru.</p> <p>9. M/s DSR spring Beauty Apartment Owners Association, at Sy No. 124/1, Kundalahalli, AECS Layout, ITPL Main road, Bengaluru.</p> <p>10.M/s Intel Technology India Pvt Ltd, No. -23-56P, Outer Ring Road, Devarabeesanahalli, Varthur Hobli, Bengaluru.</p> <p>11.M/s HSBC data Processing India Pvt Ltd, No. 148/1, Futura, Bannerughatta Road, Bengaluru.</p> <p>12..M/s Maruthi Infotech Centre, Sy No. 11/1 &amp; 12/1, Challaghatta Village, Amarjyothi Layout, Intermediate ring road, Domlur, Bengaluru.</p> <p>13.Samhi JV Business Hotels Pvt Ltd., (Formerly Supreme Build Cap Pvt Ltd.) Sy No. 43,44/1, 44/2, Devarabisanahalli, Varthur Hobli, Bemngaluru.</p> <p>14.Keys Hotel, No. 7 Hosur Main Road, Singasandra Village, Bengaluru.</p> <p>15.M/s Golf Link Software Pvt Ltd, SY No 13/2, Challaghatat village, off intermediate ring Road Bangalore.</p> <p>16.Mohan Enterprises, Krishna Maganumm, Sy NO 65/3,</p>

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		<p>Doresanipaly Bangalore.</p> <p>17.Mohan Enterprises, Kalyni Vista SY No 165/1, Doresanipalya Bangalore.</p> <p>18.M/s. Royal citadel apartment owners association No 157/6, Begur Village, Bangalore</p> <p>19.Mohan Enterprises, Kalyani Magnum Sy No 165/2, Doresanipaly Bangalore.</p> <p>20.M/s. GV properties Pvt Ltd, Embassy Point SY No 10/2a to 2b, CHallaghatta Village, Bangalore.</p> <p>21.Umbal Properties Pvt Ltd, Hilton Residencies SY No 5/1, Challaghatta Village, Bangalore.</p> <p>22.M/s Aricent Technologies Ltd, SY No 18/1, ORR, Panathur Post Kadubeesanahalli, Bangalore.</p> <p>Further, following 6 Number of Petitioners in writ petition No. 4540/2020 have approached the Hon'ble High Court;</p> <ol style="list-style-type: none"> <li>1. Brigade Harmony Apartment owners Associations, Sy NO 250, Ramagondanahalli village, whitefiled Bangalore.</li> <li>2. Druvika Mogra Apartment welfare association No 3333, Whitefiled, Mahadevapura, Bangalore.</li> <li>3. AOC- DNR atmosphere owners condominium owners and residents welfare association, 231, Varthur Main road, Whitefiled Bangalore.</li> <li>4. Durga Rainbow Flat owners welfare association, No 8/1, 9/1, 9/2, 9.3 ORR, Mahadevapura Bangalore.</li> <li>5. Nagarjuna Maple heights apartments Condominium at 182-185 Narayanapura, ORR, Mahadevapura Bangalore.</li> <li>6. Nester Raga owners' associations Sy No 152,153,</li> </ol>

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		<p>Marathahalli ORR mahadevapura Bangalore.</p> <p>And the Hon'ble High Court has issued interim order on 26.02.2020 directing the KSPCB to issue Show cause notice to the petitioner, an interim direction issued from Hon'ble High Court is as under: -</p> <ul style="list-style-type: none"> <li>➤ We direct that, if any orders are passed on the show cause notices, Annexure-A1 to A6 no action on the basis of such order shall be taken for a period of 15 days from the date on which the order are served upon the petitioners. Till the next date, no action shall be taken for recovery of the amount on the basis of the notices at annexure F1 to F6.</li> <li>➤ It will be open for the second respondent to issue show cause notices in terms of Annexure F-1 to F-6 and to pass orders after giving an opportunity of being heard to the petitioners. If final orders are passed on the basis of the said show cause notices, the same shall not be implemented in any manner for a period of 15 days from the date on which the final orders are served upon the respective petitioners.</li> </ul>

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		<p>In view of the COVID-19, the Hon'ble Government of India has declared Nationwide Lock Down since 23.03.2020 onwards. Hence, there had been no progress of work from 24.03.2020 upto 14.04.2020. Further, vide order No. 15.04.2020 Department of Health and Family welfare, Government of India has classified Bengaluru urban under Red hot zone. Under the circumstances, the restrictions were continued till 03.05.2020.</p> <p>Accordingly, the KSPCB has to wait until the peak of Covid and Lockdown to get over. Post which they were sent letters to attend the Personnel Hearing. However, they sought postponement due to Covid.</p> <p>Again, letter was issued to attend and once again they sought postponement. At this stage, the PCB had invited the Office Bearers of the Bangalore Apartments Federating (BAF) and it was jointly agreed to have the PH over VC.</p> <p>Accordingly, the Video Conference was done on 4.7.2020 (Meeting ID 1666707609 Password: 9Ua3tyt2mMU) called all the Apartments who are due to pay the EC. After hearing them, the Board has taken a decision and directed the defaulters to pay the Environmental Compensation Charges as assessed by the Board earlier otherwise to initiate actions under 33(A) of the Water Act and as per the direction of the Hon'ble NGT.</p> <p>Post the PH, still as they have not paid, and making correspondences each one giving some reasons why they can't pay. Now the PH proceedings are being brought to the notice of the Hon'ble NGT, Hon'ble High Court and Board</p>

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		would initiate action and the process is initiated and shortly the closure orders will be issued for such units.
10.(Sl.10)	<i>Hon'ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i>	
(a)	CPCB has conducted the test and prima facie there appears to be no rational basis to get conducted a fresh test in respect of the sludge & silt of the said lakes. Amicus has received a copy of the test report conducted by CPCB, which are annexed with the report as Annexure A.	Waiting for further directions from the Hon'ble NGT after the receipt of an expert opinion report
(b)	It is submitted that the disposal of sludge & silt has to be as directed by the Hon'ble Tribunal in accordance with the guidelines of Solid Waste Management Rules, 2016 and the Hazardous & Other Wastes (Management & Transboundary Movement) Rules, 2016. The State Government along with the concerned authorities should submit a proposal in this regard before the Monitoring Committee within a specified time frame for its approval.	
12. (Sl.12)	<i>Hon'ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i>	
(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	<p><b>BDA:</b></p> <p><b>Pg. 52 Compliance report dated 29.07.2020 @ Sl. No. 14</b></p> <p>The formation of wet lands/ bio-diversity park, are on the</p>

Sl.No.	Points raised the Ld. Amicus Curiae vide the Concise Submissions dt. 07.08.2020	Reply of the concerned stake holders
	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 <i>“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”</i>	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 Yamalur 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.
(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.	
13 . (Sl.13)	<i>Hon’ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i>	
	<i>No comments</i>	
14. (Sl.14)	<i>Hon’ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i>	
	<i>No comments</i>	
15. (Sl.15)	<i>Hon’ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i>	
(a)	It is admitted that laying of the pipeline by the Minor Irrigation Department was without authority of law and it is liable for fine. Secondly, no enquiry has been conducted till date to examine the guilt of the officers involved in the dumping of thousands of	<b>Minor Irrigation</b> It is submitted that the Minor Irrigation & Ground Water development Department, Government of Karnataka has taken up execution of K&C valley “Lifting of 440MLD Secondary treated sewage water from the Bellandur and K&C

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	cubic meters of C&D Debris on the Varthur lake bed for an ostensible object of laying of pipeline	<p>valley STP's to Narasapura pond onwards , to fill 126 tanks in Kolar District and Chintamani taluk which are drought areas in Chikkaballapura district Karnataka.</p> <p>This Project envisaged improving the groundwater table in drought affected region, rejuvenation of bore wells and open wells which is the only way to bring the parched lands back into the main stream of agricultural activities thereby indirectly improving the ecosystem, and providing the water for agricultural use in the drought prone area and <b>also this has helped in enhancement of the climatic conditions with a positive effect on the ecosystem in the region is very well in line with the motive and intentions of the national green tribunal.</b></p> <p>The original alignment was passing through the present main road and bund of the Varthur lake. While executing the work the local public objected to the alignment as it was very inconvenient to the public and traffic for every day commutation . White field NGO's lead by R.K. Mishra objected to the cutting of white topped main road which was laid very recently by BBMP under "TENDER SURE" (<b>google map is produced herewith and marked as ANNEXURE R-1</b>)</p> <p>Hence, a joint inspection on <u>24-01-2017</u> was done at the site by BBMP Commissioner, Minor Irrigation Secretary, Chief Engineer, Superintending Engineer, Executive Engineer along with R.K. Mishra and representatives of contractor. After elaborate discussion the final decision was taken to fix the pipeline alignment along the Periphery of Varthur lake (<b>Translated Proceedings copy date 24-1-2017 is produced</b></p>

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		<p><b>herewith and marked as ANNEXURE R- 2)</b></p> <p>The pipeline alignment for K &amp; C valley lift irrigation scheme is approved, along the periphery of Varthur lake. There was an existing old road along the periphery of the said lake which can be seen by <u>Google map dated: 31-11-2017</u>, before commencement of pipe laying work. <b>(Satellite Image is produced herewith and marked as ANNEXURE R- 3)</b></p> <p>Since the K &amp; C valley lift irrigation project involved laying of 12.00m long &amp; 2.40 m. dia cement coated mild steel pipes weighing 20 tonnes each which has to be conveyed by cranes weighing more than 40 tonnes. As there was no proper connectivity to the work spot ,for the movement of heavy vehicles to lay the pipes, temporary approach road was formed. Formation of temporary approach was very much essential for laying of such heavy pipes to facilitate movement of heavy machinery. Apart from this the temporary approach was also required since the ground below the lake bed was slushy over which such heavy machineries could not be moved.</p> <p>The pipe line was laid along the periphery of the tank bed only. In few places, the pipe were laid just inside the boundary line because the alignment of pipe line could not be taken exactly along the boundary line due to acute bends.</p> <p>But after the completion of pipe laying, The Tahsildar, K.R. Puram undertook surveying of the west side of the tank area, as a result of which the tank water spread area was increased by approximately 10 Acres. The increased water spread as identified by the Tahsildar is not linear and also</p>

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		<p>not parallel to the pipeline and the land is in the form of pockets between chainage 883.30m to 1733.30 m</p> <p>In the meeting held on 20.09.2017, chaired by Principal Secretary, Urban Development, it was decided to remove the temporary approach immediately after completion of work.</p> <p>As per the direction/ orders Sl.No:19 &amp; 20 of National Green Tribunal(NGT) as mentioned in Sl. No.1 &amp;2,The Department of Minor Irrigation has removed the C&amp;D debris used for formation of temporary approach and the compliance report of the same has been submitted to The Member Secretary, KSPCB(NGT), Parisara Bhavan, Bangalore vide <b><u>letter No.TA3 AE/15 No. 2202 dated 17.08.2019,</u></b> Office of the Chief Engineer, Minor Irrigation (South), Bangalore. <b>(After removal of C&amp;D debris photos are produced herewith and marked as ANNEXURE R- 4)</b></p> <p>The people of these districts are dependent on Minor Irrigation tanks and bore wells. It is also observed that since last 15 years before the implementation of the project numerous tanks had gone dry due to paucity of rainfall. There is a major positive impact on the environment and climatic conditions in this drought filled areas if the 126 tanks in this region are filled with the secondary treated water of KC Valley project which is already under implementation and till date we have successfully filled 70 tanks out of 126 and is showing positive impact in the region .This upgraded climate will have a sustainable positive effect and will be of immense help to the people of this region for all their water scarcity needs .</p>

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		<p>Considering the above work, the process necessitated inevitably was to collect and dump the debris of this project in an existing temporary approach kaccha road all the above processes were involved for the sole PURPOSE OF PROJECT IMPLEMENTATION only. Further the C&amp;D debris has been removed as per the directions of NATIONAL GREEN TRIBUNAL.</p> <p>Hence considering the above facts the allegations against the guilt of the officers involved in the dumping of C and D Debris on periphery of Varthur lake for laying of pipeline is highly condemnable as the project is carried out for the benefits of the people of that region and is of human benefits and environment enhancements . <u>It is purely carried out for good and needy purpose and there is a clear intention of Environment enhancements and all the protocols carried out has been adhering to NGT GUIDELIN. Hence, we would like to conclude that the officers have completely done the work for BENEFIT OF PEOPLE AND ENHANCEMENT OF ENVIRONMENT and there is no matter of them being GUILT and they are not liable to any sort of enquiry or actions.</u></p> <p><u>It is humbly prayed before this Hon'ble Tribunal that the officers may not be held liable for the laying of the pipelines. The above facts was placed before the Monitoring Committee, the committee has observed that the laying of the pipeline was without any authority of law and non – approval of the competent authority. Therefore, the department is humbly praying this Hon'ble Tribunal to consider the prayer of the Department.</u></p> <p><b>Pg. 56 of Compliance report dated 29.7.2020 @ Sl. No. 17</b></p>

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(b)	<i>It is submitted that the Hon'ble Tribunal directs the Chief Sectarary to initiate suitable enquiry for action according to law.</i>	
16. (Sl.16)	<i>Hon'ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i>	
(a)	The Monitoring Committee (in last line of para 2 of Report dated 06.03.2020) has observed that “the laying of “U” shaped drains construction is not convincing”. BBMP in its report dated 04.08.2020 has stated that 389 Kms out of 842 Kms has been channelized by constructing retaining wall and another 325 Kms need construction.	<p><b>BBMP:</b></p> <p>i) The length of the SWD's in Bangalore City is about 842 Kms.</p> <p>ii) The SWD's in Bangalore city are not planned. The erstwhile irrigation channels are now converted into flood management channels, which have been made an irregular in dimension and also in width. At places they are narrow and at some places they are wider. Added to it their respective elevation, are not of the same, as Bangalore has a plateau terrain.</p> <p>iii) Experienced would tell that laying of U-shaped drains construction is best suitable where the width of the SWD is less than 4.0m.</p> <p>iv) By constructing U-shaped drains namely, by constructing retaining walls on either side, we are enlarging/increasing the capacity of inflow and outflow of the drain, in an orderly manner. If the earthern drain is to be retained, the drain would run happezordly.</p> <p>v) Non construction of retaining walls, may lead to flodding even beyond buffer zone.</p> <p>vi) The buffer zone concept was introduced for the first</p>
(b)	All such activities are being carried out are in contravention of the directions of this Hon'ble Tribunal in order dated 06.12.2018 at para 19(4) and reiterated in order dated 18.12.2019 at para 9(4).	
(c)	It is apprehended that the construction of retaining walls may be used to reduce the width of the rajakaluves which would have a direct bearing in the categorization of buffer zones (Please refer to Para 20(b) at page 9 of this note).	

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		<p>time in Bangalore city in 2007-2008 but by that time, innumerable, constructions had already been taken place in the buffer zone now earmarked. If retaining walls are not constructed on these locations, the above referred constructions would be inundated, causing havoc and loss in the populous city of Bangalore city, by which BBMP would be held responsible and would be called upon to pay heavy compensation.</p> <p>vii) Bangalore city, every year, expecting flash floods and cloud bursts (so far as June/July 2020 is concerned, the rainfall is over and above 64% compared to the average rainfall-copy of the KSNDMC) by which water cannot be contained much less could be restricted to the buffer zone alone. The excess water, is to be contained, only by construction retaining wall.</p> <p>viii) Heather to, the corporation has got constructed retaining walls of length of 389 Kms out of 842Kms. Experience tells us that the flooding if any on these 389 Kms is absolutely under control.</p> <p>ix) Certain dead lakes are now residential layouts, wherein the SWD's are running on much higher elevation, than the adjacent areas. These drains are carrying more amount of rain water than the average drain. The SWD's which are in such residential layouts are causing, flooding even beyond, 15/25/50m buffer zone respectively as they cannot be contained during monsoon.</p> <p>x) The above aspect would tell that the residential layouts in the erstwhile dead lakes, are vulnerable to flooding in</p>

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		<p>view of thy being located in a low laying area geographically. In such eventualities the retaining walls are the only mitigative measures.</p> <p>xi) Experience tells that the floods in the city of Bangalore having “rocky geographic terrain”, cannot be restrained well within buffer zone. The ground water absorption is very low in Banagalore city, because of the above reason. This natural geographical terrain necessary calls for Retaining wall structures.</p> <p>xii) Bangalore is not a planned city. Consequential effect is that SWD’s are normally not in straight line. As a result in the absence of Retaining walls, flow of water cannot be contained in a defined way as and when flood takes place. Construction walls, in such event would regulate the flow in SWD’s and avoid entering the area in buffer zone and beyond.</p> <p>xiii) In the absence of Retaining walls, the edges of the Earthern drain would permit a shabby growth of bushes and trees and would prevent cleaning work (regular maintenance) of the drain. That apart there could be enourmous Silt-up due to erosion/cavein of the earthern side of the drain, which agian would be burden on exchecquer of the BBMP.</p> <p>xiv) In case of earthern drain edges, particularly during rainy season, emergency cleaning of SWD’s, is a hilarious task.</p> <p>xv) BBMP has all the respect for the orders dated.</p>

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		<p>6/12/2018 at para19 (4) and order dated 18/12/2019 at para9 (4). What are all the difficulties in the absence of retaining walls, have all been placed before the Hon'ble monitoring committee.</p> <p>xvi) Out of 842 Km, 389 Km has been channelized by constructing retaining walls. In further survey, it is found that out of the remaining 453 Km, the balance 325Km of SWD, had been planned for construction of retaining wall. Out of which 75Km had been proposed in the current year for constructing retaining wall. However, BBMP would abide by the directions of Hon'ble NGT. The work concerning construction of retaining walls to the extent of 75Kms is put on hold.</p> <p>128Kms of SWD which are in the outskirts of the city will be retained as earthen drain only.</p> <p>xvii) The apprehension that the construction of retaining walls may reduce the width of the Raja Kaluves which will have bearing in the categorization of buffer zone, is well appreciated and taken.</p> <p>As of now, the SWD's are in "Trapezoidal" shape. Now, BBMP proposes to construct SWD's in a "Rectangular" shape, by constructing respective retaining walls. Such retaining walls would be constructed at the outer edge of the Trapezoidal shape by which in no case, the width of the SWD will be reduced. On the other hand by constructing SWD in a rectangular shape at the outer edge as above, then the capacity of inflow and outflow of water will be increased apart from an appreciation in velocity of flow if compared between earthen surface on the one hand and retaining wall drain on the other.</p>

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		xviii) In the matter of identifying the buffer zone, the measurement on the either side would be taken from the center of the drain, where there would be no chance miss categorization of buffer zones.
17.(Sl.17)	<i>Hon'ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i>	
(a)	The Monitoring Committee Report and the Compliance Report filed by the BBMP dated 04.08.2020 failed to disclose the date of the notice under Section 308 of the Karnataka Municipal Corporation Act, 1976, which has been served upon the persons whose structures are found within 30 meter buffer zone of Bellandur & Varthur lake. No information has been provided about the steps initiated after service of notice. The Hon'ble Tribunal may direct BBMP to file a comprehensive action taken report in this regard along with copies of notices & replies received from the occupants of such structures.	i) It is true that date of the notice under Section 308 of the Karnataka Municipal Corporation Act, 1976, which has been served upon the persons whose structures are found within 30 meter buffer zone of Bellandur & Varthur lake.  ii) It is true that no information has been provided about the steps initiated after service of notice.  In view of situation prevailing under COVID-19, most of the staff engineers are engaged in combating the disease. Therefore, BBMP earnestly pray for some time.
(b)	The Hon'ble Tribunal may grant time to the Monitoring Committee to verify the claim of BBMP in respect of removal of encroachments on SWDs.	--do--
18. (Sl.18)	<i>Hon'ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i>	
	<i>No comments</i>	
19. (Sl.19)	<i>Hon'ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i>	
	<i>No comments</i>	

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20. (Sl.20)	<i>Hon'ble Justice Santhosh Hegde Committee Report dated 06.03.2020</i>	
(a)	<p>The Hon'ble Tribunal had ordered that structures which have been constructed in the buffer zones of lakes &amp; rajakaluves but are uninhabited shall not be occupied without the permission of the Hon'ble Tribunal. The Monitoring Committee Report as well as the affidavit of BBMP does not provide any information on this aspect.</p>	<p><b>BBMP:</b></p> <p>i) In fact permissions are not being granted in constructing within the buffer zone of Rajakaluves as per zoning regulations 2015.</p> <p>ii) In so far as structures which have been constructed in the buffer zones of lakes &amp; rajakaluves but are uninhabited shall not be occupied without the permission of the Hon'ble Tribunal, is concerned, necessary informations have been to the concerned engineers by the Commissioner in the meeting held.</p> <p>iii) However, steps have been taken in issuing a public notice that the structures which have been constructed in the buffer zones of lakes and SWD but are inhabited shall not be occupied without the permission of the Hon'ble Tribunal.</p>
(b)	<p>BBMP has observed that it is following the Buffer Zoning Regulations 2015 which is 30 meters for the lakes; and 50, 25 and 15 meters from the center of the primary, secondary and tertiary drains respectively. It is submitted that no details of any survey has been placed on record.</p> <p>Lastly, the categorization and classification of the rajakaluves into primary, secondary and tertiary drain has yet not been undertaken. Consequently,</p>	<p>i) In view of situation prevailing under COVID-19, most of the staff engineers are engaged in combating the disease. Therefore, BBMP earnestly pray for some time.</p> <p>ii) So far as the request that buffer zone of all kinds of Rajakaluves shall be 50mts from its center, pending the survey and notification, is concerned BBMP has its own say and BBMP is seeking time in submitting in that respect in detail.</p>

<b>Sl.No.</b>	<b>Points raised the Ld. Amicus Curiae vide the Concise Submissions dt. 07.08.2020</b>	<b>Reply of the concerned stake holders</b>
	<p>the Hon'ble Tribunal may direct BBMP and the concerned authorities to survey and notify rajakaluves. Pending the survey and notification, in the meantime applying the precautionary principle, the Hon'ble Tribunal may order that the buffer zone of all kinds of rajakaluves shall be 50 meters from its center.</p>	