

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) AT CHENNAI

Application No.57 of 2017

BETWEEN

Heritage Estate Apartments Owners Association.
 Having its registered office at
 Club House, 1st floor, Heritage Estate,
 Doddaballapura Main Road,
 Yelahanka, Bangalore-560064.
 Represented by its President,
 Mr.Shivakumar.S Advocate.
 (appearing in person).

Applicant

AND

Ministry of Environment & Forest,
 Union of India, through Secretary
 Paryavaran Bhawan, CGO Complex
 Lodhi Road, New Delhi-110003, and 9 others.

Respondents

**WRITTEN SUBMISSION FILED BY THE COUNSEL FOR
 THE 8th RESPONDENT**

The Counsel for the 8th Respondent submits as follows:

1. The Counsel for the 8th Respondent states that the allegation against this respondent is that the respondent No.3 who is the project proponent has obtained two permissions from the tree officer Yelahanka Zone BBMP for felling 49 trees by an order dated 01/03/2016 and another 49 trees dated 17/05/2016 as per the provisions of the Karnataka Preservation of Trees Act, 1976 as amended in the year 2014.
2. The Counsel for the 8th Respondent submits that the 3rd Respondent who is the Project proponent has colluded with the Tree Officer to avoid public hearing is a grossly misleading, irresponsible and malicious statement made without an iota of proof.
3. The Counsel for the 8th Respondent submits that the action of the 8th Respondent is in accordance with law and appropriate permissions were given as per rules. In fact, for many of the species which were felled such as Silver Oak (4 Nos), Acacia (31 Nos.) and Mango (19 Nos), no permission is required under Section 8 of the Karnataka Preservation of Trees Act 1976. That means in the order No. YA/UV/PR-532/2015-16 dated: 01.03.2016 only for 39 trees and in the order No. YA/UV/PR-61/2015-16 dated: 17.05.2016 only for 05 trees attracts Karnataka Tree Preservation of Tree Act 1976.

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4. The Counsel for the 8th Respondent submits hence, there is no question of conducting Public Hearing and as alleged by the applicant that the Respondent No.3(KPCL) and this Respondent collided is not true and baseless.
5. The Counsel for the 8th Respondent submits that sufficient care has been taken to save the trees to the maximum extent by modifying the engineering plans of the project. Respondent No. 3 has already issued a tender to plant 1000 tree saplings within the premises in order to develop and maintain a significant green cover in the area.
6. The Counsel for the 8th Respondent submits that as per the environmental norms, 33 percent of the total area will be reserved for tree plantation. The Respondent No.3, has already taken steps towards plantation of trees in the area of about 9 hectares inside the plant premises in a phased manner. About 1000 saplings are sought to be planted in the first phase and the planting of more saplings have been contemplated in the next phase in the vacant areas of the plant.
7. The joint committee appointed by this Hon'ble Tribunal has also not found any lapse on the part of the 8th Respondent in granting permission for filling about 98 trees and the joint committee has also suggested about the Planting of trees which can grow quickly.
8. The Counsel for the 8th Respondent submits this Written Submission may be taken on Written Submission in Appeal No.14 of 2020 also.
9. In the above circumstances there are no merits in the allegations against this respondent and the above application may be dismissed with exemplary costs and this Hon'ble Court may pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Dated at Chennai on this the ^{15th} day of July 2021


Counsel for Respondent No.8

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COUNSEL FOR THE 8TH RESPONDENT**

Mr. T.V.SEKAR

COUNSEL FOR 8TH RESPONDENT