

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE
BENCH, CHENNAI**

ORIGINAL APPLICATION NO. 25 of 2022

IN THE MATTER OF: -

M. Sundaramurthy

.... Applicant

Versus

**The Principal Secretary,
Department of Environment, & Forest,
Govt of Tamil Nadu and Ors.**

.... Respondent

**ADDITIONAL REPORT FILED ON BEHALF OF STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)**



Filed by:
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**Additional Report for the Compliance of the Hon'ble National Green Tribunal,
Southern Zone, Chennai in respect of O.A. No.25 of 2022(SZ)**

1. The project proponent M/s. Escapade Real Estate Private Ltd. has applied to State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN) for seeking Environmental Clearance for the proposed site to construct a residential development of Block A (G+ 3 Floors) - 7 wings, Block B (G+ 3 Floors)- 30 wings, Block C (G+ 3 Floors) -3 wings, Block D (G+ 3 Floors) - 4 wings; Block E (G+ 3 Floors)- 7 wings, Block F (G+ 3 Floors) – 1 wing and Block G (G+ 3 Floors)- 1 wing at S.F.Nos. 381/1A , 381/1B1, 381/1B2, 381/3A, 381/3B, 381/3C, 383/1A, 383/1B, 383/1C, 383/3 , 384 Pt, 385 Pt, 386 Pt, 389/4A, 389/4D1 Pt , 390/2B1, 390/2B2, 390/2B3, 390/2B4, 390/3A, 390/3B, 390/4, 390/5, 390/6A, 390/6B, 390/7A, 390/7B, 390/8, 394/1, 394/10A, 394/10B, 394/11A, 394/11B, 394/12, 394/14A, 394/14B1, 394/14B2, 394/14B3A, 394/14B3B, 394/2A, 394/2B, 394/2C, 394/2D, 394/2E, 394/2F, 394/3, 394/4, 394/5A & 8B2, 394/5B, 394/6, 394/8A, 394/8B1, 394/9, in Sengundram Village, Chengalpattu Taluk, Kancheepuram District, Tamil Nadu under category “B2” and Schedule S.No. 8(a) under the Environment Impact Assessment Notification, 2006, as amended.
2. The project activity is covered in 8(a) of the Schedule and is of 'B2' category. It does not require Public Consultation as per Para 7(i) III Stage (3) (d) ‘Public Consultation’ of EIA Notification, 2006. Based on the application submitted through Form-1, Form-IA, Conceptual plan, Annexure, the additional clarifications and the affidavit for vacant site furnished by the proponent, the State Level Expert Appraisal Committee placed the subject in the 69th SEAC Meeting held on 13.11.2015 & 14.11.2015 and the authority decided to recommend it to SEIAA, Tamil Nadu to grant Environmental Clearance for the project.
3. The proposal was placed in the 148th SEIAA Meeting held on 18.12.2015. After detailed discussion the Authority decided to accept the recommendations of the SEAC and decided to grant Environmental Clearance subject to conditions vide this office Letter No. SEIAA-TN/F.No. 3814/EC/8(a)/435/2015 dated 18.12.2015.
4. The project proponent had applied to State Level Environment Impact Assessment Authority – Tamil Nadu (SEIAA-TN) on 20.10.2021 for seeking Environmental Clearance for the proposed site for expansion of Residential Complex, Ashiana Shubham developed by M/s Escapade Real Estate Private Ltd at S.F.No.381/1A, 381/1B1, 381/1B2, 381/3A, 381/3B, 381/3C, 383/1A, 383/1B, 383/1C, 383/3, 384 Pt., 386 Pt., 389/4A, 389/4D1 Pt., 383/2B1, 383/2B2, 383/2B3, 390/2B4, 390/3A, 390/3B, 390/4, 390/5, 390/6A, 390/6B, 390/7A, 390/7B, 390/8, 394/1, 394/10A, 394/10B, 394/11A, 394/11B, 394/12, 394/14A, 394/14B1, 394/41B2, 394/14B3A, 394/14B3B, 394/2A, 394/2B, 394/2C, 394/2D, 394/2E, 394/2F, 394/3, 394/4, 394/5A&B2, 394/5B, 394/6, 394/8A, 394/8B1, 394/9, 389/4A, 384, 385, 386, 387, 390/3A, 390/3B of Sengundram Village, Chengalpattu Taluk, Chengalpattu District, Tamil Nadu.

5. The proposal was placed in the 254th SEAC Meeting held on 17.03.2022. Based on the presentation and documents furnished by the project proponent, SEAC decided to recommend the proposal for grant of Environmental Clearance with the following conditions in addition to normal conditions stipulated by MoEF&CC:
- i. The project proponent shall provide sewage treatment plant of 750 KLD capacity as committed and shall continuously operate and maintain the same to achieve the standards prescribed by the TNPCB/CPCB.
 - ii. The project proponent shall achieve 4-star GRIHA National Rating System in environmental performance of the proposed building.
 - iii. The proponent shall provide Organic Waste Converter plant within project site for bio-degradable waste and shall dispose the non- Biodegradable waste to authorized recyclers as committed.
 - iv. The height of the stacks of DG sets shall be provided as per the CPCB norms.
 - v. The project proponent shall submit structural stability certificate from reputed institutions like IIT, Anna University etc. to TNPCB before obtaining CTO.
 - vi. The proponent shall make proper arrangements for the utilization of the treated water from the proposed site for toilet flushing, green belt development & OSR and any further surplus treated water shall be given to irrigation purpose as committed and no treated water shall be let out of the premise.
 - vii. The sludge generated from the Sewage Treatment Plant shall be collected and de-watered using filter press and the same shall be utilized as manure for green belt development after composting.
 - viii. The proponent shall provide the separate wall between the STP and OSR area.
 - ix. The purpose of green belt around the project is to capture the fugitive emissions, carbon sequestration and to attenuate the noise generated, in addition to improving the aesthetics. A wide range of indigenous plant species should be planted as given in the appendix, in consultation with the DFO, State Agriculture University and local school/college authorities. The plant species with dense/moderate canopy of native origin should be chosen. Species of small/medium/tall trees alternating with shrubs should be planted in a mixed manner.
 - x. Taller/one year old saplings raised in appropriate size of bags; preferably eco-friendly bags should be planted in proper espacement as per the advice of local forest authorities/botanist/horticulturist with regard to site specific choices. The proponent shall earmark the greenbelt area with GPS coordinates all along the boundary of the project site with at least 3 meters wide and in between blocks in an organized manner.
 - xi. The unit shall ensure the compliance of land use classification fit for construction.
 - xii. The project proponent shall provide entry and exit points for the OSR area, play area as per the norms for the public usage and as committed.
 - xiii. The Proponent shall provide rain water harvesting sump of adequate capacity for collecting the runoff from rooftops, paved and unpaved roads as committed.

- xiv. The project proponent shall allot necessary area for the collection of e-waste and strictly follow the E-Waste Management Rules 2016, as amended for disposal of the E waste generation within the premise.
 - xv. The project proponent shall obtain the necessary authorization from TNPCB and strictly follow the Hazardous & Other Wastes (Management and Transboundary Movement) Rules, 2016, as amended for the generation of hazardous waste within the premises.
 - xvi. No waste of any type to be disposed off in any other way other than the approved one.
 - xvii. All the mitigation measures committed by the proponent for the flood management to avoid pollution in air, noise, solid waste disposal, sewage treatment & disposal etc., shall be followed strictly.
 - xviii. The project proponent shall furnish commitment for post-COVID health management for construction workers as per ICMR and MHA or the State Government guidelines.
 - xix. The project proponent shall provide a medical facility, possibly with a medical officer in the project site for continuous monitoring the health of construction workers during COVID and Post - COVID period.
 - xx. The project proponent shall measure the criteria air pollutants data (including CO) due to traffic again before getting consent to operate from TNPCB and submit a copy of the same to SEIAA.
 - xxi. Solar energy should be at least 10% of total energy utilization. Application of solar energy should be utilized maximum for illumination of common areas, street lighting etc.
 - xxii. As per the MoEF&CC Office Memorandum F.No. 22-65/2017-IA.III dated: 30.09.2020 and 20.10.2020, the proponent shall adhere the EMP cost of Rs.279.2Lakhs as committed.
 - xxiii. As accepted by the Project Proponent the CER cost is Rs.2 crore and the amount shall be spent for (1) development of approach road to Gokulapuram Main Road and planting of avenue trees (2) Providing package of facilities to Panchayat Union Primary Schools at Karunilam and Gundalur (3) Road side plantation and (4) donation to local Panchayats to undertake construction of community assets under 'Namakku Naame' Scheme.
6. The Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. No.25 of 2022 in its order dated: 15.03.2022 has stated that

"...13. In order to ascertain the genuineness of the allegations made in the application, we feel it appropriate to appoint a Joint Committee comprising of (i) a Senior Officer from Ministry of Environment, Forest & Climate Change (MoEF&CC), Integrated Regional Office, Chennai, (ii) a Senior Officer from the State Level Impact Assessment Authority (SEIAA) – Tamil Nadu (iii) the concerned District Environmental Engineer from the Tamil Nadu Pollution Control Board (iv) the District Forest Officer, Chengalpattu Division, Kancheepuram District to inspect the area in question and submit a factual as well as action taken report, if there is any violation found."

7. The District Environmental Engineer, Tamil Nadu Pollution Control Board, Maraimalai Nagar, Chengalpattu District vide their Letter No. DEE/TNPCB/NGT- O.A.No. 25 of 2022 (SZ)/MMN/2022 dated:01.04.2022 has requested to nominate a Senior Officer from the State Level Impact Assessment Authority (SEIAA) – Tamil Nadu as member of Joint Committee as per the Hon'ble National Green Tribunal, Southern Zone, Chennai in its order dated 15.03.2022 in O.A.No.25 of 2022 (SZ).

8. The joint committee members inspected the project site on 07.04.2022 and the joint committee inspection report was filed before the Hon'ble National Green Tribunal, Southern Zone, Chennai

9. The proposal was placed in the 498th SEIAA Meeting held on 08.04.2022 as stated below

“After detailed discussions, the Authority noted that E- Mail message enclosed with a letter dated 01.04.2022 has been received from DEE, TNPCB, MMN on 01.04.2022 regarding a pending court case before Hon'ble NGT (SZ) in its order dated 15.03.2022 regarding the unit of M/s Escapade Real Estate Ltd at Senkundram Village, Chengalpattu District.

In this regard, the Authority decided to refer back the proposal to SEAC for re-examining the pending court case as stated above.”

10. Again, the proposal was placed in the 289th SEAC Meeting held on 24.06.2022. The details furnished by the proponent are given in the website (Parivesh). The SEAC noted the following:

- i. The Project Proponent M/s. Escapade Real Estate Private Limited has applied for Environmental Clearance for the proposed Expansion of Residential complex Ashiana Shubham developed at S.F.No: 381/1A, 381/1B1, 381/182, 381/3A, 381/38, 381/3C, 383/1A, 383/18, 383/1C, 383/3, 384 Pt. 386 Pt. 389/4A, 389/4D1 Pt. 383/281, 383/2B2, 383/283, 390/284, 390/3A, 390/38, 390/4, 390/5, 390/6A, 390/6B, 390/7A, 390/78, 390/8, 394/1, 394/10A, 394/108, 394/11A, 394/118, 394/12, 394/14A, 394/1481, 394/4182, 394/14B3A, 394/1483B, 394/2A, 394/2B, 394/2C, 394/2D, 394/2E, 394/2F, 394/3, 394/4, 394/5A&B2, 394/5B, 394/6, 394/8A, 394/881, 394/9, 389/4A, 384, 385, 386, 387, 390/3A, 390/3B of Sengundram Village, Chengalpattu Taluk, Chengalpattu District. Tamil Nadu.
- ii. The project/activity is covered under Category "B2" of Item 8(a) "Building and Construction Projects" of the Schedule to the EIA Notification, 2006.
- iii. M/s. Escapade Real Estate Private Limited has obtained EC vide letter No. SEIAA/TN/F.3814/EC/8(a)/435/2015 dated 18.12.2015.

- iv. The Project Proponent has obtained Certified Compliance report from MoEF&CC Regional office (South Eastern Zone) vide F. No.EP/12.1/SEIAA/2016-17/49/TN dated 10.01.2022.
- v. Earlier, this proposal was placed in 254th SEAC Meeting held on 17.03.2022 and SEAC decided to recommend the proposal for the grant of Environmental Clearance subject to the certain conditions as stated therein.

Subsequently this proposal was placed in 498th SEIAA Meeting held on 08.4.2022. After detailed discussions, the Authority noted that E- Mail message enclosed with a letter dated 01.04.2022 has been received from DEE, TNPCB. MMN on 01.04.2022 regarding a pending court case before Hon'ble NGT (SZ) in its order dated 15.03.2022 regarding the unit of M/s. Escapade Real Estate Ltd at Senkundram Village. Chengalpattu. In this regard, the Authority decided to refer back the proposal to SEAC for re-examining the pending court case as stated above.

This proposal was again placed in 289th Meeting of SEAC held on 24.06.2022. The PP has made the representation covering the points as sought by the SEIAA. After detailed deliberation SEAC decided that as it a legal issue, SEIAA may take decision based on the outcome in the pending case before the Hon'ble NGT (SZ).

11. In order to comply the Hon'ble NGT(SZ) order dated 10.11.2022, a member from the SEAC was nominated to file a report before the Hon'ble NGT(SZ) Court.
12. The said site was inspected on 04.02.2023 and the inspection report was filed before the Hon'ble National Green Tribunal, Southern Zone, Chennai.
13. The Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A. No.25 of 2022 in its order dated: 13.02.2023 has stated that....

“1. Heard the learned counsels. The SEIAA – Tamil Nadu has filed its report dated 13.02.2023. However, the report of the Water Resources Department is yet to be filed.

2. From the report of the SEIAA – Tamil Nadu, it appears that there has been some violation of the Environmental Clearance (EC) conditions. If that is so, let the objection be filed by the project proponent. It is also stated that the Environmental Clearance (EC) applied for expansion is also lying with the SEIAA. We clarify that the application may be considered on merits, as there is no specific order of stay.

3. We await the report of the Water Resources Department. Let the matter be listed on 20.02.2023.”

14. The proposal was placed in 361st meeting of SEAC held on 10.03.2023. The details of the project furnished by the proponent are given in the website (parivesh.nic.in).

The SEAC noted the following:

1. *The Project Proponent, M/s. Escapade Real Estate Private Limited has applied for Environmental Clearance for the proposed Expansion of Residential complex Ashiana Shubham developed at S.F.No: 381/1A, 381/1B1, 381/1B2, 381/3A, 381/3B, 381/3C, 383/1A, 383/1B, 383/1C, 383/3, 384 Pt, 386 Pt, 389/4A, 389/4D1 Pt, 383/2B1, 383/2B2, 383/2B3, 390/2B4, 390/3A, 390/3B, 390/4, 390/5, 390/6A, 390/6B, 390/7A, 390/7B, 390/8, 394/1, 394/10A, 394/10B, 394/11A, 394/11B, 394/12, 394/14A, 394/14B1, 394/41B2, 394/14B3A, 394/14B3B, 394/2A, 394/2B, 394/2C, 394/2D, 394/2E, 394/2F, 394/3, 394/4, 394/5A&B2, 394/5B, 394/6, 394/8A, 394/8B1, 394/9, 389/4A, 384, 385, 386, 387, 390/3A, 390/3B of Sengundram Village, Chengalpattu Taluk, Chengalpattu District, Tamil Nadu.*
2. *The project/activity is covered under Category "B2" of Item 8(a) "Building and Construction Projects" of the Schedule to the EIA Notification, 2006.*
3. *M/s. Escapade Real Estate Private Limited has obtained EC vide letter No. SEIAA/TN/F.3814/EC/8(a)/435/2015 dated 18.12.2015.*
4. *The Project Proponent has obtained Certified Compliance report from MoEF&CC Regional office (South Eastern Zone) vide F.No.EP/12.1/SEIAA/2016-17/49/TN dated 10.01.2022.*
5. *Earlier, this proposal was placed in 254th SEAC meeting held on 17.03.2022 and SEAC decided to recommend the proposal for the grant of Environmental Clearance subject to the certain conditions as stated therein.*
6. *Subsequently this proposal was placed in 498th SEIAA meeting held on 8.4.2022. After detailed discussions, the Authority noted that E- Mail message enclosed with a letter dated 01.04.2022 has been received from DEE, TNPCB, MMN on 01.04.2022 regarding a pending court case before Hon'ble NGT (SZ) in its order dated 15.03.2022 regarding the unit of M/s Escapade Real Estate Ltd at Senkundram Village, Chengalpattu. In this regard, the Authority decided to refer back the proposal to SEAC for re-examining the pending court case as stated above.*
7. *This proposal was again placed in 289th meeting of SEAC held on 24.06.2022. The PP has made the representation covering the points as sought by the SEIAA. After detailed deliberation, SEAC decided that as it is a legal issue, SEIAA may take decision based on the outcome in the pending case before the Hon'ble NGT(SZ).*
8. *Subsequently, the proposal was placed in the 534th Authority meeting held on 18.07.2022. The authority after detailed deliberation, decided that the examination of the proposal may be kept in abeyance and further course of action for this proposal is subject to the outcome of the O.A.No.25 of 2022 pending in Hon'ble NGT(SZ) Chennai and SEAC may examine the outcome and the recommendation for grant of Environmental Clearance may be furnished to SEIAA.*
9. *Subsequently, Hon'ble NGT (SZ) Chennai has passed orders on 13.02.2023 stating*
 1. *Heard the learned counsels. The SEIAA – Tamil Nadu has filed its report dated 13.02.2023. However, the report of the Water Resources Department is yet to be filed.*
 2. *From the report of the SEIAA – Tamil Nadu, it appears that there has been some violation of the Environmental Clearance (EC) conditions. If that is so, let the objection be filed by the project proponent. It is also stated that the Environmental*

Clearance (EC) applied for expansion is also lying with the SEIAA. We clarify that the application may be considered on merits, as there is no specific order of stay.

3. *We await the report of the Water Resources Department. Let the matter be listed on 20.02.2023.*

Now, the proposal is placed in the 361st SEAC meeting held on 08.03.2023. SEAC had already examined the proposal on merits and made its recommendation in its 254th SEAC meeting held on 17.03.2022. Now, the Hon'ble NGT has clarified that the proposal that "*We clarify that the application may be considered on merits, as there is no specific order of stay.*" Hence, SEIAA may take appropriate action on the SEAC recommendation already made.

15. The proposal was subsequently placed in the 607th SEIAA Authority Meeting held on 03.04.2023. The authority noted that the subject was appraised in 361st SEAC meeting held on 08.03.2023. SEAC had already examined the proposal on merits and made its recommendation in its 254th SEAC meeting held on 17.03.2022. Now, the Hon'ble NGT has clarified that the proposal that "*We clarify that the application may be considered on merits, as there is no specific order of stay.*" Hence, SEIAA may take appropriate action on the SEAC recommendation already made.

After detailed deliberations, the Authority accepts the recommendations of SEAC and decided to grant Environmental Clearance subject to the conditions as recommended by SEAC in addition to the following conditions and conditions stated therein vide Annexure 'C':

1. The proponent shall adhere to the conditions stipulated by the District Forest Officer vide Proc.No.5438/2013/D Dated: 25.07.2014 in letter and spirit.
2. No liquid waste and solid waste must be let into Forest land and adjacent lands.
3. Forest boundary should not be tampered/encroached/breached under any circumstances.
4. The proponent shall obtain a fresh NOC from the Forest Department (not more than one year) before obtaining CTO from TNPCB.
5. All clearances and NOC as required from various departments like TNPCB, local bodies and other departments shall be obtained and submitted before obtaining CTO from TNPCB.
6. Activities should not result in any changes to the vegetation, biodiversity and forest structures.

Hence, the Environmental Clearance (EC) was issued to the project proponent vide Lt.No. SEIAA-TN/F.No.8852/EC/8(a)/928/2023 dated: 03.04.2023.

It is therefore humbly prayed that this Hon'ble NGT (SZ) may be pleased to consider the above said facts and pass such order or orders as this Hon'ble Tribunal may deem fit and proper in this case and thus render justice.

gale
5/7/2023
MEMBER SECRETARY
SEIAA-TN
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