

Item No. 05

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 602/2019

H. P. Rajanna

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 03.02.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s): Mr. Rahul Choudhary and Mr. Sharon Mathew,
Advocate

For Respondent(s): Mr. V. D'Costa and Mr. Himanshu Sharma, Advocate
for R-11 & 12
Ms. Amrita Sharma, Advocate for BBMP

ORDER

1. This application has been filed against violation of the environment norms by Wonder Projects Development Pvt. Ltd. and Godrej Properties Ltd. on account of high rise residential apartment project in municipal khata number 4131 comprised in Survey Nos. 61/2, 62 and 63/2, Kasavanahalli Village, VarthurHobli, Bengaluru East taluk, Bengaluru District by Respondent No. 9 and 10, Wonder Projects Development Pvt. Ltd. and Godrej Properties Ltd.
2. The matter was considered on 19.07.2019 as follows:-

“According to the applicant, the project is in prohibited area of buffer zone of the lake and the Rajakaluves crossing the project lands. The area is eco-fragile zone. Environmental Clearance was granted on 10.01.2018 against which an appeal is pending and is fixed for 13.08.2019. The Environmental Clearance is in violation of order of this Tribunal dated 04.05.2016 in O.A. No. 222/2014, Forward Foundation vs. State of Karnataka and Ors. against which an appeal was decided by the Hon'ble Supreme

Court vide judgment dated 05.03.2019 in Civil Appeal No. 5016/2016, Mantri Techzone Pvt. Ltd. vs. Forward Foundation & Ors.

In view of above, let a factual and action taken report in the matter be furnished by joint Committee representing Central Pollution Control Board (CPCB), Karnataka State Environment Impact Assessment Authority (SEIAA), Karnataka State Pollution Control Board (KSPCB), Wonder Projects Development Pvt. Ltd. and Godrej Properties Ltd. The SPCB will be the nodal agency for coordination and compliance. The report may be furnished within one month by e-mail at judicial-ngt@gov.in.”

3. A joint Committee has filed its report through the Karnataka State PCB on 23.09.2019 in connected O.A. No. 281/2018 . The report refers to a survey report submitted by the Department of Survey to the State PCB on 11.09.2019 as follows:-

“Existing properties in Kaikondrahalli Lake buffer area and violation, if any noticed are tabulated below:

S. No.	Village	Sy No.	Activity	Violation of Buffer
A	Kaikondrahalli	3	Vacant site	No Violation
		5	Vacant site	No violation
		6	Grave Yard	Not a permitted activity
		7	Vacant Site	No violation
		8	Establishing cross road, Commercial buildings where Ananda Sweet and Nanda's Multicusine, Sri Rajrajeshwari condiments shop, 3M Car Care and Bengaluru fruits and vegetables shop	Portion of lake area is encroached
		9	Renuka High School with play ground and toilet, Sports Centre, Raksha Car service, Residential building and Private car service garage in buffer zone.	Not a permitted activity
		10/3	Private grocery shops and commercial establishment in the buffer zone	Not a permitted activity
		11	Kidzee School and cross road established	Not a permitted activity
		11/2	Sri Mitra Builders & Developers, established residential apartment by name “Sri Mitra Spring Valley”	The project authorities have

				established, swimming pool, club house and approach road in the lake buffer area, which is not permitted activity.
		11/2	ALPS Prime Spaces Pvt Ltd, established residential apartment by name” Alps estate	South east portion of the project area where STP and Exit gate situated is in buffer area, which is not permitted activity.
		14	Private building and commercial establishment in the buffer area.	Not a permitted activity.
B		39	C & D wastes are dumped and used for Solid Waste segregation by BBMP contractor.	C & D waste debris shall be removed and solid waste segregation has to be stopped by BBMP. Not a permitted activity
	Kasavanahalli	40	There is no construction activity except establishment of temporary labour shed after some distance.	BBMP has to verify whether these shed falling under buffer or not.
		62	Godrej by name “Wonder Projects Development Pvt Ltd” have obtained Environmental Clearance from SEIAA and consent for establishment from KSPCB and for establishment of residential apartment in Sy Nos. 61/2, 62 and 63/2. There is Nala within the project area which connects Kasavanahalli tank to Kaikondrahlli Tank. Project under construction.	Sy No. 62 and 63 falls under Lake buffer area. As there is separate O.A 602/2019 on this project, the same will be inspected by the committee as per the order dated 19.7.2019 and separate

				report will be submitted by the committee.
		63/1	Vacant site	No Violation
		68	SJR Enterprises Pvt. Ltd., established Residential Apartment by name SJR Water Mark	Project authorities have established rain water harvesting tank, park, tennis court and portion of drive way at 1 acre 17 guntas falling under the buffer area.
		69	There are some residential building and establishment of park and road in the lake buffer area.	Not a permitted activity
		71/2 72/2 73	Residential sheet houses constructed in the area of 1 acre 4 guntas and 1 acre 6 guntas is vacant. Further, the owner of the Sy No. 72/2 is started leveling land adjoin to the lake. Sheet building construction in Sy No. 73 still exists.	Not a permitted activity
	Kasavanahalli	71/1 71/2 72/1 72/2 73 74/5B	Nala Khrab of Sy No. 71/1 of 1 gunta, 71/2 of 1 gunta, 72/1 of 1 gunta, 72/2 of 2 guntas, 73 of 01 guntas, 74/5B of 3 guntas and 74/5B of 4 guntas of Halla Khrab is encroached and nala area is being used for approach road.	Not a permitted activity

On the above listed properties, the following properties have obtained Environmental Clearance from SEIAA and Consent to Establishment & Operation from the KSPCB.

- a) Sy No. 68: SJR Enterprises Pvt Ltd., established Residential Apartment by name SJR Water Mark.
- b) Sy No. 11/2: Sri Mitra Builders & Developers, established residential apartment by name "Sri Mitra Spring Valley".
- c) Sy No 11/2: ALPS Prime Spaces Pvt Ltd, established residential apartment by name "Alps estate".
- d) Sy Nos 61/2, 62 and 63/2: Godrej by name "Wonder Projects Development Pvt Ltd"-under construction.

The relevant photographs on Violation of Buffer are attached as Annexure 4.

4.0 OBSERVATION OF COMMITTEE ON THE REPRESENTATION SUBMITTED BY THE MAHADEVAPURA PARISARA SMRAKSHNE MATTU ABHIRUDHI SAMITI (MPSMAS)

The Mahadevapura Parisara Smrakshne Mattu Abhirudhi Samiti (MPSMAS) through Managing Trustee Sri Subramanian Sankrana submitted updated representation to Karnataka State Pollution Control Board (KSPCB). The pointwise observation of the Joint Committee is given as Annexure 5.

Further, as noticed by the committee during the restoration work under taken by BBMP, BBMP established walkway by rising the lake bed around the periphery of the lake and constructed toilet and amphitheater within the lake area.

5.0 OVERALL OBSERVATION AND SUGGESTION OF THE COMMITTEE

The observations of the committee are:

- There are three main feeder drains to the Kainkondrahalli Lake, one on south Eastern side, second on Western side and third one towards Southern Side of the lake. The total lake area is 48 acres 23 Guntas.*
- The Lake is rejuvenated jointly by BBMP & MPSMAS in the year 2011 with two sewage diversion lines to restrict & stop the entry of untreated sewage, one on the western side and another from southern side towards east. The manhole chambers provided in the diversion line i.e. from southern to eastern side was found overflowing and untreated sewage is entering to the lake. Other than this, there is no sewage entry into the lake as the diversion pipe line provided towards eastern and western side of the lake. BWSSB has to clear the diversion line to avoid the overflowing of sewage from the manhole into the Lake and plan to have a terminal Sewage Treatment Plant to treat the entire sewage and only to allow the storm water to the lake through wetland.*
- BBMP storm water drain, Mahadevapura zone marked the drain area which is originating from Kasavanahalli road to the lake from eastern side and work pertaining to restoration of the drain is in progress.*
- BESCO authorities have disconnected the power supply to residential houses in Sy No. 71/1,71/2,72/2,72/1,72/2,74/5B and 73 of Kasavanahalli Village, Varthur Hobli, Bengaluru East Taluk, Bengaluru urban district.*

- *The residential sheet houses constructed at Sy No. 72/2 coming under the lake buffer are demolished. But, residential houses constructed in Sy No. 73 are still exists, the same need to be removed. Vacant area of the Sy No. 71/2 & 72/2 adjoining to lake is being filled with new soil for leveling.*
 - *Sy No. 71/2: The land adjoining to lake is being used for solid waste segregation by BBMP, the same need to be stopped and segregation of waste are to be done at the generation and collection point itself. The dumping and segregation of solid waste at the lake belt to be stopped and cleared.*
 - *Sy No. 39: The land adjoining to lake is being used for dumping of C & D waste, BBMP shall be directed to take appropriate steps to clear the same.*
 - *The temporary labour sheds constructed and existing in Sy No. 40 need to be verified by the BBMP whether the sheds are within Lake Buffer or not and to take appropriate action.*
 - *The concern authorities shall be directed to take appropriated action to clear the violations/encroachment noticed in the existing properties & activities in the buffer area.”*
4. By separate orders passed today in Appeal No. 54/2018 and O.A. No. 281/2019 the above report has been directed to be acted upon by the concerned authorities.
5. In view of the above, no further order is necessary as the issue raised is already covered by the above orders.

The application stands disposed of.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

February 03, 2020
Original Application No. 602/2019
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