

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

M.A. No. 189 of 2016

In

Original Application No. 37 of 2015

And

Original Application No. 154 of 2016

In

Original Application No. 37 of 2015

IN THE MATTER OF :

S.P. Muthuraman Vs. Union of India &Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE PROF. DR. R. NAGENDRAN, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER**

Present:

Applicant Mr. Pinaki Misra, Sr. Adv., Mr. R. Chandrachud, Adv. in
M.A. No. 189 of 2016
Respondent No. 1 : Mr. Rahul Pratap, Adv. for MoEF
Respondent No. 2 : Mr. R. Venkataramani, Sr. Adv., AAG Mr. R. Rakesh
Sharma, Standing Counsel for State of Tamil Nadu and
TNPCC
Respondent No. 3 : Mr. Sakshi Popli, Adv. SEIAA, TN

Date and Remarks	Orders of the Tribunal
Item Nos. 03 & 04 April 22, 2016 A	<p><u>M.A. No. 189 of 2016 In Original Application No. 37 of 2015</u> <u>And</u> <u>Original Application No. 154 of 2016 In Original</u> <u>Application No. 37 of 2015</u></p> <p>M/s SSM Builders and Promoters has filed this Applications for leave to start construction and completion of its Housing Projects which was subject matter of the main Application.</p> <p>We have heard the Learned counsel appearing for the parties at length. Vide detailed judgement of the Tribunal dated 07th April, 2015 we had directed this Builder to pay a compensation of Rs. 36 crores and have also directed appointment of High Powered Committee to inspect the premises and make their recommendations in relation to the various aspects which were covered under the Environmental Clearance. The report of the Committee dated 18th December, 2015 has been filed on record. The Committee has not recommended the</p>

demolition of the project in part or entirely. On the other hand it has recommended certain measures be taken for the purposes of permitting the project to be completed in accordance with law. The report of the Committee is accepted.

After submission of the report SEIAA, Tamil Nadu has passed order granting Environmental Clearance with a number of conditions now imposed vide their letters dated 26th February, 2016, 04th April, 2016 and 20th April, 2016.

Since the project has been granted Environmental Clearance by SEIAA Tamil Nadu and the Project Proponent has also paid the amount directed under the judgment, it is necessary for us to dispose of these matters with certain further additional terms and conditions over and above the conditions imposed in the order granting Environmental Clearance to the Project Proponent.

Learned counsel appearing for the Project Proponent has submitted that it will comply with all the terms and conditions stated in the order of Environmental Clearance as well as such other additional conditions as may be imposed by the Tribunal but Project Proponent may be permitted to continue construction of its Project and complete the same expeditiously.

Since the Project Proponent has satisfied the basic directions issued by the Tribunal and has also received the order granting Environmental Clearance afore stated, we pass the following directions:-

1. Subject to the Project Proponent strictly adhering and complying with the directions, terms and

conditions issued in the order granting Environmental Clearance and the orders granted by all the Authorities in this matter, we permit the Project Proponent to continue activity of its project and complete the same in accordance with law.

2. In addition to the conditions stated in the Environmental Clearance the following three conditions shall be carried out by all the concerned Authorities and particularly the Project Proponent.

(i) SEIAA, Tamil Nadu shall verify the compliance of all pre-construction conditions stipulated in the Environmental Clearance and shall effect a joint inspection before allowing third party interests.

(ii) Project Proponent shall make efforts to use the treated waste water optimally within the premises. For the surplus quantity, Project Proponent shall seek expert opinion in respect of the deep well/ deep bore injection of treated waste water from the Institute of Hydrology/ Anna University, Chennai.

(iii) The natural drainage shall be maintained without any concretization. Wherever natural storm water drains have been obliterated, they shall be re-routed properly so that flooding/ ponding does not occur, even during monsoon.

The Project Proponent would be entitled to complete his project but will not give possession any third party, till unless the joint inspection team consisting of SEIAA, Tamil Nadu, Tamil Nadu Pollution Control Board and representative of MoEF inspects the project and submit a report of satisfactory compliance of all the conditions stated in this order. Project Proponent shall give atleast two weeks' Notice to this Committee, requesting for inspection of the premises. Once the inspection report is submitted to the Tribunal and is found to be satisfactory, the Project Proponent can proceed with its project further in accordance with law. This order would be without prejudice to the orders passed by all the other competent Authorities and also without prejudice to the rights and contentions of the parties.

With the above directions, M.A. No. 189 of 2016 In Original Application No. 37 of 2015 and Original Application No. 154 of 2016 stand disposed of without any order as to costs.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Prof. Dr. R. Nagendran)

	,EM (Prof. A.R. Yousuf)
	,EM (B.S. Sajwan)

