

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Application No. 175 of 2015 (SZ)

Applicant(s)
Namma Bengaluru
Foundation, Koramangala,
Bangalore

Vs. State of Karnataka
Vidhana Soudha
Bangalore and 6 others

Respondent(s)

Legal Practitioners for Applicant(s)
M/s. Samvad Partners

Legal practitioners for respondent(s)
Mr. Devaraj Ashok for R-1
Mrs. Me. Sarashwathy
for R-2 & R-3
Mr. Thirunavukarasu for R-4
M/s. J. Anandhavalli, G. Sumitra &
P. Kavitha for R-5
Mr. T.V. Sekar for R-6
M/s. D. Ravichander, Amarnath,
Saritha & Dineshkumar for R-7

Note of the Registry	Orders of the Tribunal
Order No.	Date: 1 st February, 2016 Counsel for the parties are Present. Advancing the arguments the Senior Counsel appearing for the 7 th respondent, Project Proponent put forth his submissions in respect of the grounds on which he seeks to vacate the interim order originally granted by this Tribunal on 26-10-2015. The Senior Counsel would submit that the entire case has been put forward by the applicant as if there is a serious violation of environmental laws which is totally unfounded and the applicant has obtained an interim order from this Tribunal on 26.10.2015 restraining any more

constructional activities by the 7th respondent. He argues that in view of the revised plan and EC granted by the authorities, the main application itself has got to be dismissed. He further stated that the 7th respondent made an application before the 5th respondent in the year 2013 for raising the construction and after getting necessary permission from the 5th respondent the matter came up for consideration before the 3rd and 4th respondents. Accordingly, they have given the EC and consent thereon though originally no EC was applied for. The plan was approved for construction of 5 towers and one tower has been raised up to 10 floors and the remaining 6 floors are yet to be constructed. In so far as the remaining 4 towers, construction only up to the ground floor is completed and not proceeded further as the injunction was granted by this Tribunal. It is submitted that the continuance of the interim order would cause immense hardship and financial loss to the 7th respondent and hence it has got to be vacated and at least the tower built up to 10 floors may be allowed to be completed.

In response, opposing the vacation of injunction the Senior Counsel for the applicant would submit that there are two *Rajakaluves* (storm water drains) and it is not clear from the approved plan which is the one going to be affected, and if the shifting of the same is permitted on the basis of the EC

and plan approved which is without any consideration, it would cause degradation of environment and ecology. The 7th respondent made an application for modification of the earlier plan approved. Without any consideration and without looking into any aspects, the 5th respondent has granted the modification of the development plan and even a plain reading of the permission given to the 7th respondent clearly indicates the non-application of mind and not caring about ecology and environment. He further argued that after considering the issue the Tribunal has granted the interim order and there is no necessity to vacate the same. The Senior Counsel for the applicant further argues that for ascertaining the existence of the current scenario on the ground a committee needs to be appointed.

Heard both the Senior Counsels. Matter is posted to 08.02.2016 for orders.

P.S. Rao
(Expert Member)

Justice M. Chockalingam
(Judicial Member)