

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Appeal No. 177/2018  
(Earlier Appeal No. 103/2013 (SZ))

M/s. DLF Ltd. Bangalore

Appellant(s)

Versus

The Chairman, KSPCB & Ors.

Respondent(s)

Date of hearing: 25.01.2019

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

For Appellant(s): Dua Associates

For Respondent (s): Mr. M.R. Gokul Krishnan, Advocate

**ORDER**

1. The issue for consideration in this appeal is whether the appellant should have been granted consent to establish under the provision of Water (Prevention and Control of Pollution) Act, 1974 (Water Act) by the Karnataka State Pollution Control Board (KSPCB).
2. The KSPCB as well as the Appellate Authority under the provisions of the Water Act, declined consent to establish.
3. The KSPCB after considering the matter concluded as follows :-

*“Keeping in view the proper maintenance of the ecosystem, vital water resources and bio-diversity of the area and particularly having regard to the deterioration of quality of drinking water and reduced inflow to the T.G. Halli reservoir and keeping the interest of the present and future generation, it was decided to refuse the consent for establishment sought by M/s. DLF Limited in the personal hearing held on 09.08.2011 and the same was communicated to M/s. DLF Limited vide letter No. PCB/TGH/09/3136 dated 18.08.2011 and issued below order.”*

4. The reason for the above opinion is the finding in the Expert Committee report that project site is in catchment area of the river and the project will involve extraction of ground water which will have adverse impact on hydrology. The project will affect the vegetation. The sewage disposal system proposed was not viable and the ecosystem will be adversely affected.
5. The matter has been pending for the last about six years and was kept pending on account of the fact that the connected issue is pending consideration before the High Court.
6. The issue before the High Court is challenge to the approval granted by the Government for formation of township in the area. In the earlier round of litigation the High Court quashed the approval by the Government. On appeal, the Hon'ble Supreme Court remanded the matter for fresh consideration, as noted in the impugned order of the Appellate Authority dated 14.08.2013.
7. Since the approval granted by the Government for setting up the colony itself is under cloud, irrespective of the merits of the claim of the appellant, consent to establish could not be granted. Thus, keeping this appeal pending for indefinite period will not serve any purpose.
8. In view of above, we dispose of this appeal, leaving liberty to the appellant to seek consent to establish, if necessary, in the light of the decision of the High Court, by making out a case on merits as per the circumstances which may be prevailing at the relevant time.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

January 25, 2019  
Appeal No. 177/2018  
(Earlier Appeal No. 103/2013 (SZ)  
A

