

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

**Original Application No. 01 of 2018**  
**(M.A. No. 75/2018, M.A. No. 115/2018, M.A. No. 118/2018, M.A. No.**  
**138/2018, M.A. No. 215/2018, M.A. No. 220/2018, M.A. No. 222/2018 &**  
**M.A. No. 451/2018)**  
**(Earlier M.A. No. 1538/2017 in O.A. No. 222/2014)**

**IN THE MATTER OF :-**

**Sri K. S. Ravi Vs. State of Karnataka & Ors.**

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

<b>Present:</b>	<b>Applicant :</b>	<b>Ms. Kanika Agnihotri and Mr. Ram Prasad, Adv.</b>
	<b>Respondents</b>	<b>Mr. Attin Shankar Rastogi, Adv. for Ministry of Environment, Forest and Climate Change .</b>
	<b>Respondent Nos. 1,3,4,5,7-10:</b>	<b>Mr. Devraj Ashok, Adv. for BBMP and State of Karnataka</b>
	<b>Respondent no. 11</b>	<b>Mr. Venkat Ramni, Sr. Adv., Mr. Nishanth Patil, Ms. Sneha R. Iyer, Mr. Rohit Prasad and Mr. K. Megha, Adv.</b>
	<b>Respondent No. 12:</b>	<b>Mr. Ajith Bhasme and Mr. Naman Jhabakh, Adv.</b>
		<b>Mr. Saransh Jain, Adv.</b>
		<b>Mr. Shubham Kulshrestha, Adv.</b>
		<b>Mr. Devraj Ashok, Adv.</b>

Date and Remarks	Orders of the Tribunal
<p><b>Item No.</b> <b>05</b></p> <p><b>September</b> <b>04, 2018</b></p> <p><b>R</b></p>	<p>1. This application (originally filed as a Miscellaneous Application No. 1538/2017 and later converted to Original Application No. 01/2018 vide order dated 15.12.2017) seeks following reliefs:</p> <p><i>“(I) Restrain all the construction activities in violation of the buffer zones stipulations specified by this Hon’ble Tribunal in the above case in its Judgment dated 04.05.2016 including the on-going constructions at Khata Number 1997/45/2, Sy. No. 41/2, Kaikondrahalli Vilalge, BBMP Ward No. 150 (Bellandur Ward), Mahadevpura Zone, Bengaluru ;</i></p> <p><i>(II) Direct the BBMP and Karnataka State Pollution Control Board (for short KSPCB) to forthwith seal the aforesaid premises and not to allow anybody to occupy the premises and to submit compliance report thereof;</i></p> <p><i>(III) Direct the State Authorities to file a status report regarding the compliance of the directions issued by this Hon’ble Tribunal;</i></p> <p><i>(IV) Direct the State Authorities to demolish the offending constructions and restore the lands</i></p>

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		<p>payable by Respondent No. 10 to Rs. 13.5 crores (3% of the stated project cost instead of 5% as imposed in the original judgment).</p>
	<p><b>Item No.</b> <b>05</b></p> <p><b>September</b> <b>04, 2018</b></p> <p><b>R</b></p>	<p><b><u>General Directions:</u></b></p> <ol style="list-style-type: none"> <li>1. We direct SEIAA, Karnataka to issue amended order granting Environmental Clearance within four weeks from today incorporating all the conditions stated in this judgement and such other conditions as it may deem appropriate in light of this judgment and Inspection Note of the Expert Members. The Project Proponents would be permitted to commence activity only after issuance of amended Environmental Clearance order.</li> <li>2. SEIAA Karnataka and MoEF shall ensure regular supervision and monitoring of the project and during the construction and even upon completion to ensure that activity is carried out strictly in accordance with the conditions of the order granting Environmental Clearance, this Judgment, Notification of 2006 and other laws in force.</li> <li>3. The distances in respect of buffer zone specified in this judgment shall be made applicable to all the projects and all the Authorities concerned are directed to incorporate such conditions in the projects to whom Environmental Clearance and other permissions are now granted not only around Belandur Lake, Rajkulewas, Agara Lake, but also all other Lakes/ wetlands in the city of Bengaluru.</li> <li>4. We hereby direct the State of Karnataka to submit a proposal to the MoEF for demarcating wetlands in terms of Wetland Rules 2010 as revised from time to time. Such proposal shall be submitted by the State within four weeks from today and the MoEF shall consider the same in accordance with law and grant its approval or otherwise within four weeks thereafter. After such approval is granted by MoEF, the State would issue notification notifying such areas immediately thereafter in accordance with Rules and law.</li> <li>5. Both the Respondents Nos. 9 and 10 shall ensure that debris or any construction material that has been dumped into the Rajkulewas, or on their Banks and on the buffer zone of wetlands should be removed within four weeks from</li> </ol>

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	<p><b>Item No.</b> <b>05</b></p> <p><b>September</b> <b>04, 2018</b></p> <p><b>R</b></p>	<p>for such project. It is in violation of Karnataka Town and Country Planning Act, 1961 and Zoning Regulations, RMP-2015. Occupancy Certificate granted by Bruhat Bengaluru Mahanagar Palike to SJR Prime Corporation Pvt. Ltd. is illegal.</p> <p>4. We are informed that during pendency of this application, Bruhat Bengaluru Mahanagar Palike passed order dated 01.01.2018. The operative part of the said order is as follows:</p> <p><i>“Therefore, for all the above reasons and facts and circumstances the building plan in LP No. Nayo/Mava/Committee/86/15-16 and the building license also dated: 21-07-2015 in non-est, nullity, invalid and inoperative and is hereby cancelled and/or revoked with immediate effect. (The order pronounced in the BBMP office, Bengaluru on this 1<sup>st</sup> Day of January, 2018).”</i></p> <p>05. Against the above order, Writ Petition Nos. 1656/2018 and 975/2018 have been filed in the Hon’ble High Court of Karnataka. The said Writ Petitions are still pending before the Hon’ble High Court of Karnataka. The High Court granted interim orders against which SLP (Civil) No. 4811/2018 and 5937/2018 were filed. Therein, stay of order of Hon’ble High Court of Karnataka has been granted.</p> <p>6. The fact remains that the very same issue is subject matter of consideration inter-parties in the Hon’ble High Court of Karnataka and Hon’ble Supreme Court. Thus, it will not be appropriate for this Tribunal to continue parallel proceedings on the same issue. Proceedings with regard to validity or otherwise of the Building Plan and license for the <i>K.N. Mohan Building</i> will stand closed as far as this Tribunal is concerned, subject to any order that</p>
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	<p><b>Item No.</b> <b>05</b></p> <p><b>September</b> <b>04, 2018</b></p> <p><b>R</b></p>	<p>may be passed in the proceedings pending before the Hon'ble High Court of Karnataka and the Hon'ble Supreme Court in above matters. Other prayers are integrally linked to the issue of validity of the above project. The same cannot be gone into independently.</p> <p>The matters accordingly stand disposed of as above.</p> <p><b><u>M.A. Nos. 220/2018 and 222/2018:</u></b></p> <p>These applications are dismissed as withdrawn.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (Dr. Jawad Rahim)</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p>04.09.2018</p>
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