

O/c

Dt. 06<sup>th</sup> April 2018.

From:  
Modi & Modi Constructions & Nilgiri Estates,  
Both rep. by its' Managing Partner  
Shri. Soham Modi,  
5-4-187/3 &4, II Floor,  
Soham Mansion, M. G. Road,  
Secunderabad- 500 003.  
Ph. Nos. 040- 66 33 5551/2/3/7.

To  
The Environmental Engineer,  
Telangana State Pollution Control Board,  
Regional office, Medchal District.  
6-3-1219, Block -C, Ward No. 91,  
Near Country Club,  
Kundanbagh, Umanagar,  
Hyderabad.

Dear Sir,

**Sub : Obtaining Consent to Establish – reg**  
**Ref : Your letter No. 15/TSPCB/RO-MDC/2018-195 Dated 15.03.2018.**

In reply to the above referred show cause notice sent by you vide letter no. 15/TSPCB/RO-MDC/2018-195 Dated 15.03.2018 we submit the following for your kind consideration.

1. We propose to construct a residential bungalows project with a built up area of 33,440.70 Sq. mtrs at Sy. Nos. 75, 77, 78, 79, 96 & 100/2, Rampally Village, Keesara Mandal, Medchal Malkajgiri District, Telangana. We have obtained prior environmental clearance vide letter no. SEIIA/TS/RRD/295/2016/784 dated 20.06.2016.
2. The Central Pollution control Board vide letter no. B-29012/ESS/CPA/2016-17/2570 dt. 2<sup>nd</sup> February 2017 mentioned vide para iii. " There should not be any need to obtain consent to establish for Building/Construction Projects/Area Development projects and Town ship projects, which are mentioned at serial no. 8 (a) and 8 (b) of schedule of projects in EIA notification, 2006. For such projects, Environment clearance shall suffice subject to the condition that there should a permanent member from SPCB in the state level EIA authority to represent the views of SPCB" The State expert appraisal committee working under the authority of SEIAA has JCE of TSPCB as member secretary, and the environmental clearance letters are issued by officers of state pollution control board. Accordingly we understand our projects do not require to take consent to establish. Para iv. of the said letter also mentions " Further, all the projects requiring environmental clearance either from state level EIA Authority or MoEFCC may be exempted from obtaining the consent to establish. Such projects may be directly granted CTO subject to EC and installation of pollution control devices."

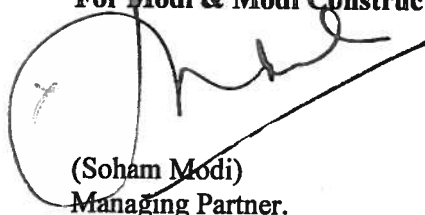


3. The ministry of Environment and Forests, GOI vide its notification SO 3999 E dt. 9.12.2016 mentions the following in para 2 of page 15 " No Consent to Establish and Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 will be required from the State Pollution Control Boards for residential buildings up to 1,50,000 square meters." We understand the national green tribunal, Delhi delivered its views without quashing the said notification in its judgement dt. 8.12.2017 in the OA no. 677 of 2016, and that the Ministry of Environment, Forest and Climate Change approached the supreme court vide CA no. 2522/2018, which is pending with the court.
4. The Hon'ble High Court of Delhi in its judgement dt. 23.1.2012 in LPA 895/2010 vide para 27 mentioned "Section 25(1) of the Water Act would apply where a building is proposed to be constructed to set up an industry or carry on an operation or a process as explained in para 21 above and this would mean that the Water Act would not apply to buildings housing residential apartments/units. It would apply to all other buildings where effluent or trade effluent is discharged, be they where manufacturing activity is carried on, sale or purchase of goods is carried on or services are provided." and vide para 34 it also mentions that " for residential complexes, we hold that neither to establish nor to operate, (in fact the concept of "to operate" is not even applicable to a residential complex), any permission is required under the Air Act." We understand the judgement is under review in the supreme court since 2013 and there was no stay granted on the same. In view of the above, as we are a residential complex, we do not need to obtain consent to establish and operate also.
5. The directions of CPCB dt. 03.03.2017 are related to online monitoring and consent to operate and are not contradicting their letter dt 2.2.2017.

In view of the above, we request you to advise us, as various associations of construction sector gave us the above information, suggesting that we are exempt from obtaining the consent to establish at this stage.

Thanking you

Yours Sincerely,  
**For Modi & Modi Constructions & Nilgiri Estates,**



(Soham Modi)  
Managing Partner.