



**TELANGANA STATE POLLUTION CONTROL BOARD  
REGIONAL OFFICE, MEDCHAL DISTRICT**

# 6-3-1219, Block - C, Ward No-91, Near Country Club,  
Kundanbagh, Umanagar, Begumpet, Hyderabad

Kumar Pathak  
Environmental Engineer

Telephone : 23084744  
Website : tspcb.nic.in

**Lr. No.15/TSPCB/RO-MDC/2018- 584**

**Date: 01.08.2018**

**Sub:** TSPCB – RO-Medchal – "NILGIRI HOMES" of M/s. Modi & Modi Constructions & Nilgiri Estates, Sy.No. 75, 77, 78, 79, 96 & 100/2, Rampally (V), Keesara (M), Medchal-Malkajgiri District – Establishment and operation of the Project without obtaining Consents of the Board as required under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and control of pollution) Act, 1981 - Show Cause Notice Issued - Reply submitted by the Proponent - Clarifications Issued - Reg.

- Ref:**
1. Environmental Clearance obtained from SEIAA dated 20.06.2016.
  2. The Hon'ble National Green Tribunal (NGT), Chennai judgment dt. 25.01.2017 in OA No. 106 of 2016.
  3. The Central Pollution Control Board directions dt. 03.03.2017.
  4. The Hon'ble National Green Tribunal (NGT), New Delhi Judgment dt. 08.12.2017 in OA No. 677 of 2016.
  5. T.O. Show Cause Notice dated 15.03.2018.
  6. The Ministry of Environment, Forest and Climate Change, Govt. of India OM dated 06.04.2018.
  7. Proponent's letter received on 06.04.2018.

\*\*\*

The proponent obtained Environmental Clearance order dated 20.06.2016 from SEIAA as per the provisions of EIA Notification dt. 14.09.2006 for the construction project in the name and style of M/s. Modi & Modi Constructions & Nilgiri Estates, Sy.No. 75, 77, 78, 79, 96 & 100/2, Rampally (V), Keesara (M), Medchal-Malkajgiri District.

As per the condition stipulated in the Environmental Clearance, the project proponent shall obtain Consent for Establishment of the Pollution Control Board under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and control of pollution) Act, 1981 before starting any construction work. However, it was noticed that the proponent has not obtained Consent for Establishment of the Board.

In view of the above and keeping in view of the judgment dt. 25.01.2017 of the Hon'ble National Green Tribunal (NGT), Chennai in OA No. 106 of 2016 and directions dt. 03.03.2017 issued by the Central Pollution Control Board, this office issued Show Cause Notice to the proponent vide reference 5<sup>th</sup> cited.

The proponent submitted reply to the Notice vide reference 7<sup>th</sup> cited informing that the project does not require to obtain CFE and CFO of the Board as per CPCB letter dated 02.02.2017, MoEF&CC Notification No. SO 3999 dated 09.12.2016 and judgment dated 23.01.2012 of the Hon'ble High Court of Delhi in LPA 895/2010.

In this connection, it is to inform as follows:

- 1) The Ministry of Environment, Forest and Climate Change, Govt. of India earlier issued amendment of the EIA Notification, 2006 vide Notification S.O. No. 3999(E) dated 09.12.2016. In the amendment notification, it was stipulated that no Consent to Establish and Operate under Water (Prevention and Control of Pollution) Act, 1974 and 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.

- 2) Subsequently, the Society for Protection of Environment & Biodiversity, Gaziabad, Uttar Pradesh filed O.A. No. 677 of 2016 before the Hon'ble National Green Tribunal, Principal Bench, New Delhi praying the Hon'ble NGT to quash and set-aside the Notification dated 09.12.2016 issued by MoEF&CC.
- 3) The Hon'ble NGT issued judgment dated 08.12.2017 in O.A. No. 677 of 2016 and passed the following order/directions:  
".....  
2. We hold and declare that (i) clause 14(8), (ii) the provisions relating to exclusion of Consent to Operate and Consent to Establish under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and control of pollution) Act, 1981 in clause 14 of the impugned Notification; (iii) Appendix-XVI relating to constitution and functioning of Environmental Cell, cannot be sustained and are liable to be quashed for the reasons aforesaid. Thus, we direct MoEF&CC to re-examine its Notification dated 9th December, 2016 and take appropriate steps to delete, amend and rectify the clauses of the said Notification in light of this judgement.  
....."
- 4) The Ministry of Environment, Forest and Climate Change, Govt. of India issued OM dated 03.04.2018 for consideration of proposals for grant of ToR/EC to building construction projects.

In view of the above, you are once again directed to obtain Consent for Establishment of the Telangana State Pollution Control Board as required under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 & amendments thereof immediately and report compliance to this office within Three days from the date of receipt of this letter, failing which action will be initiated against your project under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 without any further Notice.

You are also directed to note that establishment of the project without obtaining consents of the Board is punishable under Section 44 of Water (Prevention and Control of Pollution) Act, 1974 and under Section 37 of Air (Prevention and Control of Pollution) Act, 1981 & amendments thereof.

  
01.08.2018  
ENVIRONMENTAL ENGINEER

✓  
To  
Sri Shoam Modi, Managing Partner,  
M/s.Modi & Modi Constructions & Nilgiri Estates,  
5-4-187/3 & 4, II Floor, Soham Mansion,  
M.G.Road, Secunderabad - 500 003.  
Ph.No.040-27543658

Copy submitted to the JCEE, Unit-I, TSPCB, Board Office, Sanathnagar, Hyderabad for kind information and necessary action.