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Supreme Court to decide if citizens or builders rule Bengaluru

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*Bellandur and Agara lakes have already been encroached
Apex court to pass judgement on the vexed lake buffer zone case today*

The Supreme Court is scheduled to hear final arguments on the lake buffer zone judgment of Bellandur-Agara Lake by the National Green Tribunal (NGT) on Tuesday.

The State Government has approached the Supreme Court along with Mantri Techzone Private Limited and Core Mind Software and Services Private Limited, challenging the NGT judgment on buffer zones. Namma Bengaluru Foundation is a petitioner and fighting in this case.

"The big David vs Goliath fight that has gone all the way to the SC. Builders (supported by Rahul Gandhi's government) with their big, expensive lawyers are trying to overturn the NGT order with only citizen groups like Namma Bengaluru Foundation to defend and protect Bengaluru. The Karnataka government's and G Parameshwara's support to these big builders exposes Rahul Gandhi's hypocrisy and the Karnataka government's links with contractors and builders who are exploiting and destroying our Bengaluru," said Rajeev Chandrasekhar, Member of Parliament.

The NGT judgment

On May 4, 2016, the NGT Principal Bench passed a judgment specifying that buffer zones of 75 metres in case of lakes, 50 metres for primary, 35 metres for secondary and 25 metres for tertiary raja-kaluves (storm water drains) must be maintained, measuring from the edge of those water bodies. The NGT has observed that these buffers are absolutely essential for sustainable development of the environment of the area in question. These buffer zones were directed to be maintained as green belts, and as 'no construction zone' for all intent and purposes.

The tussle over ruling

Mantri Tech Zone, Coremind Software Services and the State Government approached the Supreme Court seeking to quash the NGT judgment.

In 2012, Karnataka Industrial Areas Development Board (KIADB) had sanctioned 'mixed use development project/building complex' on the wetland between Agara and Bellandur lakes. It includes the construction of hotels, residential complexes, malls and a special economic zone (SEZ) park. Mantri Techzone Private Limited and Core Mind Software and Services Private Limited began construction work.

Namma Bengaluru Foundation and other civic groups filed public interest litigation in the Karnataka High Court in 2014 against the construction projects. On March 13, 2014, Namma Bengaluru Foundation filed an application in the NGT Southern Bench, seeking an end to construction projects. On April 16, 2015, the NGT Southern Bench passed an interim order, staying the construction on the wetland.

The NGT on May 7, 2015, imposed a penalty on the builders for commencing construction before receiving clearances and cited the violation of environmental laws. Mantri Tech zone Private Limited and Core Mind Software and Services Private Limited were ordered to pay Rs 117.35 crore and Rs 22.5 crore as penalty respectively, for illegal and unauthorised construction in an ecologically sensitive area. The NGT had constituted an eight-member committee to inspect, validate and submit a report.

The Supreme Court stayed the penalty on May 20, 2015 and gave the companies a week's time to approach the NGT with a review application. On September 4, 2015, the committee report recommended immediate scrapping of the project and stated that construction on wetlands is a violation. The region is meant to be protected as "No Development Zone" under City Development Plan 2005 and City Development Plan 2015.

On May 4, 2016, the NGT delivered a final judgment, staying the construction and ordering the structure to be demolished. It reiterated that Mantri Techzone Private Limited and Core Mind Software and Services must pay the penalty. On April 3, 2017, the Government of Karnataka approached the SC, along with Mantri Techzone Private Limited and Core Mind Software and Services Private Limited challenging the NGT judgment.

"The NGT rule on buffer zone is based on good science, taking into consideration the welfare of the citizen and the city. Challenging the same seems to be unwise in the short and long term," says Bangalore Environment Trust chairman Dr Yellappa Reddy.

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