

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTH ZONE)  
AT CHENNAI

Original Application No. 104/2020

**BETWEEN**

Rajesh Ghantayath . . . Applicant

**AND**


Union of India & Others . . . Respondents

**REPLY STATEMENT FILED BY STATE LEVEL ENVIRONMENT IMPACT  
ASSESSMENT AUTHORITY, KARNATAKA (RESPONDENT NO. 5)**

**Most Respectfully Showeth:**


I, Kiran Kumar B.S., Working as Scientific Officer, Grade – 1, Forest, Ecology & Environment Department, Government of Karnataka and assisting the State Level Environment Impact Assessment Authority, Karnataka do hereby state that I have been authorized to file the reply statement in my official capacity and I am familiar with the facts and circumstances of the present matter. I state that the contents of the present reply statement are true and correct and are verifiable from the official records and nothing material has been concealed there from.

1. It is respectfully submitted that the State Level Environment Impact Assessment Authority, Karnataka (hereinafter referred as "SEIAA") have granted Prior Environmental Clearance to the project under consideration in the present matter, in accordance with applicable law. Without any prejudice to this, a consolidated reply to the

  
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application is submitted herein below, while reserving the right to file a detailed parawise reply, if so necessitated, with the permission of this Tribunal. It is further submitted that each of the submissions and allegations made in the present application against SEIAA, may be deemed as denied unless specifically admitted to herein below.


2. It is respectfully submitted that the application filed by Respondent No. 8 on 29<sup>th</sup> December 2014 seeking prior Environment Clearance for establishment of Hazardous Waste Landfill at Plot No. 217 of Harohalli Industrial Area, 2<sup>nd</sup> Phase, Kanakapura Taluk, Ramanagara District was duly considered by State Level Expert Appraisal Committee (hereinafter referred to as "SEAC") in accordance with law and based on the information furnished by the Project Proponent in the Statutory Application, Pre-feasibility Report, EIA Report, Presentation made before the SEAC, additional information and clarification submitted. The SEAC has recommended to SEIAA for issue of environmental Clearance in its meetings held on 13<sup>th</sup> & 14<sup>th</sup> July 2015 and based on the recommendations, the SEIAA has considered the project in its meeting held on 25<sup>th</sup> July 2015 and after due consideration, have decided to issue environmental clearance.
3. It is respectfully submitted that the Environmental Clearance was issued to the project proponent on 28/08/2015, subject to strict compliance of terms and conditions envisaged in the EC, for establishment of Hazardous Waste Landfill consisting of Cell-1 of 50,000 Tons capacity/10 years and Cell-2 of 45,000 Tons capacity/10 years in a total plot area of 14,424.6 Sq.mts.

  
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4. It is respectfully submitted that the online application filed by Respondent No. 8 on 20<sup>th</sup> September 2017 seeking prior Environment Clearance for expansion of Hazardous Waste Landfill at Plot No. 217 of Harohalli Industrial Area, 2<sup>nd</sup> Phase, Kanakapura Taluk, Ramanagara District was duly considered by State Level Expert Appraisal Committee (hereinafter referred to as "SEAC") in accordance with law and based on the information furnished by the Project Proponent in the Statutory Application, EIA Report, Presentation made before the SEAC, additional information and clarification submitted. The SEAC has recommended to SEIAA for issue of environmental Clearance for expansion in its meetings held on 18<sup>th</sup> & 19<sup>th</sup> May 2018 and based on the recommendations, the SEIAA has considered the project in its meeting held on 1<sup>st</sup> June 2018 and after due consideration, have decided to issue environmental clearance to the project proponent for expansion of Hazardous Waste Landfill Facility.


5. It is respectfully submitted that the Environmental Clearance for expansion of Hazardous Waste Landfill Facility was issued to the project proponent on 11/06/2018, subject to strict compliance of terms and conditions envisaged in the EC, for enhancing the capacity of Cell-1 from 50,000 MT to 1,00,000 MT/10 years and Cell-2 from 45,000 MT to 51,000 MT/10 years with a total capacity of 1,51,000 MT/10 years

6. It is respectfully submitted that the EC was issued to the project proponent by SEIAA subject to strict compliance of Specific conditions and General Conditions as envisaged in the EC. General

  
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condition No. 2 of the EC states that the implementation of the project vis-à-vis environmental action plans shall be monitored by MoEF Regional Office at Bangalore/ KSPCB /CPCB and the Department of Environment & Ecology, Government of Karnataka, Bangalore. A six monthly compliance status report shall be submitted to monitoring agencies.

7. It is respectfully submitted that the Joint Committee which was formed pursuant to the order of this Hon'ble Tribunal dated 10/07/2020 has filed a detailed report dated 27/01/2021 highlighting non-compliance of many EC conditions and also CFO conditions by the project proponent. In so far as with regard to the non-compliance of EC conditions, SEIAA will initiate suitable action against the project proponent by following due process of law.
8. It is respectfully submitted that the projects/activities considered under EIA Notification, 2006 are issued with "Prior Environmental Clearance" by the SEIAA subject to strict compliance to the conditions of such clearance. Hence, the order of the Environmental Clearance granted to the Respondent No. 8 vide letter dated 28/08/2015 and 11/06/2018 is "Prior Environmental Clearance" issued based on the information furnished by the project authorities in the Statutory application form-1, Pre-feasibility report, EIA report, additional information/clarification submitted during appraisal under the provisions of EIA Notification, 2006 subject to strict compliance of Specific and General conditions imposed thereon which includes obtaining clearances from all other statutory authorities required under law. Any non-compliance of such conditions will be dealt in accordance with law.

  
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Therefore, the contentions made in this application with regard to non-compliance of conditions in this regard will be dealt with in accordance with law if established.

That in view of the submissions made above, the Respondent No. 5 respectfully prays that this Hon'ble Tribunal be pleased to pass any such order/directions as it may find fit and proper in the facts and circumstances of the matter and SEIAA will be bound by the order/directions of this Hon'ble Tribunal.

Place: Bangalore

Date:18/06/2021

*K. K. B. S.*  
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