



1. That I am, the above-named Deponent, authorized and well conversant with the facts and circumstances of the present case and thus competent to swear the present Reply Affidavit in my official capacity.
2. That I have read and understood the contents of the present Reply Affidavit. The contents thereof are true and correct and nothing material has been concealed therefrom.
3. It is submitted at the very outset that this Respondent No.3 denies each averment and/or submission made in the Original Application, that are contrary to and inconsistent with the averments made and facts stated in the present reply. It is submitted that nothing stated in the petition may be deemed to have been admitted by this Respondent unless and until the same is expressly admitted in the present reply.

**PARA-WISE COMMENTS:**

1. The 3<sup>rd</sup> Respondent submits that they have perused the Application filed by the Applicants. The Application has been filed **seeking compensation for Rs.2,84,56,000/- for 1st Applicant and a compensation of Rs.3,30,10,000/- for 2nd Applicant for the loss sustained by them, due to the power project of the 8th Respondent.**
2. This Respondent submits that Paras I & II of the Application are matters of facts and require no reply from this answering Respondent.

3. That the averments made in para III (i) of the Application, this answering Respondent states that the present Application is filed under Section 15(1) of the NGT Act, 2010 for issues related to non-compliance of forests and environmental laws. It is submitted that the Govt. of Andhra Pradesh, Forest Department, is entrusted with the responsibility of implementation of Forest (Conservation) Act, 1980, and similarly, Andhra Pradesh Pollution Control Board is empowered for implementation of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 in the State of Andhra Pradesh.

4. With regard to the averments made in para III (ii) & (iii), the applicant has submitted about operation of power plants of 8<sup>th</sup> & 9<sup>th</sup> respondents (8<sup>th</sup> respondent is having one power plant comprising two units i.e. 2x800 MW and 9<sup>th</sup> respondent is having two plants comprising two units each i.e. 2x660 MW & 2x660 MW) near Port and near the land of Nelaturu and Pynapuram villages in Nellore district, and the traditional agriculture/ aquaculture activity in the area, and these facts invites no comments from CPCB.

5. With regard to the averments made in para III (iv) & (v), it is submitted that Environmental Clearance for establishment of Thermal Power Plants is granted by MoEF&CC. Andhra Pradesh Pollution Control Board (APPCB) is empowered to grant Consent to Thermal Power Plants. Therefore, these issues are not dealt by this answering Respondent, and thus no reply from CPCB.

6. With regard to the averments made in Para III (vi) to (xi) of the Application, this answering Respondent do not offer any comments in this regard.

7. In reference to the facts mentioned in Para III (xii) to (xiv), it is submitted that Andhra Pradesh Pollution Control Board (APPCB) is empowered to grant Consent under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 to the industries only after ensuring requisite facilities and also to ensure compliance of standards and conditions of Consent to prevent water and air pollution. APPCB is empowered to take appropriate action against any discharge of untreated effluents into water bodies under the provisions of environmental laws. It is further submitted that MOEF&CC has issued fly ash utilization notification 1999 (as amended in 2003, 2009 and 2016) for 100 % utilisation of ash of thermal power plants. APPCB is empowered take appropriate action against any illegal dumping of fly ash into vacant land, agricultural land and into Chinna Cheruvu & Pedda Cheruvu spreading of fly ash in the villages under the provisions of environmental laws. Other concerned agencies are required to take necessary action to promote utilisation of fly ash as prescribed in the notification. **Therefore there is no failure of duty by this Respondent and hence not liable to pay the Applicants any compensation.**

8. With regard to the averments made in Para III (xv) to (xviii) of the Application, this answering Respondent does not offer any comments in this regard.

9. With regard to the averments made in para IV to VII, it is submitted that these are not concerned with this Respondent and response to these may be provided by the concerned respondents.

### **PRAYER**

In the light of the above submissions, it is respectfully prayed that this Respondent No. 3, the Central Pollution Control Board shall abide by any order/direction passed by this Hon'ble Tribunal.

**Deponent**

**H.D. VARALAXMI, M.Tech**  
Regional Director  
CENTRAL POLLUTION CONTROL BOARD  
(MoEF & CC. Govt. of India)  
Regional Directorate (Chennai)  
2nd Floor, 77-A, South Avenue Road,  
Ambattur Industrial Estate, Chennai - 600 088

### **VERIFICATION**

I, Smt. H. D. Varalaxmi, D/o Shri H.S. Devaiah, working as Scientist 'E' and posted as Regional Director (Chennai), Central Pollution Control Board, 3<sup>rd</sup> Respondent herein do hereby state that what is stated in paragraph 1 to 9 above are true to the best of my knowledge, belief and information.

Verified at Chennai on this 17<sup>th</sup> day of July, 2021.



Deponent-3<sup>rd</sup> Respondent

**H.D. VARALAXMI**, M.Tech  
Regional Director  
CENTRAL POLLUTION CONTROL BOARD  
(MoEF & CC, Govt. of India)  
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