

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 107 of 2020 (SZ)

IN THE MATTER OF:

Anumula Revanth Reddy

..... Applicant

Versus

Union of India and 10 Ors.

.....Respondent(s)

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Place: Bengaluru
Date: 24.09.2020



S. Suresh
DEPONENT 24/9/2020

S. SURESH
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE (SOUTH)
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
BENGALURU - 560 079. MOB : 9480672128

BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE) CHENNAI

ORIGINAL APPLICATION NO. 107 OF 2020

IN THE MATTER OF:

ANUMULA REVANTH REDDY

..... APPLICANT

Versus

UNION OF INDIA AND 10 ORS.

.....RESPONDENT(S)

REPORT OF THE JOINT COMMITTEE FILED ON BEHALF OF 8TH RESPONDENT
CENTRAL POLLUTION CONTROL BOARD (CPCB) WITH REGARD TO HON'BLE
TRIBUNAL ORDER DATED JULY 20, 2020

I, S. Suresh, Son of S.R. Sathyanarayana, Hindu, aged about 58 years, having office at the Regional Directorate, Central Pollution Control Board, 1st& 2nd Floors, Nisarga Bhavan A-Block, Thimmaiah Main Road, 7th D Cross, Shivanagar, Bengaluru – 560 079 do hereby solemnly affirm and sincerely state as follows:

2. That I am presently working as Regional Director, Regional Directorate (South), Central Pollution Control Board (hereafter called as CPCB), Bengaluru and have been authorized to file the present report of the joint committee. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present report as under:
3. That the Hon'ble National Green Tribunal (Southern Zone), Chennai in Application No. 107 of 2020 order dated July 20, 2020 constituted the joint committee to inspect the area in question and to submit a detailed report. Accordingly the joint committee was constituted and inspection was carried out. The report of the joint committee is enclosed as **Appendix**.

S. Suresh
24/9/2020
DEPONENT

S. SURESH
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE (SOUTH)
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
BENGALURU - 560 079. MOB : 9480672128

VERIFICATION

It is submitted that the report of the joint committee is prepared based on field investigations carried out by a joint committee. It is verified that the contents of the report are true and correct. Nothing has been concealed therein.

Signed and verified on this 24th day of September 2020 at Bengaluru

COUNSEL FOR
8th RESPONDENT



S. Suresh
24/9/2020
DEPONENT

S. SURESH
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE (SOUTH)
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
BENGALURU - 560 079. MOB : 9480672128

APPENDIX

Report of the Joint Committee on

Anumula Revanth Reddy

Vs

Union of India and 10 Ors

In

Original Application No.107 of 2020

Submitted to

**Before the National Green Tribunal
South Zone, Chennai**



**Central Pollution Control Board
Regional Directorate, Chennai
September 24, 2020**

REPORT OF THE JOINT COMMITTEE CONSTITUTED IN COMPLIANCE WITH THE ORDER DATED JULY 20, 2020 OF HON'BLE NGT (SZ), CHENNAI IN ORIGINAL APPLICATION NO. 107 OF 2020 IN THE MATTER OF ANUMULA REVANTH REDDY Vs. UNION OF INDIA & ORS.

1.0 Preamble

The National Green Tribunal (NGT) Southern Zone, Chennai in O. A. No. 107 of 2020 in the matter Anumula Revanth Reddy Vs Union of India & Ors has passed an order dated July 20, 2020 and the operative portion of the order is reproduced as under and the copy of the NGT order is annexed as **Annexure 1**:

“20.We feel it appropriate to appoint a joint committee comprising (1) a Senior Scientist / Officer from Central Pollution Control Board, Regional office, Chennai. (2) a Senior officer from Regional office of Ministry of Environment, Forest & Climate Change, Chennai. (3) a Senior Officer from Telangana State Wet Land Authority. (4) a Senior Officer from Telangana State Pollution Control Board and (5) any Professor dealing with environmental engineering from Indian Institute of Technology, Hyderabad to inspect the area in question and submit a factual report with suggestions as to whether the precautions taken by the authorities while carrying out the demolition work and disposal of the debris collected in the present Secretariat Building at Hyderabad are sufficient and if it is not sufficient, what are all further precautions to be taken by them to avoid possible pollution that is likely to be caused while disposing the same and if any damage has been caused to environment including the water body i.e., Hussein Sagar Lake situated near the disputed area, assess the environmental compensation payable and submit a detailed report regarding the same to this Tribunal within a period of two months....”

2.0 Constitution of the Joint Committee

In compliance with the order dated July 20, 2020; as a nodal agency, Central Pollution Control Board (CPCB), Regional Directorate, Chennai vide letter dated July 24, 2020 requested the concerned organization/departments to nominate an official from their organization. Based on the nomination received from the concerned organization, CPCB vide office memorandum no. Tech/02/legal/RDC/2020-21/503 dated September 3, 2020 constituted a Joint Committee (**Annexure 2**), comprising the following members:

- i. Smt. R. Sobha, IFS, P.C.C.F. & HOFF (FAC), as a senior member from Telangana State Wetland Authority
- ii. Dr. M. T. Karuppiah, Scientist 'E', Regional Office (SEZ) MoEFCC, Chennai
- iii. Sh. C. Y. Nagesh, JCEE, TSPCB, Hyderabad
- iv. Dr. Shashidhar, Professor, IITH, Hyderabad
- v. Smt. Poornima B M, Scientist D, CPCB, RD, Chennai

The first meeting of the Joint Committee was held on September 4, 2020 through video conference and all the committee members were present in the meeting. During the said meeting, the committee members deliberated the facts and issues involved in the case and on the Terms of

References (TOR) of the committee. The committee members decided to visit the site (Secretariat building, Hyderabad) on September 10, 2020.

2.1 Terms of References (ToR) of the Joint Committee

The following are the TOR of the joint committee:

- a. To inspect the area in question and submit a factual report with suggestions whether the precautions taken by the authorities carrying out demolition work and disposal of debris from the present Secretariat building, Hyderabad are sufficient.
- b. If the precautions are insufficient, further to guide the possible precautions to be taken to avoid possible pollution caused while disposing the debris.
- c. To assess the environmental compensation, if any damage has been caused to environment including water body i.e. Hussein Sagar Lake situated near the disputed area.
- d. To submit the detailed report to the Tribunal within a period of two months i.e. September 25, 2020.

3.0 Inspection by the Joint Committee

The nodal agency (CPCB) vide letter dated September 8, 2020 requested the Principal Secretary, Transport, Roads and Building for nominating an official acquainted with the above case. The committee members along with the following officials inspected the Secretariat building complex on September 10, 2020 and verified the demolition activity under taken by State Authority.

- i. Sh. Sunil Sharma, IAS, Principal Secretary, Transport, Roads & Building, Hyderabad
- ii. Sh. Lokesh Kumar D. S, IAS, Commissioner, GHMC, Hyderabad
- iii. Sh. Ganapathy Reddy, Engineer –in-chief, Roads & Buildings Dept., Hyderabad
- iv. Sh. Sathyanaryan Reddy, OSD, R & B Dept., Hyderabad

3.1 Inspection of the site (Secretariat building complex) and observations

One of the TOR of the joint committee was to inspect the area in question and to verify whether the precautions taken by the authorities carrying out demolition work and disposal of debris from the present Secretariat building, Hyderabad are sufficient. The committee visited the site and following are the observations:

- i. The Secretariat building is located at Necklace Road, Hyderabad and spread over an area of 25 acres with total built up area of 9.87 lakh Sq ft. The Secretariat complex has 10 administrative blocks (A, B, C, D, G, H- North, H-South, J, K & L) built at different times of year.
- ii. The Roads & Building (R & B) Department has obtained permission for demolition of existing Secretariat buildings from the local authority (Greater Hyderabad Municipal Corporation (GHMC)) as per the sub rule (3) of rule 4 of C & D waste management rules, 2016.

- iii. It was informed that R & B dept. submitted C & D waste management plan to the local authority and got the approval. The copy of the approval from GHMC is attached as **Annexure 3**.
- iv. On the day of the inspection, it was observed that all the administrative blocks (A, B, C, D, G, H- North, H-South, J, K & L) were already demolished and the entire demolished C&D waste was disposed (Photograph No. 1).
- v. It was informed by R & B dept. that the demolition of the building was commenced on July 6, 2020 and completed on July 19, 2020. The buildings were demolished, segregated and transported using the following machinery (Photograph 2):
- a. **High Reach Demolition excavator with concrete crushers of various heights**
 - 26 m. Height – 1 no.
 - 22 m. Height – 3 nos.
 - 16 m. Height – 1 no.
 - 20 ton Excavators with breakers – 8 nos.
 - b. **The machinery used for segregations:**
 - 20 ton excavators with breakers – 4 nos.
 - 20 ton Excavators with bucket – 4 nos.
 - Dumpers – 3 nos.
 - c. **The vehicles used for transportation of demolition material**
 - 25 ton capacity Tippers – 25 nos.
- vi. It was informed that the building complex was provided with barriers /enclosures during demolition to control the particulate matter to the surrounding areas. The committee observed the same during site inspection (Photograph No.1).
- vii. It was also informed that water sprinkling systems were provided during loading and unloading activity of C&D waste, vehicles were covered to avoid spillage during transportation of C&D waste and regular water sprinkling on haul roads was carried out for dust suppression due to vehicular movements.
- viii. It was informed that total of 1,14,447.41 MT of C&D waste was generated by the demolition of Secretariat buildings. The primary segregation of waste was done at site and segregated steel, plastic, electric wires. The waste was transported to M/s Jeedimetla C & D waste processing facility, Jeedimetla. The vehicles used for transportation of C & D waste was provided by GHMC.
- ix. It was informed by Telangana State Pollution Control Board (TSPCB) that one State Ambient Air Quality Monitoring (SAMP) Station is located at 100 m away from the Secretariat building, wherein Ambient Air quality (AAQ) is being monitored twice in a week for the parameters of PM₁₀, SO₂ and NO_x are monitored. Hence the committee obtained the results from TSPCB for the month of June, July and August, 2020 to ascertain the possible pollution caused during demolition.
- x. The table below depicts the analysis results of monthly average concentrations of PM₁₀, SO₂ and NO_x. The result indicates that all the parameters monitored are within the AAQ standard.

Parameter	Average Conc. Value for 24 hrs. in $\mu\text{g}/\text{m}^3$			NAAQ Standard for 24 hrs. in $\mu\text{g}/\text{m}^3$
	Month	2019	2020	
Particulate Matter (PM ₁₀)	June	63	35	100
	July	63	29	
	August	64	55	
Sulphur Dioxide (SO ₂)	June	4.5	4.2	80
	July	2.6	4.4	
	August	4.0	5.0	
Oxides of Nitrogen (NO _x)	June	26.2	19.4	80
	July	24.4	19	
	August	19.8	20.5	



East side of the Secretariat site



West side of the Secretariat site



North side of the Secretariat site



Joint committee in south side of the Secretariat site

Photograph No. 1: The demolished site of the Secretariat building

3.2 Hussain Sagar Lake

- i. Hussain Sagar Lake is oldest man-made lake built as a source of drinking water & irrigation. The lake is located on the North-Eastern side of the Secretariat building.
- ii. The R & B dept. has obtained the clarification from the Minor Irrigation (Krishna Basin) dept. that the wetland rules, 2017 does not apply to Hussain sagar lake as per the definition mentioned in sub rule (1) clause g of rule 2 of the Wetlands (Conservation and

Management) Rules, 2017. The copy of the letter issued by Minor Irrigation dept. is attached as **Annexure 4**.

- iii. During inspection of the site, it was observed that the Hussain Sagar lake is located opposite to the Secretariat building and in between a four lane road called Necklace road is located (Photograph 3).
- iv. The compound wall of the Secretariat building is not demolished and there is no possibility of the C & D waste runoff to the Hussain Sagar lake thus polluting the lake due to demolition of the Secretariat building.
- v. The transport route map was also provided to the committee by R & B dept. and informed that there was no spillage of C & D waste occurred during transportation and the vehicles used for transport was also covered (Photograph no. 2).



Demolition of building using jaw crusher



Primary Segregation the material at site



Water sprinkling during loading C&D waste



Tripper covered while transportation of C&D waste

Photograph No. 2: Machinery used for demolition and transportation of C&D waste

4.0 Inspection of M/s Hyderabad C&D Waste (P) Ltd, Jeedimetla (V), Quthbullapur (M), Medchal-Malkajgiri District.

It was informed by R & B dept. that the C & D waste of 1,14, 447 MT generated from the demolition of Secretariat building was transported to M/s Hyderabad C&D waste processing

facility at Jeedimetla. Hence the committee members visited the facility and verified the C&D waste transported and processing activity. The following are the observations of the committee:

- i. The day wise quantity of C&D waste transported to M/s Hyderabad C&D waste processing facility provided by R & B dept. was randomly cross verified at the facility. The quantity of C&D waste transported and no. of trips provided were similar to the data available at C&D waste processing facility.
- ii. The Greater Hyderabad Municipal Corporation (GHMC) entered into a Concession Agreement with M/s Ramky Group (M/s Hyderabad C & D Waste Private Limited) in the year 2019 for establishing a Construction and Demolition (C&D) Waste Management Facility on PPP mode, to comply with Construction and Demolition Waste Management Rules, 2016.
- iii. The GHMC provided land for development of C&D waste management facility which is an abandoned granite quarry. The C&D waste management facility is established in an area of 8.43 acres.
- iv. The facility has obtained the Consent For Establishment (CFE) from TSPCB on 15.05.2018 for processing 750 TPD of construction and demolition waste. The Consent For Operation (CFO) was issued by TSPCB on 16.09.2019 which is valid up to 30.09.2024 with certain conditions. Subsequently the Authorization to operate C&D waste processing was issued on 18.08.2020.
- v. The facility has received 1,14,473 MT of C&D waste from demolition of Telangana Secretariat complex at Khairatabad in 4752 trips during the period 20.07.2020 to 29.08.2020. The waste was transported from the Secretariat complex to the C&D waste management facility by tipper trucks provided by the facility and charged Rs. 366/- per ton of waste as hauling and processing charges.
- vi. The facility is processing C & D waste of 500 tons/day to produce recycled aggregates, manufactured sand (M-sand) and Recycled Bricks. The Recycled Bricks of about 1500 nos. per day is produced by using recycled aggregates & sand which can be used as a paver blocks in footpath, etc.
- vii. The facility has processed 33,590 Tons during the period 28.07.2020 to 09.09.2020. About 18,852 Tons of C&D waste was segregated and disposed without processing as it was granite stones, about 4578 Tons of items like Iron, wood, plastic etc. were disposed as recyclables. About 10,160 Tons of C&D waste was processed in the facility and till date about 29.3 % of the total waste received is processed by the facility.
- viii. The unprocessed C&D waste of about 80,883 Tons is stored within the premises in the West and South-West directions of the facility and informed that by January, 2021 all the C&D waste shall be processed (Photograph no. 3)

5.0 Meeting with the Petitioner by Joint Committee

The petitioner, Honourable Member of Parliament Shri Anumula Revanth Reddy, vide letter dated September 1, 2020 requested CPCB to inform the date of Site inspection of the Joint

Committee and also to provide an opportunity to visit along with the committee or to provide an opportunity to make submissions to the committee members appointed by the Hon'ble NGT.

In response to the petitioner, CPCB replied that the committee shall be visiting site in question on September 10, 2020 at 11:00 AM. In this connection, it is to be informed that the petitioner may make submissions to the committee with prior information to CPCB nodal officer Smt. B.M. Poornima, Sc D (Mobile no. 9880805893, e-mail: poornima.cpcb@nic.in).

The petitioner was informed to meet the Joint Committee on September 10, 2020 in 6th floor Aranya Bhavan at 12:30 PM. The following points were the submissions by the petitioner to consider while submitting the report to Hon'ble NGT:

- i. The Hussain Sagar Lake is notified under Wetlands (Conservation and Management) Rules, 2017 and hence the full tank level boundary of the lake has to be fixed and no building/ development activity shall be allowed in the bed of water bodies in the Full Tank Level (FTL) of the Hussain Sagar Lake.
- ii. The construction of Secretariat building is happening in bed of water body in FTL of the Hussain Sagar Lake thus violating the Wetlands (Conservation and Management) Rules, 2017.
- iii. Why cannot State Government construct Secretariat building elsewhere, as there are many suitable places available in Hyderabad city?
- iv. The C & D waste generated from the demolition of the Secretariat building is dumped in the low lying areas of the city and entire waste is not transported to M/s Hyderabad C & D Waste Private Limited, Jeedimetla.



Meeting with the Petitioner at Aranya Bhavan

The joint committee decided to confine with the present case and following are the point wise factual status in respect of the petitioner's submissions:

- i. The R & B dept. has obtained clarification from the Minor Irrigation (Krishna Basin) dept. that the wetland rules, 2017 does not apply to Hussain sagar lake as per the

definition mentioned in sub rule (1) clause g of rule 2 of the Wetlands (Conservation and Management) Rules, 2017. The copy of the letter from Minor Irrigation dept. is attached as **Annexure 4**. Hence Hussain Sagar Lake does not come under Wetlands (Conservation and Management) Rules, 2017. As per the Joint State of Andhra Pradesh & Telangana G.O. No.168 dated 09.04.2012, 30 m from the FTL boundary of lake is prohibited for construction of any buildings.

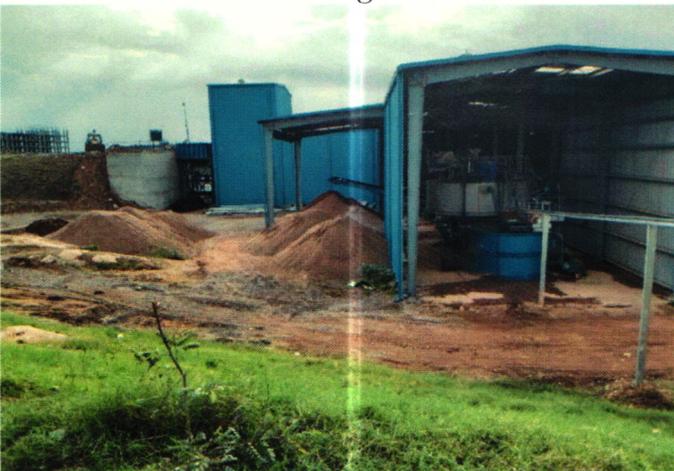
- ii. Same as point i.
- iii. The demolition and re-construction of Secretariat building is the policy decision of the State of Telangana Government and it is not within the ToR of the joint committee.
- iv. The joint committee inspected M/s Hyderabad C & D Waste Private Limited, Jeedimetla and cross verified the quantity of C&D waste disposed by R&B dept. to the waste processing facility and entire quantity of 1,14,447 MT of C&D waste is transported to the facility.



Necklace road between the Secretariat site and Hussain Sagar lake



Debris at the C&D processing facility



Recycling of C&D waste at processing facility



Paving blocks produced using recycled sand and cement

Photograph no. 3: Location of Hussain Sagar Lake and C&D waste processing facility

6.0 Suggestions and conclusion

- i. The Secretariat administrative blocks (A, B, C, D, G, H- North, H-South, J, K & L) were demolished during July 6, 2020 to July 19, 2020. The entire C&D waste of 1,14,447 MT generated during demolition was transported to M/s Hyderabad C & D Waste Private Limited, Jeedimetla during July 20, 2020 to August 29, 2020.

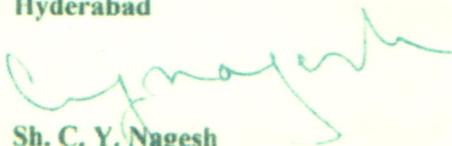
Report of the Joint Committee in case of O. A. No. 107 of 2020

- ii. During the inspection the Joint Committee observed that the total demolition was completed. However, the documents provided by the R&B dept. and the SAMP data by TSPCB indicates that sufficient precautions were taken while demolishing and disposing the C&D waste.
- iii. Hussain Sagar Lake is situated about 80 m away from the Secretariat building complex and in between a four lane road (Necklace road) is situated and there is no possibility of C&D waste runoff to the lake which causes pollution.
- iv. M/s Hyderabad C & D Waste Private Limited, Jeedimetla has received about 1,14,447 MT of C&D waste generated from the demolition of Secretariat buildings and the facility is processing the waste. Till date around 33,590 Tons of waste is being processed and by January 2021 entire waste will be processed.
- v. TSPCB shall monthly inspect M/s Hyderabad C & D Waste Private Limited, Jeedimetla and verify the quantity of waste processed. The facility will submit monthly progress report to TSPCB.
- vi. The waste generated during the demolition of the existing Secretariat building has been sent to the C&D facility. However, if any C&D waste is further generated during the construction of new Secretariat building, the R&B dept. shall dispose the C & D waste as per the Construction and Demolition Waste Management Rules, 2016 and the CPCB Guidelines on Environmental Management of Construction & Demolition Waste, 2017.

Report dated September 23, 2020



Smt. R. Sobha, IFS
P.C.C.F. & HOFF (FAC)
Telangana State Wetland Authority
Hyderabad



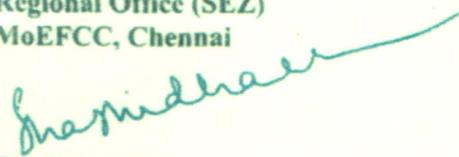
Sh. C. Y. Nagesh
Joint Chief Environmental Engineer
Telangana State Pollution Control Board
Hyderabad



Smt. Poornima B M
Scientist D
Central Pollution Control Board
Regional Directorate - Chennai



Dr. M. T. Karuppiah
Scientist 'E'
Regional Office (SEZ)
MoEFCC, Chennai



Dr. Shashidhar
Professor
Indian Institute of Technology
Hyderabad

Item No.06:

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No. 107 of 2020 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Anumula Revanth Reddy

...Applicant(s)

Versus

The Union of India and Ors.

...Respondent(s)

Date of hearing: 20.07.2020.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s):

M/s. Raj Panjwani, Senior Advocate
Along with Sri. Aagney Sail &
Sri. Sravan Kumar.

For Respondent(s):

M/s. M.R. Gokul Krishnan for R1 & 9.
Sri. Ramachandra Rao, Additional Advocate
General along with M/s. Sanjeev Kumar,
Special G.P. and M/s. H. Yasmeen Ali
for R2, 3, 7 & 10.
M/s. Sai Krishnan for R4, R6.
M/s. D. Srinivasan for R5.
M/s. Thirunavukarasu for R8.

ORDER

1. The above case has been filed by the applicant against the action of the State of Telangana in demolishing the existing Secretariat Building as part of its reconstruction.
2. It is alleged in the application that 1) the demolition work is going on without complying with the provisions of Construction & Demolition of Waste Management Rules, 2016 without getting necessary permissions from the concerned authorities mentioned in the rules, 2) the construction is being done without obtaining necessary Environmental Clearance as according to the applicant, the demolition will form part of the preparation of the land before construction which requires Environmental Clearance and 3) the present Secretariat Building is situated within 80 Meters from the wetland namely Hussein Sagar Lake and without measuring the distance from the full tank level of the lake as required under Wet Land Rules, 2017, the authorities are not expected to proceed with the work.
3. The applicant filed this application seeking interim as well as final reliefs as follows: -

“Interim Prayer:

- (i) *Direct the Respondent No.3 (Pr. Sec.) not to proceed with the construction, preparation,*

removal of existing structures until the Project Proponent obtains Environment Clearance according to the EIA Notification, 2006 and Wetland (Conservation and Management) Rules, 2017 and Construction and Demolition Waste Management Rules, 2016.

- (ii) Pass any such order as this Hon'ble Tribunal may find fit and proper in the facts and circumstances of the case.

Main Prayer:

- (i) Pass an order declaring the violations of the Respondent No.3 as illegal and contrary to the Environment protection laws more particularly Environment Act, Air Act, Water Act, Wetland Protection Notification etc.,
- (ii) Restrain the Respondent No.2 (SEIAA – Member Secretary) & 3 (Pr. Sec. – Roads & Buildings Dept.) from all kinds of activities of New Secretariat Construction including demolition, preparation, clearing etc without mandatory approvals/ Environmental clearance from Respondent No.1/SEIAA and other statutory authorities
- (iii) Appoint an Experts Committee to assess the loss caused to Hussain Sagar Lake due to illegal constructions, encroachments, release of pollutants etc. to undertake restoration and remedial measures,
- (iv) Prohibit all kinds of constructions including the New Secretariat Complex by Government

authorities and Private persons/entities within the Full Tank Level, Buffer Zone of Hussain Sagar Lake,

- (v) Direct the Respondent No.1 (Sec. – MoEF & CC) to initiate appropriate legal action against the officials and impose penalty/environment compensation for violating the EIA Notification, 2006, C & D Rules, 2016, Wetland Notification etc. in the construction of New Secretariat Building at Hyderabad.*
- (vi) Direct the Respondents No.1,2,4,7 to 10 to set up permanent mechanism to implement the directions of the Hon'ble Supreme Court, High Court and National Green Tribunal in regard to implementation of their orders,*
- (vii) Direct the Respondent No.1 (Sec. – MoEF & CC) to take action on the complaint made by the applicant and pass appropriate orders in time bound manner*
- (viii) Pass any such order as this Hon'ble Tribunal may find fit and proper in the facts and circumstances of the case."*

4. When the matter came up for hearing today through Video Conference for admission, Sri. Raj Panjwani, Senior Counsel along with Sri. Aagney Sail & Sri. Sravan Kumar represented the applicant, Sri. M.R. Gokul Krishnan represented respondents 1 & 9, Sri. Ramachandra Rao, Additional Advocate General along

with Sri. Sanjeev Kumar, Special Government Pleader for the State of Telangana and M/s. H. Yasmeen Ali represented respondents No.2, 3, 7 & 10, Sri. D. Srinivasan represented fifth respondent, Sri. T. Sai Krishnan represented respondents 4 & 6, Sri. Thirunavukarasu represented eighth respondent. So, service is complete.

5. Learned senior counsel for the applicant reiterated his allegations and grounds made out in the application.
6. Sri. Ramachandra Rao, Additional Advocate General along with Sri. Sanjeev Kumar, Special Government Pleader for the State of Telangana and M/s. H. Yasmeen Ali submitted that most of the issues raised in the application have been considered by the Hon'ble High Court of Telangana in W.P. No.155/2020 and the same has been dismissed by Judgment dated 17.07.2020.
7. The learned counsel also submitted that to his knowledge Special Leave Petition has been filed by one T. Jeevan Reddy against the order of the Hon'ble High Court of Telangana in W.P. (PIL) No.136 of 2016, where the decision of the Government to demolish and reconstruct the Secretariat Building has been upheld and the same has been dismissed.

8. As regards, the status of the implementation of Wet Land Rules in the State of Telangana. Learned Additional Advocate General as well as the Special Government Pleader for the State of Telangana submitted that they have no objection to keep the case and they will file their status report before this Tribunal.
9. Learned senior counsel appearing for the applicant wanted to appoint a Joint committee to consider the question as to whether the management plan prepared and approved by the authority under the Construction & Demolition Waste Management Rules, 2016 will be sufficient to meet the requirement of abating pollution that is likely to be caused on account of demolition of the present Secretariat Building and while disposing the demolition debris generated.
10. We have considered the submissions made by all the counsels.
11. As regards, the prayer for restraining the State Level Impact Assessment Authority from issuing Environmental Clearance etc., the same cannot be granted by this Tribunal as that is the expert body who has to go into the question as to whether Environmental Clearance can be granted to the project and if so, with what conditions, in order to protect the

environment as such and no injunction restraining a statutory authority from exercising the power conferred on them can be granted.

12. As regards, the injunction prayed for regarding the demolition without getting Environmental Clearance, it may be mentioned here that this aspect has been considered by the Hon'ble High Court of Telangana at Hyderabad in W.P. (PIL) No.155/2020 (*Professor P.L. Vishweshwar Rao and Anr. Vs. Union of India and Ors.*) after detail hearing and concluded on the basis of the reports given by the State Level Impact Assessment Authority and Ministry of Environment, Forest & Climate Change that for the purpose of demolition in a construction project, no prior Environmental Clearance is required but, they will have to comply with the Construction & Demolition of Waste Management Rules, 2016 *in stricto sensu*, that the demolition of the Secretariat Building does not require any prior Environmental Clearance and the authorities have already obtained necessary permissions as required under Rule 4 of the Construction & Demolition of Waste Management Rules, 2016 from the competent authority and the Hon'ble High Court also recorded the undertaking given by the Additional Advocate General before that Court that construction will be proceeded

only after obtaining necessary clearance as required under law and they will take all necessary steps to abate pollution that is likely to be caused on account of the demolition work. The Hon'ble High Court after considering these aspects, dismissed the writ petition.

13. Even earlier, another Writ Petition was filed by one Jeevan Reddy before the Hon'ble High Court of Telangana as W.P. (PIL) 136/2016 against the decision of the cabinet to proceed with the demolition and construction of new Secretariat Building and that was dismissed by the Hon'ble High Court by Judgment dated 29.06.2020 and a Special Leave Petition was filed before the Hon'ble Supreme Court against the same as Special Leave to Appeal (C) No.8300/2020 and the same has been dismissed by the Hon'ble Supreme Court by order dated 17.07.2020.

14. So, as regards those aspects are concerned, the decision taken by the Hon'ble High Court of Telangana will be binding on this Tribunal. So, this Tribunal need not go into those aspects in this application.

15. As regards, injunction restraining the issuing authority of environmental clearance is also not permissible under law as the Tribunal cannot restrain any statutory authority from exercising their statutory function. If the parties are aggrieved by

Environmental Clearance granted, there is a remedy available to challenge the same by filing the appeal against the same under the National Green Tribunal Act, 2010.

16. So under such circumstances, we feel that there is no necessity for this Tribunal to admit this application for considering those aspects, as those aspects have attained finality at this stage as per the orders of the Hon'ble High Court of Telangana unless it is challenged and set aside by the higher court and right of the applicant to challenge the environment clearance later is also not affected by this order.
17. So we feel it appropriate to admit the matter only in respect of the question regarding the implementation of Wet Land Rules, 2017 in the State of Telangana and also consider the question as to whether the precaution that has been taken by the authorities to abate pollution, while proceeding with the demolition work is sufficient or not and if not, what are all the further precautionary steps to be taken and if any damage has been caused to the environment, assess the environment damage in this regard alone. So, this application is admitted only to the above extent.
18. Since all the respondents have entered appearance through the standing counsel, there is no necessity to issue further

notice to the respondents in this matter.

19. The official respondents are directed to submit their detailed response to the application regarding the aspects mentioned in the order to the extent to which alone the application was admitted regarding the implementation of the Wet Land Rules in their State and sufficiency of the steps taken to abate pollution that is likely to cause while dealing with the disposal of demolition debris generated.

20. In order to ascertain the sufficiency of the precautions taken by the authorities in carrying out the demolition of present Secretariat Building, we feel it appropriate to appoint a Joint Committee comprising of 1) a Senior Scientist / Officer from Central Pollution Control Board, Regional office, Chennai, 2) Senior officer from Regional office of Ministry of Environment, Forest & Climate Change, Chennai, 3) a Senior Officer from Telangana State Wet Land Authority, 4) a Senior Officer from Telangana State Pollution Control Board and 5) any Professor dealing with environmental engineering from Indian Institute of Technology, Hyderabad to inspect the area in question and submit a factual report with suggestions as to whether the precautions taken by the authorities while carrying out the demolition work and disposal of the debris collected in the

present Secretariat Building at Hyderabad are sufficient and if it is not sufficient, what are all further precautions to be taken by them to avoid possible pollution that is likely to be caused while disposing the same and if any damage has been caused to environment including the water body i.e., Hussein Sagar Lake situated near the disputed area, assess the environmental compensation payable and submit a detailed report regarding the same to this Tribunal within a period of two months.

21. The Central Pollution Control Board (CPBC), Regional Office, Chennai will be the nodal agency for co-ordination and providing necessary logistics for this purpose.
22. The present status of Corona Virus infection cannot be taken as a ground for not conducting the inspection and submit a report considering the importance regarding the environment raised in this case.
23. The State of Telangana is directed to make necessary arrangements for providing necessary support for stay and other transport facilities for the officers who are coming from outside the State as part of the committee to carryout the directions issued by this Tribunal.

24. The committee is directed to submit a report to this Tribunal on or before 25.09.2020 through e-mail or by e-filing at ngtszfiling@gmail.com.
25. The Registry is directed to communicate this order to the members of the committee as well as the Chief Secretary of State of Telangana through e-mail immediately so as to enable them to comply with the direction.
26. For consideration of report and also for filing the response by respondents, post on 25.09.2020.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Shri. Saibal Dasgupta)

**O.A. No.107/2020,
20th July, 2020. Mn.**



CENTRAL POLLUTION CONTROL BOARD
Ministry of Environment, forest & Climate Change, Govt. of India

Tech/02/legal/RDC/2020-21/503

September 3, 2020

OFFICE MEMORANDUM

Sub: Constitution of Joint Committee as per the directions of Hon'ble NGT (SZ) in case of O.A. No. 107/2020 in matter of Anumula Revanth Reddy Vs UoI & Ors. regarding demolition and reconstruction of Secretariat Building, Hyderabad.

Ref.: Hon'ble NGT (SZ) order dated July 20, 2020

The Hon'ble NGT, Southern Bench, Chennai in the matter of Original Application No. 107/2020(SZ) vide order dated 20-07-2020 has constituted a committee comprising (1) a Senior Scientist / Officer from Central Pollution Control Board, Regional office, Chennai. (2) a Senior officer from Regional office of Ministry of Environment, Forest & Climate Change, Chennai. (3) a Senior Officer from Telangana State Wet Land Authority. (4) a Senior Officer from Telangana State Pollution Control Board and (5) any Professor dealing with environmental engineering from Indian Institute of Technology, Hyderabad to inspect the area in question and to submit a factual report etc. within a period of two months i.e. September 25, 2020. CPCB is a nodal agency for co-ordination and submission of report.

In view of above, a Joint Committee, with the following members is being constituted herewith based on the nominations received from the respective institutions:

Constitution of Joint Committee

S. No.	Name, designation, contact number & email id	Organization with address	Capacity
1	Smt. R. Sobha, IFS P.C.C.F. & HOFF (FAC) Phone: 040-23231404, Fax: 23231851 Mobile of PAs: 9849483175, 9848262639. Email: pccftelangana@gmail.com	Telangana State Wetland Authority Aranya Bhavan Hyderabad	Member
2	Dr. M. T. Karuppiah Scientist 'D' Mobile: 9840390069 Email: mtkaruppiah@gmail.com	Regional Office (SEZ) MoEFCC, GoI #34, HEPC Campus Cathedral Garden Road Nungambakkam Chennai-600 034	Member
3	Sh. C. Y. Nagesh Chief Environmental Engineer (FAC) Mobile: 9177303204 Email: jcee1-tspcb@telangana.gov.in	Telangana State Pollution Control Board "Paryavaran Bhavan", A-3, Industrial Estate, Santhnagar Hyderabad-500 018	Member

.....2/-

Regional Directorate (Chennai), Second Floor, 77 - A, South Avenue Road, Ambattur Industrial Estate,
Chennai, Tamil Nadu 600 058

Mobile: 9480672128, E-mail: rdchennai.cpcb@nic.in, cpcbrcdchennai@gmail.com,

Head Office: Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032
Telephone: 011 - 43102030, Fax 22305793, 22307078, 22301932, 22304945
E-mail: cpcb@nic.in, Website: www.cpcb.nic.in



CENTRAL POLLUTION CONTROL BOARD
Ministry of Environment, forest & Climate Change, Govt. of India

-2-

4	Dr. Shashidhar Professor Mobile:8331036016 Email: shashidhar@ce.iith.ac.in	Department of Civil Engineering Indian Institute of Technology, Hyderabad Kandi, Sangareddy-502 285	Member
5	Smt. Poornima B. M. Scientist 'D' Mobile: 9880805893 Email: poornima.cpcb@nic.in	Regional Directorate, Chennai Central Pollution Control Board Second Floor, 77-A, South Avenue Road Ambattur Industrial Estate, Chennai- 600058	Nodal Officer

Terms of Reference:

1. To inspect the area in question and submit a factual report with suggestions whether the precautions taken by the authorities carrying out demolition work and disposal of debris from the present Secretariat building, Hyderabad are sufficient.
2. If the precautions are insufficient, further to guide the possible precautions to be taken to avoid possible pollution caused while disposing the debris.
3. To assess the environmental compensation, if any damage has been caused to environment including water body i.e. Hussein Sagar Lake situated near the disputed area.
4. To submit the detailed report to the Tribunal within a period of two months i.e. September 25, 2020.
5. CPCB, Regional Office, Chennai is a nodal agency for co-ordination and submission of report.
6. The state of Telangana to make necessary arrangements for providing necessary support for stay and other transport facilities for the officers coming from outside the State as part of the committee to carry out the directions by the Tribunal.

....3/-

Regional Directorate (Chennai), Second Floor, 77 - A, South Avenue Road, Ambattur Industrial Estate,
Chennai, Tamil Nadu 600 058

Mobile: 9480672128, E-mail: rdchennai.cpcb@nic.in, cpcbrcchennai@gmail.com,

Head Office: Parivesh Bhawan, East Arjun Nagar, Delhi – 110 032
Telephone: 011 – 43102030, Fax 22305793, 22307078, 22301932, 22304945
E-mail: cpcb@nic.in, Website: www.cpcb.nic.in



CENTRAL POLLUTION CONTROL BOARD
Ministry of Environment, forest & Climate Change, Govt. of India

:3:

7. The committee shall visit the site and carryout detailed study including monitoring, if it is required to assess the pollution and environmental damages caused by the demolition of Secretariat Building, Hyderabad. Details of the site visit, study and further course of action will be decided during the course of the Committee proceedings.

Yours faithfully

S. Suresh

(S. Suresh)

Regional Director

9480672128

cpcbsuresh@gmail.com

To

1. Smt. R. Sobha, IFS, P.C.C.F. & HOFF (FAC), Hyderabad
2. Dr. M. T. Karuppiah, RO (SEZ), MoEFCC, Chennai
3. Sh. C. Y. Nagesh, TSPCB, Hyderabad
4. Dr. Shashidhar, IITH, Hyderabad
5. Smt. Poornima B M, CPCB, RDC, Chennai

Copy to:

1. Sri. Somesh Kumar, IAS, Chief Secretary to Govt. of Telangana
2. Smt. A. Santhi Kumari IAS, Spl. Chief Secretary to Govt., Forest Dept., Govt. of Telangana
3. Sri. Rajat Kumar, IAS, Prl Secretary to Govt. Environment, Science and Technology, Govt. of Telangana
4. Smt Neetu Prasad, IAS, Member Secretary, TSPCB, Telangana, Hyderabad
5. Smt. Divya Sinha, AD, DH UPC, CPCB, Delhi
6. Shri. G. Rambabu, Sci-E, DH - Law Section, CPCB, Delhi

S. Suresh

(S. Suresh)

Regional Directorate (Chennai), Second Floor, 77 - A, South Avenue Road, Ambattur Industrial Estate,
Chennai, Tamil Nadu 600 058

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E-mail: cpcb@nic.in, Website: www.cpcb.nic.in

**PROCEEDINGS OF THE COMMISSIONER
GREATER HYDERABAD MUNICIPAL CORPORATION**

Present : Sri Lokesh Kumar D S, IAS

Proc.No.SWM/0459/C&DWMP/EE(C&D)/GHMC/2020 Dated :04.07.2020

Sub : GHMC- C&D - R&B Department Buildings Construction of new Secretariat for Telangana State in the premises of existing Secretariat Permission for dismantling of buildings Reg.

Ref : Lr. No E.in.c.(B)/DEE1/AEE1/TS Secretariat 2019-20 Dt. 30.06.2020

ORDER :

With reference to the letter cited, the Construction and Demolition Waste Management plan submitted by you has been examined in detail with reference to Construction and Demolition Waste Management Rules, 2016.

The necessary permission is hereby accorded for undertaking demolition of existing buildings as per the plan submitted subject to following conditions

1. Shall keep the construction and demolition waste within the premises or handover it to the GHMC authorized processing facilities of construction and demolition waste and ensure that there is no littering or deposition of construction and demolition waste so as to prevent obstruction to the traffic or the public or drains as per para (4 iii) of Construction & Demolition Waste Management Plan.
2. Shall carry out the demolition in compliance with the other rules as per clause (4) of Construction and Demolition Waste Management Rules, 2016 i.e. duties of the waste generators (Extract Page is enclosed).
3. Shall take mitigation measures to control dust emission while dismantling as per para (4 i) of Construction & Demolition Waste management Plan.
4. Shall take necessary noise abatement measures as mentioned in the C&D waste management plan as per para (4 ii) of Construction & Demolition Waste management Plan.
5. User charges shall be paid under claimed waste at Rs. 366.77/- per MT in case of transportation to the Concessionaire of GHMC i.e., Hyderabad C&D Waste Pvt Ltd or at the rate of Rs. 91.69/- per MT in case of transportation on your own with covered vehicles based on the actual quantities generated.

6. Shall take all safety measures to the workers/ citizens during demolition and transportation.
7. Shall Inform GHMC the progress of demolition work until its completion.

You are hereby instructed to adhere to the submitted C&D Waste Management Plan strictly and also to comply the above conditions.

D4/7
COMMISSIONER
GHMC

To:
Engineer-In-Chief, R&B NH, CRF & Bldgs,
Errummanzil, Telangana State,
Hyderabad - 500082.

GOVERNMENT OF TELANGANA
IRRIGATION & CAD DEPARTMENT

From
M.A.Hameed Khan,
Chief Engineer,
Minor Irrigation (Krishna Basin),
Erramanzil, Hyderabad.

To
The Engineer-in-Chief (R&B)
Building and National Highways,
Erramanzil, Hyderabad.

Lr.No. CE/MINOR(KB)/DCE/DEE2/AEE1/

Date:09.09.2020.

Sir,

Sub:- I&CAD - Construction of new Secretariat complex in the premises of old Secretariat complex for the state of Telangana -Hussainsagar Lake- Not a wetland- as per wetland act of 2017-clarification-Issued-Reg.

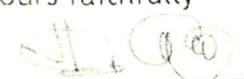
Ref:- 1. ENC(R&B) Lr.No. ENC(B)DEE1/AEE1/TS Secretariat/2019-20,
Dt: 09.09.2020

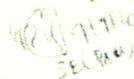
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Anent to reference cited Irrigation & Cad department is requested to issue clarification on wet land status of Hussainsagar Lake as per the wetland act of 2017 as a part of environmental clearance for the construction of the New Secretariat Building Complex in place of old secretariat adjacent to the Hussainsagar Lake.

In this connection it is to clarify that Hussainsagar is a manmade lake constructed nearly 450 years back, for the drinking water purpose of the people. It is presently used for recreation purpose and for providing water to the nearby downstream parks, it is to certify that the wetland rules of 2017 does not apply to Hussainsagar lake as per definition of wetland in clause (g) as Hussainsagar is a human made tank constructed for drinking water purpose.

Yours faithfully


M.A.Hameed Khan 9/9/2020.
Chief Engineer, Minor Irrigation
(Krishna Basin), Hyderabad


9/9/20
S.E. (R&B)