

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

**ORIGINAL APPLICATION NO. 107 OF 2020 (SZ)**

**Between:**

Anumula Revanth Reddy

.... Applicant

- Vs -

Union of India & 9 Others

.... Respondents

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**Date: 19-12-2020.**

**Place: Hyderabad.**

**Counsel for the Respondent No.4**



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

**Original Application No: 107 of 2020**

Anumula Revanth Reddy

... Applicant

- Vs-

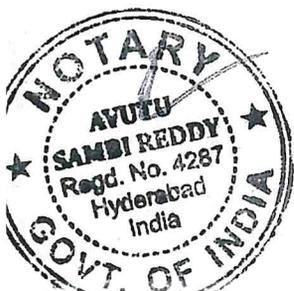
Union Of India & 9 Others

... Respondents

**REPLY FILED BY THE 4<sup>th</sup> RESPONDENT**

The 4<sup>th</sup> respondent, Telangana State Pollution Control Board, states as follows:

1. The 4<sup>th</sup> respondent denies all the allegations, averments and statements contained in the Application as false and incorrect, except those specifically admitted herein. The above application No. 107 of 2020 has been filed praying for declaring violations of the respondent No.3 as illegal and contrary to the environment Protection act, Air Act, Water Act and Wetland protection Notification etc., and other prayers.
2. This respondent states and submits that the present application as filed cannot be maintained and entertained by this Hon'ble Tribunal for the reason that a slew of prayers have been sought for even without mentioning the provision of law under which such application has been filed. Further, totally unconnected and sweeping prayers are made for which there ought to be different causes of action. On the basis of certain allegations a sweep of prayers have been sought for without any material to show any infraction or violation of the environmental law and as such the application deserves to be dismissed in limine.
3. As regards the averments contained in Paras 2,3,9 13 (1) to 13(4) & 13(9) with respect to the demolition of Secretariat Building is concerned, it is respectfully submitted that 3<sup>rd</sup> respondent - the Roads & Building Department, who is the waste generator has applied for a permission of dismantling of existing Secretariat complex to make ground to take up the new structure along with the Construction and



  
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Demolition Waste Management plan as per Rule 4 (3) of the Construction and Demolition Waste Management Rule, 2016

4. It is submitted that the GHMC, the 5<sup>th</sup> respondent, vide proceedings dated 04.07.2020 accorded permission to the waste generator 3<sup>rd</sup> Respondent (Roads & Building Department) for undertaking demolishing of existing building plan subject to certain conditions. The copy of the permission accorded by the 5<sup>th</sup> respondent on 04.07.2020 is filed as **(Annexure I)**. Therefore, prior to the demolition works, the necessary permission had been sought for and issued in compliance of the law and there can be no grievance for the applicant with respect to the same. While so, it appears that for the sake of political reasons and for publicity that the application seems to have been filed on the basis of totally unsubstantiated allegations.
5. It is further submitted that the Regulatory Authority i.e., SEIAA, Telangana, issued Environmental Clearance (EC) to the proposed Secretariat Construction of Telangana State Government vide Order dated 01.09.2020 Order No. SEIAA/TS/OL/HYD-47/2020-297 **(ANNEXURE II)**. Subsequently the SEIAA has issued amendment to the Environment Clearance relating to increase of built up area on 25.09.2020 Order No. SEIAA/TS/OL/HYD-47/2020-367 **(ANNEXURE - III)**. This respondent Board (TSPCB) issued Consent for Establishment (CFE) vide Order dated 09.09.2020 **(ANNEXURE - IV)** to the Road & Buildings Department, Government of Telangana for construction of Secretariat Complex of Telangana State Government. Subsequently, the Respondent Board issued CFE Amendment Order dated 27.10.2020 and the copy of the same is annexed as **(ANNEXURE - V)**.
6. From the above, it can be noticed that the necessary statutory approvals/clearance/consent have been issued and till date the applicant herein has not chosen to challenge any of the said orders and in the absence of a challenge to those orders in a legally recognized manner, the present application on the basis of sweeping allegations cannot be maintained and ought not to be entertained.



  
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7. It is respectfully submitted that it is on the apprehension of possible pollution that the instant application has been moved. Ill-conceived apprehensions cannot be a ground to move this Hon'ble Tribunal in the absence of any materials to project a case of environmental pollution.
8. The averments in para 7 and 8 go to show that the applicant is interested in somehow or other thwarting the process of new Secretariat coming up – obviously for political reasons and that there are no bonafides in this application. After having failed in his attempt to stall the process by way of the dismissal of the Writ Petition (PIL) No.66/2019, the applicant has rushed to this Hon'ble Tribunal on the basis of vague allegations which are contrary to the actual facts.
9. As regards the averments in para 9 are concerned, it is respectfully submitted that The Regulatory Authority i.e., MoEF&CC, GoI, the 1<sup>st</sup> respondent herein vide letter dated 17.07.2020 issued clarification as follows: -

***"..... I have been directed to refer to the e-mail dated 15.07.2020, wherein to the clarification to the Ministry has been raised that reads as 'in terms of para 2 and 6 of EIA Notification, 2006, whether prior Environmental Clearance is required or not, for demolition of the existing Telangana Secretariat Building with an area of more than 7 lac Sq. Mtrs'.***

***2. In the subject context, the stated provisions of the EIA Notification 2006 have been examined. A logical reading and interpretation of the provisions indicate that the standalone building demolition activity does not require prior Environmental Clearance under the EIA Notification, 2006. At the same time, however, such demolition activities are guided by the Ministry's Construction and Demolition Waste Management Rules, 2016, notified under the Environment (Protection) Act, 1986, vide Notification GSR 445 (E), dated 29.03.2016".***

The Hon'ble High Court has taken on record the MoEF&CC letter dated 17.07.2020 and dismissed the WP (PIL) No. 155 of 2020 filed by Prof.P.L.Vishveshwar Rao & another Vs MoEF&CC, GoI. The applicant herein



*[Signature]*  
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Sanathnagar, Hyderabad-500017

filed an appeal as against the above order before the Hon'ble Supreme Court of India in S.L.P.(Civil) Diary No:19574 of 2020 and the same was dismissed by order dated 28/10/2020. The applicant is bound by the said order of the Hon'ble Supreme Court of India and cannot be permitted to re-agitate the same issue which has attained finality.

10. As regards the other averments contained in para 9, it is respectfully submitted that the Joint Committee appointed by this Hon'ble Tribunal by order dated 20/07/2020 has already filed a Report dated 24/09/2020 wherein it has been observed that necessary precautions have been taken to safeguard and protect the environment including the Hussain Sagar Lake. Therefore, it is obvious that the averments and allegations of the applicant are not correct.
11. The averments in para 10 are denied as not being correct and as made just for the purposes of the case.
12. As regards the averments in Para 11 & 12 are concerned, it is respectfully submitted that the Hon'ble High court has dismissed the WP (PIL) No.155 of 2020 on 17.07.2020 is annexed as **(ANNEXURE - VI)** after taking into consideration all the relevant aspects.
13. As regards the averments in para 13 are concerned, it is respectfully submitted that no grounds are made out as projected and no such grounds really exist for the consideration of this Hon'ble Tribunal. The alleged grounds are totally misconceived. When Hussain Sagar Lake is not falling with the Wetland Rules, 2016, averments and allegations are made to the contrary.
14. With reference to the grounds as contained in Para 13 (4) (5), 13 (6) & 13 (7) are concerned, it is respectfully submitted that the Roads & Building Department has obtained clarification from the Minor Irrigation (Krishna Basin) Department 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



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Management) Rules, 2017. ("wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes). Hence, Hussain Sagar Lake does not come under the Wetlands (Conservation and Management) Rules, 2017.

15. As regards the averments contained in Para 13 (10) concerned, it is respectfully submitted that as per the direction of the Hon'ble NGT dated 14.02.2020 the State of Telangana is submitting quarterly status report to the Hon'ble NGT New Delhi on thematic areas as mentioned in the order dated 14.02.2020.

16. As per the Joint Committee report filed before the Hon'ble NGT on 24.09.2020, the suggestions and conclusions of the Joint Committee are as follows: -

a. 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 Construction & Demolition waste of 1,14,447 MT generated during demolition was transported to M/s Hyderabad Construction & Demolition Waste Private Limited, Jeedimetla during 20.07 2020 to 29.08.2020.

b. During the inspection, the Joint Committee observed that the total demolition was completed. However, the documents provided by the Road & Building Dept., and the State Ambient Monitoring Project (SAMP) data by TSPCB indicates that sufficient precautions were taken while demolishing and disposing the Construction & Demolition Waste.



  
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T.S. Pollution Control Board  
Paryavaran Bhavan A-3, T.E.  
Sanathnagar, Hyderabad 16.

c. 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 Construction & Demolition Waste runoff to the Lake which causes pollution.

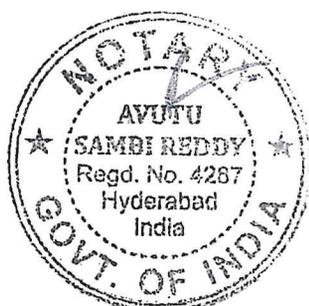
d. M/s. Hyderabad Construction & Demolition Waste Private Limited, Jeedimetla has received about 1,14,447 MT of Construction & Demolition waste generated from the demolition of Secretariat buildings and the facility is processing the waste. Till date around 33,590 Tons of waste is being processed and by January 2021 entire waste will be processed.

e. TSPCB shall monthly inspect M/s. Hyderabad Construction & Demolition Waste Private Limited, Jeedimetla and verify the quantity of waste processed. The facility will submit monthly progress report to TSPCB.

f. The waste generated during the demolition of the existing Secretariat building has been sent to the Construction & Demolition facility. However, if any Construction & Demolition waste is further generated during the construction of new Secretariat building, the R&B Department shall dispose the Construction & Demolition waste as per the Construction and Demolition Waste Management Rules, 2016 and the CPCB Guidelines on Environmental Management of Construction & Demolition Waste, 2017."

17. This respondent Board is following the above suggestions and taking the necessary steps and follow up action. The Officials of Respondent No. 4 submitted the latest status of waste processed from demolition of Telangana Secretariat complex at Khairtabad as follows:-

i. The facility has received 1,14,473 Tons of C&D Waste from demolition of Telangana Secretariat complex at Khairtabad during the period July 2020 - August 2020. The waste transported from the Secretariat complex to the site is by tipper trucks provided by the facility.



*[Signature]*  
MEMBER SECRETARY  
T.S. Pollution Control Board  
Paryavaran Bhavan, A-3, I.E.  
Sanathnagar, Hyderabad-50

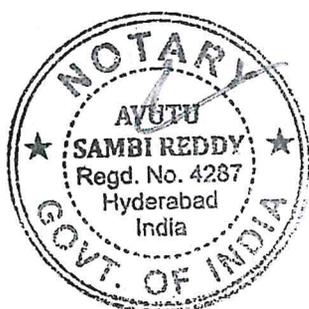
- ii. The facility has processed a total of 53,531 Tons till 30.11.2020. About 4,578 Tons of material like Iron, Wood and other items were segregated from the waste and disposed as recyclables. The balance 48,953 Tons of C&D waste was processed in the plant. About 46.8% of the total waste received is processed by the facility till date.
- iii. The facility is also manufacturing paving products (like paver blocks in footpath, etc) by using recycled aggregates and sand to the tune of about 1500 nos. per day.
- iv. The unprocessed C&D waste of about 60,942 Tons is stored within the premises in the West and South-West directions of the plant and is planned to be processed by March, 2021. Earlier, the facility has proposed to process the entire waste by January 2021. However, the facility representative informed that due to less labour availability due to Covid-19 pandemic, the processing of waste has been delayed.
18. It is respectfully submitted that there are no merits in the above application and it is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the same and pass such further or other orders and thus render justice.

Dated at Hyderabad on this the <sup>19<sup>th</sup></sup> day of December, 2020.

**Counsel for 4<sup>th</sup> Respondent**

**4<sup>th</sup> Respondent**

MEMBER SECRETARY  
T. S. Pollution Control Board  
Parvavaran Bhavan, A-3, I.E.,  
Srinagar, Hyderabad-18.



**VERIFICATION**

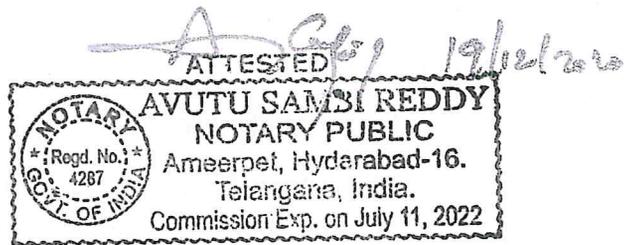
I, Smt. Neetu Kumari Prasad, I.A.S., Member-Secretary of the 4<sup>th</sup> Respondent Board, i.e., Telangana State Pollution Control Board, do hereby verify that what are all stated above are true and correct as per the records available in the office.

Verified at Hyderabad on this the 19<sup>th</sup> day of December, 2020.

*[Signature]*  
19/12/20

**4<sup>th</sup> Respondent**

MEMBER SECRETARY  
T.S. Pollution Control Board  
Paryavaran Bhavan, A-3, I.E.,  
Sahayyanagar, Hyderabad-18.



-9-

ANNEXURE-I

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 Rule (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.

*Dhe/2*  
COMMISSIONER  
GHMC

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

 सत्यमेव जयते	<b>State Level Environment Impact Assessment Authority (SEIAA)</b>
	<b>Telangana State</b>
	<b>Government of India</b>
	<b>Ministry of Environment Forests &amp; Climate Change</b> A-3, Industrial Estate, Sanathnagar, Hyderabad-500 018.

BY REGD. POST WITH ACK DUE

Order No. SEIAA/TS/OL/HYD-47/2020- 297

Dt:01.09.2020

Sub: SEIAA, TS – “Secretariat Complex” of Telangana State Government, Saifabad, Near Necklace Road, Khairthabad, Hyderabad District – Environmental Clearance – Issued – Reg.

- I. This has reference to your application submitted online on 27.08.2020 (proposal no. SIA/TG/MIS/169948/2020) received on 28.08.2020, seeking Environmental Clearance for the proposed Construction project titled “Secretariat Complex” of Telangana State Government, Saifabad, Near Necklace Road, Khairthabad, Hyderabad District. The capital cost of the project is Rs. 400 Crores. It is noted that the Geo Co-ordinates of the proposed Secretariat Office Complex are:

S.No.	Description	Latitude (N)	Logitude (E)
1	NE boundary point	17 <sup>0</sup> 24' 40.41"	78 <sup>0</sup> 28' 16.34"
2	SE boundary point	17 <sup>0</sup> 24' 29.09"	78 <sup>0</sup> 28' 16.56"
3	SW boundary point	17 <sup>0</sup> 24' 28.88"	78 <sup>0</sup> 28' 07.04"
4	NW boundary point	17 <sup>0</sup> 24' 39.72"	78 <sup>0</sup> 28' 06.71"

- II. It is noted that total site area of proposed project is Ac. 26.29 (1,06,394.17 Sq.m.). Out of that, area affected by FTL Buffer Zone is 3,520.84 Sq.m. Net Site Area of the project is 1,02,873.33 Sq.m. Green area is 10,738.71 Sq.m. and landscape area is 10,836.29 Sq.m. The total Built-up area is 66,479.92 Sq. m. The project consists of Secretariat Complex with Main Secretariat Building viz., Central Court Yard (Lower Ground Floor + Ground Floor + 11 Upper Floors); and Staff Amenities with 6 Buildings viz., Bank (G + 1 Floor); Canteen & Welfare Centre (G+1 Floor); Fire Station (G+1 Floor); Security Post & Parking (G+1 Floor); Dispensary & Crèche (G+1 Floor) and Visitors waiting building (G+1 Floor). It is also noted that Parking area to be provided is 30,223.21 Sq.m., (45.46%) in earmarked parking area with Mechanical Parking to park about 1215 four wheelers and 475 two wheelers. The amenities to be provided include Sewage Treatment Plant (STP), MSW Segregation point. The total power requirement of the project will be met from TSCPDCL. In case of power failure, power backup shall be provided through D.G. sets of 4x1250 kVA capacities, which will be enclosed type.
- III. The source of fresh water is HMWS&SB and Bore wells. The total water requirement during occupational stage is 207.0 KLD. Out of that, fresh water requirement is 172.0 KLD (Domestic, HVAC, DG Cooling & Green Belt) & recycled treated waste water is 35.0 KLD (Flushing). Quantity of sewage generated is 100.0 KLD. It is proposed to treat the sewage in STP of capacity 120.0 KLD. The treated waste water will be used for: flushing the toilets and development of greenery. The project generates solid waste of about 700 kg/day. Out of which, 210 kg/day is Bio-degradable waste which will be sent to Organic converter within the project site, 420 kg/day of Recyclable waste will be sent to Authorized Recyclers and 70 kg/day of Inert material will be sent to Municipal Bin. The STP sludge will be used as manure; used oil and used batteries will be sent to Authorized Recyclers. E-waste, if any, will be disposed to the recyclers/dismantlers authorized by the TSPCB as per the E-waste Rules. Bio-Medical waste, if any, generated from dispensary of the project will be disposed to authorized CBMWTF, as per BMW (M&H) Rules. It was informed that disposing of shredded old files in the Secretariat will be once in a while and it is estimated approximately as 1.0 TPA which will be sent to Authorized Recyclers after shredding. The proponent has proposed 88 no. of rain water harvesting pits in the proposed project site and the excess storm water if any, will be discharged into the existing Municipal storm water drain.

Received E.C. orders  
in Original.  
21/9/2020  
C.M. SATYANARAYANA  
S.E. (R&B)

- IV. The project/ activity is covered under category B of item 8(a) 'Building & Construction' projects of the schedule EIA Notification, 2006, and its subsequent amendments and requires appraisal at State Level by SEAC/ SEIAA, Telangana.
- V. The proposal has been examined and processed in accordance with EIA Notification, 2006 & its amendments thereof. The State Level Expert Appraisal Committee (SEAC) examined the proposal in its meetings held on 29.08.2020 & 31.08.2020. The Sub-Committee constituted by the SEAC inspected the site on 30.08.2020 and submitted the report. The project is exempted from Public Hearing as it is a Construction Project.
- VI. The SEAC considered the project proposal based on the information furnished, presentation made by the proponent and the consultant M/s. **Pridhvi Envirotech (P) Ltd., Hyderabad**; Report of the Sub-Committee; Lr.dt.26.08.2020 of the Irrigation & CAD Dept., duly marking FTL contour line & buffer line (30 mtr) from the FTL contour on Site plan & Google map; Lr.dt.29.08.2020 of the Irrigation & CAD Dept., certifying the proposed New Secretariat Complex in premises of Old Secretariat Complex is out of Full Tank Level (FTL) and Buffer zone of the Hussain Sagar Lake (which comes under River Krishna Basin), NOC from Irrigation & CAD Department for construction of Telangana Secretariat Complex at Saifabad, Near Necklace Road, Hyderabad, Telangana; NOC issued subject to condition that all the guidelines prescribed in G.O.Ms.No.168 MA & UD (M) Department dt.07.04.2012 with respect to Building Construction Activity in vicinity of the water bodies shall be strictly adhered with. The SEAC also considered the Hon'ble High Court order dt. 29.06.2020 in Writ Petition (PIL Nos. 136, 142 & 145 of 2016 and 66 & 71 of 2019), lr.dt.18.08.2020 of CPCB forwarding complaint regarding Demolition & Construction of Secretariat Building in Hyderabad without Environment Clearance and Violation of the Directions passed by the Hon'ble National Green Tribunal in O.A.No.606 of 2018, the Hon'ble NGT vide order dt. 20.07.2020 in O.A No.107 of 2020 (SZ) has constituted a Committee to submit a report on Demolition of Old Secretariat Building and disposal of debris, and recommended for issue of Environmental Clearance.
- VII. The State Level Environment Impact Assessment Authority (SEIAA) Telangana in its meeting held on 01.09.2020 examined the proposal and recommendations of SEAC, Telangana for issue of Environmental Clearance. Accordingly, after discussions in the matter and considering the recommendations of the SEAC, Telangana, **the SEIAA, Telangana hereby accords prior Environmental Clearance to the project** as mentioned at Para no. I under the provisions of the EIA Notification 2006 and its subsequent amendments issued under Environment (Protection) Act, 1986 subject to implementation of the following specific and general conditions.

**A. Specific Conditions:**

- (i) The project proponent shall provide for adequate fire safety measures and equipment as per National Building Code/required by Fire Services Act of the State and instructions issued by the local Authority/Directorate of fire, from time to time. Further, the project proponent shall take necessary permission/NOC regarding fire safety from Competent Authority as required.
- (ii) The project proponent shall obtain all necessary clearance/permission from all relevant agencies including town planning authority before commencement of work. All the construction shall be done in accordance with the local building byelaws.
- (iii) The Consent for Operation (CFO)/Occupancy Certificate shall be issued only after getting necessary permission for required water supply from HMWSSB/concerned authority.
- (iv) The project proponents would devise a monitoring plan to the satisfaction of the State Pollution Control Board so as to continuously monitor the treated waste water being used for flushing in terms of fecal coli form and other pathogenic bacteria.

- (v) The project proponents would commission a third party study on the implementation of conditions related to quality and quantity of recycle and reuse of treated water, efficiency of treatment systems, quality of treated water being supplied for flushing (specially the bacterial counts), comparative bacteriological studies from toilet seats using recycled treated waters and fresh waters for flushing and quality of water being supplied through spray faucets attached to toilet seats.
- (vi) The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per Ministry of Urban Development Model Building Byelaws, 2016. The number of rain water harvesting recharge pits shall be provided for rain water harvesting after filtration as per CGWB guidelines.
- (vii) Rain water harvesting for roof run-off shall be implemented. Before recharging pre-treatment must be done to remove suspended matter, oil and grease. A sump may also be constructed along with Rain water harvesting pits to save water.
- (viii) Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials. Wet garbage shall be composted in Organic Waste Converter. Designated area shall be provided for solid waste management within the premises which will include area for segregation, composing. The inert waste from project will be sent to dumping site.
- (ix) Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.
- (x) The company shall draw up and implement corporate social responsibility plan as per the Company's Act of 2013.
- (xi) As per the Ministry's Office Memorandum F.No.22-65/2017-IA.III dated 1<sup>st</sup> May 2018, and proposed by the project proponent, (@1.5% of project cost) shall be earmarked under Corporate Environment Responsibility (CER) for the activities such as waste Management, Solar Street Lights, Drinking Water, Health Camps, Rain Water harvesting, Training & Education and Avenue Plantation etc. The activities proposed under CER shall be restricted to the affected area around the project. The entire activities proposed under the CER shall be treated as project and shall be monitored. The monitoring report shall be submitted to the regional office as a part of half yearly compliance report, and to the District Collector. It should be posted on the website of the project proponent.

**B. Standard Conditions:-**

**I. Statutory compliance:**

- i. The project proponent shall obtain all necessary clearance/permission from all relevant agencies including town planning authority before commencement of work. All the construction shall be done in accordance with the local building byelaws.
- ii. The proponent shall: not discharge any waste water outside the premises until their project's outlet is connected to public sewer line and till such time they will reuse 100% of treated waste water within the project premises; conform to the WALTA Act and the water consumption shall be as per permissions granted by the Concerned Authorities; conform to the provisions laid under the Real Estate (Regulation & Development) Act, 2016 issued by the Ministry of Law & Justice, GoI& its subsequent amendments (if any); adopt green building concepts and use

renewable energy by adopting Energy Conservation practices, Energy efficient practices & Energy audit practices, etc.,

- iii. The approval of the Competent Authority shall be obtained for structural safety of buildings due to earthquakes, adequacy of fire fighting equipment etc. As per National Building Code including protection measures from lightening etc.
- iv. The project proponent shall obtain forest clearance under the provisions of Forest (Conservation) Act, 1980, in case of the diversion of forest land for no-forest purpose involved in the project.
- v. The project proponent shall obtain the necessary permission for drawl of ground water / surface water required for the project from the competent authority.
- vi. A certificate of adequacy of available power from the agency supplying power to the project along with the load allowed for the project should be obtained.
- vii. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department shall be obtained, as applicable, by project proponents from the respective competent authorities.
- viii. The provisions of the Solid Waste Management Rules, 2016, e-Waste (Management) Rules, 2016, and the Plastics Waste Management Rules, 2016, shall be followed.
- ix. The project proponent shall follow the ECBC/ECBC-R prescribed by Bureau of Energy Efficiency, Ministry of Power strictly.

## **II. Air quality monitoring and preservation:**

- i. Notification GSR 94(E) dated 25.01.2018 of MoEF&CC regarding Mandatory Implementation of Dust Mitigation Measures for Construction and Demolition Activities for projects requiring Environmental Clearance shall be complied with.
- ii. A management plan shall be drawn up and implemented to contain the current exceedance in ambient air quality at the site.
- iii. The project proponent shall install system to carryout Ambient Air Quality monitoring for common/criterion parameters relevant to the main pollutants released (e.g. PM<sub>10</sub> and PM<sub>2.5</sub>) covering upwind and downwind directions during the construction period.
- iv. Diesel power generating sets proposed as source of backup power should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use of low sulphur diesel. The location of the DG sets may be decided within consultation with State Pollution Control Board and exhaust pipe height shall be as per the provisions of the Central Pollution Control Board (CPCB) norms.
- v. Construction site shall be adequately barricaded before the construction begins. Dust, smoke & other air pollution measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/wind breaking walls all around the site (atleast 3 meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site

- vi. Sand, murrum, loose soil cement, stored on site shall be covered adequately so as to prevent dust pollution.
- vii. Wet jet shall be provided for grinding and stone cutting.
- viii. Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.
- ix. All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Management Rules 2016.
- x. For indoor air quality the ventilation provisions as per National Building Code of India.

### **III. Water quality monitoring and preservation:**

- i. The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site, on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.
- ii. Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.
- iii. The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project proponent.
- iv. A certificate shall be obtained from the local body supplying water, specifying the total annual water availability with the local authority, the quantity of water already committed the quantity of water allotted to the project under consideration and the balance water available. This should be specified separately for ground water and surface water sources, ensuring that there is no impact on other users.
- v. Installation of dual pipe plumbing for supplying fresh water for drinking, cooking and bathing etc and other for supply of recycled water for flushing, landscape irrigation, car washing, thermal cooling, conditioning etc. shall be done.
- vi. Use of water saving devices/fixtures (viz. low flow flushing systems; use of low flow faucets tap aerators etc for water conservation shall be incorporated in the building plan.
- vii. Separation of grey and black water should be done by the use of dual plumbing system. In case of single stack system separate recirculation lines for flushing by giving dual plumbing system be done.
- viii. Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
- ix. A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.
- x. All recharge should be limited to shallow aquifer.
- xi. Any ground water dewatering should be properly managed and shall conform to the approvals and the guidelines of the CGWA in the matter. Formal approval shall be taken from the CGWA for any ground water abstraction or dewatering.
- xii. No sewage or untreated effluent water would be discharged through storm water drains.
- xiii. Storm water control and its re-use shall be as per CGWB and BIS standards for various applications.

- xiv. The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the SEIAA before the project is commissioned for operation. Discharge of treated waste water shall conform to the standards stipulated under Schedule-6 of Environment (Protection) Act, 1986 and its amendments thereof. Sewage Treatment Plant should be monitored on a regular basis. No waste water shall be discharged outside the premises. The excess treated waste water, if any, is to be reused within the premises i.e., discharged into an artificial pond within the premises and can be utilized for recreational purpose. The proponent shall adopt dual plumbing system for reuse of treated waste water and also take necessary water conservation measures in the project.
- xv. Periodical monitoring of water quality of treated sewage shall be conducted. Necessary measures should be made to mitigate the odour problem from Solid waste processing plant & STP.

**IV. Noise monitoring and prevention:**

- i. Ambient noise levels shall conform to residential area/commercial area/industrial area/silence zone both during day and night as per Noise Pollution (Control and regulation) Rules, 2000. Incremental pollution loads on the ambient air and noise quality shall be periodically monitored during construction phase. Adequate measures shall be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/SPCB.
- ii. Noise level survey shall be carried as per the prescribed guidelines and report in this regard shall be submitted to Regional Officer of the Ministry as a part of six-monthly compliance report.
- iii. Acoustic enclosures for DG sets, noise barriers for ground-run bays, ear plugs for operating personnel shall be implemented as mitigation measures for noise impact due to ground sources.

**V. Energy Conservation measures:**

- i. Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the state ECBC.
- ii. Outdoor and common area lighting shall be LED.
- iii. Application of solar energy should be incorporated for illumination of common areas, lighting for gardens and street lighting in addition to provision for solar water heating. A hybrid systems or fully solar system for a portion of the apartments should be provided.
- iv. Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code which is proposed to be mandatory for all air-conditioned spaces while it is aspirational for non-air conditioned spaces by use of appropriate thermal insulation material to fulfill requirement.
- v. Use of glass may be reduced by upto 40% to reduce the electricity consumption and load on air-conditioning. If necessary, high quality double glass with special reflective coating in window is to be used.
- vi. Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window and roof u-values shall be as per Energy Conservation Building Code (ECBC) specifications.
- vii. Energy conservation measures like installation of CFLs / LED for the lighting the area outside the building should be integral part of the project design and should be in place before project commissioning.

viii. Solar power shall be used for lighting to reduce the power load on grid. Separate electric meter shall be installed for solar power.

ix. **VI Waste Management:**

- i. A certificate from the competent authority who are handling municipal solid wastes, shall be obtained indicating existing civic capacities of handling and their adequacy to cater to the M.S.W. generated from the project.
- ii. Any hazardous waste including biomedical waste should be disposed of as per applicable Rules & norms with necessary approvals of the Telangana State Pollution Control Board.
- iii. Disposal of muck during construction phase shall not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- iv. Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials.
- v. Organic waste compost / vermiculture pit/ Organic waste converter within the premises with a minimum capacity of 0.3 kg / person/day must be installed.
- vi. All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.
- vii. Any hazardous waste generated during construction phase, shall be disposed off as per applicable rules and norms with necessary approvals of the State Pollution Control Board.
- viii. Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20 % such as Fly Ash Bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks and other environment friendly materials.
- ix. Fly ash material should be used as building material in the construction as per the provision of Fly Ash Notification of September, 1999 and amended as on 27<sup>th</sup> August, 2003 and 25<sup>th</sup> January, 2016.
- x. Any wastes from construction and demolition activities related thereto shall be managed so as to strictly conform to the Construction and Demolition Waste Management Rules, 2016.
- xi. Used CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/ rules of the regulatory authority to avoid mercury contamination.

**VII. Green Cover:**

- i. There are about 607 trees of different species available in the core zone within the proposed site which is very well maintained. The proposed activity does not involve clearing / pruning / cutting of any of the existing trees. However, there are 27 trees coming under the proposed building area and it is proposed to translocate them within the site premises according to norms in consultation with the Forest Department, as committed by the proponent.
- ii. Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.
- iii. No tree cutting/transplantation has been proposed in the instant project. A minimum of 1 tree for every 80 Sq.m of land should be planted and maintained. The existing trees will be counted for this purpose. The landscape planning should include plantation of native species. The species with heavy foliage, broad leaves and wide canopy cover are desirable. Water intensive and/or invasive species should not be used for landscaping.

- iv. The green belt design along the periphery of the plot shall achieve attenuation factor conforming to the day and night noise standards prescribed for residential land use by the MoE&F, GOI/CPCB. The open spaces inside the plot should be suitably landscaped and covered with vegetation of indigenous variety. Species of Mosquito repellent & Aromatic plants along with other plants shall also be included for development of greenbelt. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations. The proponent shall develop and maintain greenbelt with tall growing trees instead of lawns, etc., to maximum extent. The proponent shall also Geotag all the saplings planted.
- v. Green area of at least 10% of the site area shall be developed and maintained.

### **VIII Transport**

- i. The road system can be designed with these basic criteria.
  - a. Hierarchy of roads with proper segregation of vehicular and pedestrian traffic.
  - b. Proper design of entry and exit points.
  - c. Parking norms as per local regulation.
- ii. Vehicles hired for brining construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards be operated only during non-peak hours.
- iii. Adequate number of parking spaces shall be provided for visitor vehicles. Rest room facilities should be provided for service population. The proponent shall provide public convenience facilities such as toilets, bathrooms, waiting rooms etc. for the drivers, workers etc. so as to maintain cleanness/hygienic conditions in the surroundings of the project.

### **IX. Human health issues:**

- i. All workers working at the construction site and involved in loading, unloading carriage of construction material and construction debris or working in any area with dust pollution shall be provided with dust mask.
- ii. For indoor air quality the ventilation provisions as per National Building Code of India.
- iii. Emergency preparedness plan based on the Hazard identification and Risk Assessment (HIRA) and Disaster Management Plan shall be implemented.
- iv. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- v. Occupational health surveillance of the workers shall be done on a regular basis.
- vi. A First Aid Room shall be provided in the project both during construction and operations of the project.

### **X. Corporate Environment Responsibility:**

- i. The project shall have a well laid down environmental policy. The environmental policy should prescribe for standard operating procedures to have proper checks and balances and to bring into focus any infringements / deviation / violation of the environmental conditions.
- ii. A separate Environmental Cell to monitor the environmental conditions / norms with qualified personnel shall be set up.
- iii. Action plan for implementing EMP and environmental conditions shall be prepared. The year wise funds earmarked for environmental protection measures shall be kept in separate and not to be diverted for any other purpose. Year wise progress of implementation of action plan shall be reported to the Ministry / Regional Office along with the Six Monthly Compliance Report.

**Part – B. General Conditions:**

- i.** This order is valid for a period of 7 years from the date of issue of this order.
- ii.** “Consent for Establishment” (CFE) shall be obtained from Telangana State Pollution Control Board under Air and Water Act before the start of any construction work at site under Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974.
- iii.** Consent for Operation (CFO) of the project shall be obtained from the Telangana State Pollution Control Board as required under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, after obtaining CFE of the Board, before occupancy.
- iv.** The proponent shall not carry out any construction activity in the earmarked Open area, Green area & Road area of the project, as committed by the project proponent. Any deviation in the proposed earmarked areas shall make EC invalid.
- v.** The proponent shall: not discharge any waste water outside the premises until their project’s outlet is connected to public sewer line and till such time they will reuse 100% of treated waste water within the project premises; conform to the WALTA Act and the water consumption shall be as per permissions granted by the Concerned Authorities; Make provision for solar energy on roof; Sufficient rain water harvesting structures shall be provided; Consult the Forest Department to translocate the 27 trees which are existing under the proposed building area, as per norms; No construction activity should be taken up within the buffer zone of FTL of Hussain Sagar Lake; adopt green building concepts and use renewable energy by adopting Energy Conservation practices, Energy efficient practices & Energy audit practices, etc., and adopt Energy Conservation Building Code, Develop green area with tall growing tree species as committed by the proponent vide lr.dt.01.09.2020 received on 01.09.2020 issues raised by the SEIAA.
- vi.** The environment safeguards contained in the EMP Report should be implemented in letter and spirit. The responsibility of implementation of environmental safeguards rests fully with the proponent ie., **“Secretariat Complex” of Telangana State Government.**
- vii.** All the conditions, liabilities and legal provisions contained in the EC shall be equally applicable to the successor management of the project in the event of the project proponent transferring the ownership, maintenance of management of the project to any other entity
- viii.** The proponent shall submit half-yearly compliance reports in respect of the terms and conditions stipulated in this order in hard and soft copies to the SEIAA; TSPCB and CCF, Regional office of MoEF&CC, GoI, Chennai on 1<sup>st</sup> June and 1<sup>st</sup> December of each calendar year.
- ix.** The proponent shall submit the Environmental Statement for every financial year in Form-V to the State PCB as prescribed under E(P) Act, 1986, as amended subsequently and will be put on the website of the project.
- x.** Officials from the TSPCB and Regional Office of MoEF&CC, GoI, Chennai who would be monitoring the implementation of environmental safeguards should be given full co-operation, facilities and documents/data by the project proponents during their inspection. A complete set of all the documents shall be submitted to the TSPCB and CCF, Regional Office to MoEF&CC, GoI, Chennai.
- xi.** The proponent should implement the project as per the details mentioned in this order. In the case of any change (s) in the scope of the project, the project would require a fresh appraisal by this SEIAA. No further expansion or modifications in the project shall be carried out without prior approval of the SEIAA, TS.
- xii.** The project proponent shall submit the copies of the environmental clearance to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
- xiii.** The project proponent shall obtain all other statutory clearances, as applicable, from the competent authorities.
- xiv.** The project proponent should advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded environmental clearance and copies of clearance letters are available with the Telangana State Pollution Control Board. The advertisement should be made within 7 days from the day of issue of the clearance letter and a copy of the same should be forwarded to the Regional Office of this Ministry at Chennai.

- xv. The funds earmarked for environmental protection measures (**capital cost: Rs. 613.0 Lakhs and recurring cost: Rs. 180.0 lakhs/annum**) should be kept in separate account and should not be diverted for other purpose. An amount of Rs. 600.0 Lakhs for Corporate Environmental Responsibility will be spent in next four years period. Year wise expenditure should be reported to the SEIAA and Ministry's Regional Office located at Chennai and TSPCB.
- xvi. Any appeal against this Environmental Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.
- xvii. The SEIAA may revoke or suspend the order, if implementation of any of the above conditions is not satisfactory. The SEIAA reserves the right to alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
- xviii. Concealing the factual data or failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986 without any prior notice.
- xix. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006, and its amendments thereof.
- xx. Grant of EC is also subject to Circulars issued under the EIA Notification 2006, which are available on the MOEF website: [www.parivesh.nic.in](http://www.parivesh.nic.in)

Sd/-  
MEMBER SECRETARY  
SEIAA, T.S.

Sd/-  
MEMBER  
SEIAA, T.S.

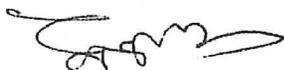
Sd/-  
CHAIRMAN,  
SEIAA, T.S.

To  
"Secretariat Complex" of Telangana State Government  
The Engineer-in-Chief,  
4th Floor, (R&B), NH, Roads & Buildings Department,  
Government of Telangana,  
Errummanzil, Telangana - 500082  
Ph. No. 040- 40179810 / 83339 25229  
Email: [cebltdgs@gmail.com](mailto:cebltdgs@gmail.com)

**Copy to:**

1. Prof. Ch. Krishna Reddy, Chairman, SEAC, Telangana for kind information.
2. The Member Secretary, TSPCB for kind information.
3. The EE, RO: Hyderabad, TSPCB for information.
4. The Regional Officer, MoEF&CC, GOI, Chennai for kind information.
5. The Secretary, MoEF&CC, GOI, New Delhi for kind information.

//T.C.F.B.O.//



 JOINT CHIEF ENVIRONMENTAL ENGINEER



the request of the proponent and recommended to issue amendment to the EC order. The State Level Environment Impact Assessment Authority (SEIAA), in its meeting held on 23.09.2020 examined the request of the proponent and recommendations of the SEAC, and decided to issue amendment to the Environmental Clearance. Hence, the following amendments are made to the EC order issued vide reference 1<sup>st</sup> cited:

- (a) The capital cost of the project mentioned in Para No. I shall be read as Rs. 617.0 Crores.  
(b) The details of geo co-ordinates mentioned under Para no. I shall be read as the following:

1	170 24' 40.13"N	780 28' 06.22"E
2	170 24' 40.41"N	780 28' 16.34"E
3	170 24' 29.34"N	780 28' 17.25"E
4	170 24' 29.02"N	780 28' 16.36"E
5	170 24' 31.92"N	780 28' 04.71"E
6	170 24' 37.79"N	780 28' 06.25"E

- (c) Para No.II shall be read as following:

*"It is noted that total site area of proposed project is 1,13,514.33 Sq. m. (28.05 Ac.). Out of that, area affected by FTL Buffer Zone is 3,520.84 Sq.m. and area affected under Road widening is 7,122.47 Sq.m. Net Site Area of the project is 1,02,871.02 Sq. m. (25.42 Ac.). Green area is 11,605.92 Sq. m. (11.29%), and landscape area is 11,649.41 Sq.m. The total Built-up area is 70,315.19 Sq.m. The project consists of Secretariat Complex with Main Secretariat Building viz., Central Court Yard (Lower Ground Floor + Ground Floor + 11 Upper Floors); and Staff Amenities with 7 Buildings viz., Bank (G + 1 Floor); Canteen & Welfare Centre (G+1 Floor); Fire Station (G+1 Floor); Security Post (G+1 Floor); Dispensary & Crèche (G+1 Floor); Visitors waiting building (G+1 Floor) and Electrical Block (G+2 Floors). The other buildings proposed in the project are Driver's Toilets - 1 & 2 Areas and Security Rooms - 1 to 4 Areas. It is also noted that Parking area to be provided is 32,312.82 Sq.m., (45.95%) in earmarked parking area to park about 1,215 four wheelers and 475 two wheelers. The amenities to be provided include Sewage Treatment Plant (STP), MSW Segregation point. The total power requirement of the project will be met from TSSPDCL. In case of power failure, power backup shall be provided through D.G. sets of 4x1250 kVA capacities, which will be enclosed type".*

- (d) The condition No. xv mentioned under Part "B" General conditions: shall be read as:

*"The funds earmarked for environmental protection measures (Capital Cost: Rs. 633.0 Lakhs & Recurring Cost: Rs.180.0 lakhs/annum) should be kept in separate account and should not be diverted for other purpose. An amount of Rs.617.0 Lakhs for Corporate Environmental Responsibility (CER) Budget should be spent in next 4 years. Year wise expenditure should be reported to the SEIAA and Ministry's Regional Office located at Chennai and TSPCB."*

- IV. All other information mentioned and conditions stipulated in the EC order issued vide reference 1<sup>st</sup> cited remain the same.

Sd/-  
MEMBER SECRETARY  
SEIAA, T.S.

Sd/-  
MEMBER  
SEIAA, T.S.

Sd/-  
CHAIRMAN,  
SEIAA, T.S.

To

The Engineer-in-Chief: R&B, (NH & Buildings),  
(Project of "Secretariat Complex" by Telangana State Government),  
4<sup>th</sup> Floor, R&B Department, GoTS,  
Errummanzil, Hyderabad – 500 082  
Ph. No. 040 - 23287300 / 9440818001  
Email: [cebldgs@gmail.com](mailto:cebldgs@gmail.com)

Copy to:

1. Prof. Ch. Krishna Reddy, Chairman, SEAC, Telangana for kind information.
2. The Member Secretary, TSPCB for kind information.
3. The EE, RO: HYD, TSPCB for information.
4. The Regional Officer, MoEF&CC, GoI, Chennai for kind information.
5. The Secretary, MoEF&CC, GoI, New Delhi for kind information.

//T.C.F.B.O.//

  
JOINT CHIEF ENVIRONMENTAL ENGINEER



TELANGANA STATE POLLUTION CONTROL BOARD  
Paryavarana Bhavan, A-III, Industrial Estate, Sanathnagar,  
Hyderabad-500 018, Phone: 040-23887500

**CONSENT ORDER FOR ESTABLISHMENT- RED CATEGORY**

**Order No. 7/TSPCB/CFE/HYD/RO-HYD/HO/2020 -76)**

**Dt: 09 .09.2020**

**Sub:** TSPCB – CFE – “Secretariat Complex” of Telangana State Government by R&B Department at Saifabad, Near Necklace Road, Khairathabad, Hyderabad - Consent for Establishment under Sec.25 of Water (Prevention & Control of Pollution) Act, 1974 and under Sec.21 of Air (Prevention & Control of Pollution) Act, 1981 - Issued - Reg.

**Ref:** 1) Environmental Clearance dt. 01.09.2020 issued by SEIAA  
2) Project proponent's CFE application dt: 03.09.2020.  
3) R.O's Verification report dt: 07.09.2020.  
4) CFE-CFO Committee meeting held on 08.09.2020.

\*\*\*

1. The R&B Department vide reference 1<sup>st</sup> cited obtained EC from SEIAA for the proposed “Secretariat Complex” of Telangana State Government, at Saifabad, Near Necklace Road, Khairathabad, Hyderabad District.
2. The proponent vide reference 2<sup>nd</sup> cited submitted application to the Board seeking Consent for Establishment (CFE) for the above project with a project cost of Rs. 400 Crores.

The project consists of:

“Secretariat Complex with Main Secretariat Building viz., Central Court Yard (Lower Ground Floor + Ground Floor + 11 Upper Floors); and Staff Amenities with 6 Buildings viz., Bank (G + 1 Floor); Canteen & Welfare Centre (G+1 Floor); Fire Station (G+1 Floor); Security Post & Parking (G+1 Floor); Dispensary & Crèche (G+1 Floor) and Visitors waiting building (G+1 Floor).

The parking area to be provided is 30,223.21 Sq.m., (45.46%) to park about 1215 four wheelers and 475 two wheelers.

The amenities to be provided includes Sewage Treatment Plant (STP), Community Center, MSW Segregation point, DG sets for emergency supply – 4x1250 KVA”

3. As per the application, the proposed project is to be located at Saifabad, Near Necklace Road, Khairathabad, Hyderabad District with total plot area of Ac 26.29 (1,06,394.17 Sq.m) Out of that, area affected by FTL Buffer Zone is 3,520.84 Sq.m. Net Site Area of the project is 1,02,873.33 Sq.m. Green area of 10,738.71 Sq.m. and landscape area is 10,836.29 Sq.m. and total Built-up area of 66,479.92 Sq. m..
4. The above site was inspected by Assistant Environmental Engineer of Regional Office, Hyderabad, T.S. Pollution Control Board on 05.09.2020 and observed that the site is surrounded by

North: Internal Road followed by NTR Garden  
South: Road followed by Amrutha Castle Hotel and Commercial shops  
East: Necklace Road  
West: Security printing press

The Geo Co-ordinates of the proposed Secretariat Office Complex:

S.No	Description	Latitude (N)	Logitude (E)
1	NE boundary point	17 <sup>0</sup> 24' 40.41"	78 <sup>0</sup> 28' 16.34"
2	SE boundary point	17 <sup>0</sup> 24' 29.09"	78 <sup>0</sup> 28' 16.56"
3	SW boundary point	17 <sup>0</sup> 24' 28.88"	78 <sup>0</sup> 28' 07.04"
4	NW boundary point	17 <sup>0</sup> 24' 39.72"	78 <sup>0</sup> 28' 06.71"

5. The Board, after careful scrutiny of the application submitted by the proponent, verification report of the Regional Officer, E.C. Order dated 01.09.2020 issued by SEIAA and after examining in the CFE-CFO Committee meeting held on 08.09.2020, hereby issues CONSENT FOR ESTABLISHMENT to your project under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of Air (Prevention & Control of Pollution) Act, 1981 and the rules made there under. This order is issued to the proposed Construction Project as mentioned at Para (2) & (3) only.
6. This Consent Order now issued is subject to the conditions mentioned in Schedule 'A' and Schedule 'B'.
7. This order is issued from pollution control point of view only. Zoning and other regulations are not considered.

Encl: Schedule 'A'  
Schedule 'B'

Sd/-  
MEMBER SECRETARY

To  
The Engineer-in-Chief,  
"Secretariat Complex" of Telangana State Government,  
4<sup>th</sup> Floor, R&B, NH, Roads & Buildings Department,  
Government of Telangana, Errummanzil,  
Hyderabad - 500082.

Copy to:

1. The JCEE, ZO, Hyderabad for information.
2. The EE, RO, Hyderabad for information.

// T.C.F.B.O//

*V. S. Reddy*

Senior Environmental Engineer



**SCHEDULE – A**

1. Separate energy meters shall be provided for Sewage Treatment Plant (STP) to record energy consumed.
2. The proponent shall obtain Consent for Operation (CFO) from TSPCB, as required Under Sec.25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and under sec. 21/22 of the Air (Prevention and Control of Pollution) Act, 1981, before commencement of the activity.
3. Notwithstanding anything contained in this conditional letter or consent, the Board hereby reserves its right and power Under Sec.27(2) of Water (Prevention and Control of Pollution) Act, 1974 and Under Sec.21(4) of Air (Prevention and Control of Pollution) Act, 1981 to review any or all the conditions imposed herein and to make such modifications as deemed fit and stipulate any additional conditions by the Board.
4. The consent of the Board shall be exhibited in the project premises at a conspicuous place for the information of the inspecting officers of different departments.
5. Compensation is to be paid for any environmental damage caused by it, as fixed by the Collector and District Magistrate as civil liability.
6. Good housekeeping shall be maintained. All pipe valves, sewers, drains shall be leak proof.
7. Rain Water Harvesting (RWH) structure (s) shall be established on the project site. Effluent shall not enter the RWH structures.
8. Half yearly report on project implementation shall be submitted to the RO, TSPCB.
9. **This order is valid for period of 5 years from the date of issue.**

**SCHEDULE – B**

**Water:**

1. The source of water is HMWS&SB and Bore wells and the maximum permitted water consumption shall not exceed the following:

S.N	Purpose	Quantity
1	Domestic	172 KLD (Fresh water)
2	HVAC, DG Cooling & Green belt	
3	Flushing	35.0 KLD (Recycled treated waste water)
<b>Total</b>		<b>207 KLD</b>

2. The maximum waste water generation shall not exceed the following:

S. No	Purpose	Quantity in KLD	Mode of disposal
1	Domestic	100 KLD	Treated wastewater for toilet flushing, & greenbelt development.

3. **Waste water Treatment & Disposal:**

The proponent shall provide STP of 120 KLD capacity consisting of Raw sewage → Bar Screen → Equalization Tank → MBBR Tank → Settling tank → Filter Feed tank → SHT → Pre-filtration Tank → Activated Sand Filter → Treated water.

The treated water shall comply with the following standards:

Parameter	Standards
pH	6.0 – 9.0
Oil & Grease	10 mg/l
Biochemical Oxygen Demand (BOD)	≤10 mg/l
Chemical Oxygen Demand (COD)	250 mg/l

All the treated wastewater shall be reused within the project for toilet flushing, and greenbelt development.

4. The Sewage Treatment Plant of 120 KLD shall be constructed and commissioned along with the commissioning of the activity. All the units of the STP shall be impervious to prevent ground water pollution. The STP shall be operated in closed circuit so as to avoid smell nuisance.
5. Wastewater shall be treated to comply with BOD standard of less than 10 mg/l.
6. During construction stage septic tank followed by soak pit shall be constructed to the temporary toilets / kitchen provided for the construction labour and shall be removed after completion of the project.
7. Rain water harvesting for roof run-off and surface run-off should be implemented. Before recharging the surface run off, pre-treatment must be done to remove, suspended matter, oil and grease.
8. Separate meters with necessary pipe-line shall be provided for assessing the quantity of water used for Domestic, toilet flushing and Greenbelt development purposes.

**Air Pollution:**

9. Air pollution control equipment shall be installed along with the commissioning of the activity and shall comply with the following for controlling air pollution:

Source	Control equipment
DG Sets – 4x1250 KVA	Acoustic enclosures

10. Diesel generators shall be installed in a closed area with silencers and suitable noise absorption systems. The ambient noise level shall not exceed 65 dB(A) during day time and 55 dB(A) during night time.
11. The fuel used for the diesel generator sets should be low sulphur diesel and should conform to the E (P) Rules prescribed for air and noise emission standards.
12. Ambient noise levels should conform to the residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by the CPCB.
13. Vehicles hired to bring construction material to the site should be in a good condition and should conform to ambient air and noise standards and should be operated only during non peak hours.
14. Necessary provisions should be made by providing tarpaulin / GI Sheets around the construction site to reduce the fugitive emissions to the surrounding area.
15. The proponent shall provide wind breaking wall / cladding of 10 m height around the project site till the construction is completed.

16. The project shall comply with the following Dust Mitigation Measures for Construction and Demolition Activities as stipulated in Environment (Protection) Amendment Rules, 2018 notified by the MoEF&CC, GOI, dt. 25.01.2018:

- No building or infrastructure project requiring Environmental Clearance shall be implemented without approved Environmental Management Plan inclusive of dust mitigation measures.
- Roads leading to or at construction sites must be paved and blacktopped (i.e. Metallic roads).
- No excavation of soil shall be carried out without adequate dust mitigation measures in place.
- No loose soil or sand or Construction & Demolition Waste or any other construction material that causes dust shall be left uncovered.
- Wind-breaker of appropriate height i.e. 1/3<sup>rd</sup> of the building height and maximum upto 10 meters shall be provided.
- Water sprinkling system shall be put in place.

**Solid / Hazardous Waste:**

17. The proponent shall comply with the following:

S. No	Description	Quantity	Disposal
1.	STP Sludge	10 kg/day	Used as manure
2.	Shredded Old Files	1Ton Per Annum	Authorized recyclers after Shredding
3.	Recyclable waste	420 kg/day	Sold to authorized recyclers
4.	Biodegradable	210 kg/day	To compost yard/ organic converter
5.	Inert material	70 kg/day	Sent to municipal solid waste disposal site
6.	E-Waste	--	Disposed to authorized recyclers
7.	Used DG set Batteries	4 Nos/ Year	Authorized recyclers
8.	Transformer Oil	100 Lts/Year	Authorized recyclers
9.	Horticulture waste	39.73 kg/day	Used as manure for green belt
10.	UPS Batteries -	305 Nos/Year	Authorized recyclers
11.	Waste oil	250 LPA	Authorized recyclers

18. All the bio-degradable municipal waste shall be treated within the premises (100%). No bio-degradable waste shall be disposed to Municipality. The other recyclable waste shall be disposed to the respective agencies.

19. The solid waste generated shall be properly collected and segregated before disposal. Waste paper, cartons, thermocol, plastic waste, glass etc., shall be disposed to recycling units. E-waste shall be disposed to authorized recycling units.

20. All the topsoil excavated during construction activities should be stored for use in horticulture/landscape development within the project site.

21. Disposal of muck during construction phase should not create any adverse effect on the neighboring communities and shall be disposed taking the necessary precautions for general safety and health aspects of people, and it shall be disposed only in approved sites with the approval of competent authority.

22. The following rules and regulations notified by the MoE&F, GoI shall be implemented.

- a) Solid Waste Management Rules, 2016.
- b) Construction and Demolition Waste Management Rules, 2016.
- c) Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- d) The Plastic Waste Management Rules, 2016.

- e) Batteries (Management & Handling) Rules, 2001 and its Amendment Rules, 2010.
- f) E-Waste (Management) Rules, 2016 and its Amendment Rules, 2018.
- g) Bio-Medical Waste Management Rules, 2016 and its Amendment Rules, 2018.

**Other Conditions:**

- 23. The proponent shall explore to utilize solar power of atleast 4% of the total electricity load.
- 24. Adequate measures should be taken to prevent odour problem from solid waste processing plant and STP.
- 25. The proponent shall comply with the provisions laid under Fly ash Notification No.S.O.763 (E), dt. 14.09.1999 and Amendments thereof. As per the provision of Fly ash Notification No.S.O.254 (E), dt. 25.01.2016, every construction agency engaged in the construction of building within a radius of 300 km from a coal or lignite based thermal power plant shall use only fly ash based products for construction, such as cement or concrete, fly ash bricks or tiles or clay fly ash bricks, blocks or tiles or cement fly ash bricks or bricks or blocks or similar products or a combination or aggregate of them in every construction project.
- 26. The proponent shall comply with all the directions issued by the Board from time to time.
- 27. Concealing the factual data or submission of fabricated data and failure to comply with any of the conditions mentioned in this order attracts action under the provisions of relevant pollution control Acts.
- 28. The Board reserves its right to modify above conditions or stipulate new / additional conditions and to take action including revocation of this order in the interest of environment protection.
- 29. Any person aggrieved by an order made by the State Board under Section 25, Section 26, Section 27 of Water Act, 1974 or Section 21. of Air Act, 1981 may within thirty days from the date on which the order is communicated to him, prefer an appeal as per the State Water Rules, 1976 and Air Rules, 1982, to such authority (hereinafter referred to as the Appellate Authority) constituted under Section 28 of Water (Prevention and Control of Pollution) Act, 1974 and Section 31 of the Air (Prevention and Control of Pollution) Act, 1981.

**Sd/-  
MEMBER SECRETARY**

To

The Engineer-in-Chief,  
"Secretariat Complex" of Telangana State Government,  
4<sup>th</sup> Floor, R&B, NH, Roads & Buildings Department,  
Government of Telangana, Errummanzil,  
Hyderabad - 500082.

// T.C.F.B.O//

*V. Reddy*  
Senior Environmental Engineer  




**CONSENT ORDER FOR ESTABLISHMENT AMENDMENT ORDER**

**Order No. 7/TSPCB/CFE/HYD/RO-HYD/HO/2020 -1100**

**Dt:27.10.2020**

<b>Sub:</b>	TSPCB – CFE - "Secretariat Complex" of Telangana State Government by R&B Department at Saifabad, Near Necklace Road, Khairathabad, Hyderabad – Amendment to CFE Order Dt: 09.09.2020 - Issued - Reg.
<b>Ref:</b>	1) Environmental Clearance dt. 01.09.2020 issued by SEIAA. 2) CFE Order dt: 09.09.2020. 3) EC Amendment Order dt: 25.09.2020 issued by SEIAA 4) Project proponent's CFE Amendment application dt: 01.10.2020. 5) R.O's Verification report dt: 05.10.2020. 6) CFE-CFO Committee meeting held on 09.10.2020.

\*\*\*\*\*

The R&B Department earlier obtained Environmental Clearance vide reference 1<sup>st</sup> cited from SEIAA and CFE of the Board vide reference 2<sup>nd</sup> cited for the proposed "Secretariat Complex" of Telangana State Government at Saifabad, Near Necklace Road, Khairathabad, Hyderabad.

The proponent has obtained EC Amendment order vide reference 3<sup>rd</sup> cited from SEIAA and applied for CFE Amendment vide reference 4<sup>th</sup> cited. The EE, RO, Hyderabad submitted report vide reference 5<sup>th</sup> cited.

The issue was examined in the CFE-CFO Committee meeting held on 09.10.2020. After detailed discussion, the Committee recommended to issue CFE amendment to the proposed project.

The Board, after careful scrutiny of the CFE Amendment application, report of the Regional Officer, EC Amendment order dt. 25.09.2020 and after examining in the CFE-CFO Committee meeting held on 09.10.2020, hereby issues Amendment to the CFE order dt. 09.09.2020 as follows:

S.N.	Description & Para/Condition	As per CFE order Dt. 09.09.2020.	Shall be read as
1	Project details (Para No. 2)	Main Secretariat Building viz., Central Court Yard (Lower Ground Floor + Ground Floor + 11 Upper Floors); and Staff Amenities with 6 Buildings viz., Bank (G + 1 Floor); Canteen & Welfare Centre (G+1 Floor); Fire Station (G+1 Floor); Security Post & Parking (G+1 Floor); Dispensary & Crèche (G+1 Floor) and Visitors waiting building (G+1 Floor).	Main Secretariat Building viz., Central Court Yard (Lower Ground Floor + Ground Floor + 11 Upper Floors); and Staff Amenities with 7 Buildings viz., Bank (G + 1 Floor); Canteen & Welfare Centre (G+1 Floor); Fire Station (G+1 Floor); Security Post (G+1 Floor); Dispensary & Crèche (G+1 Floor); Visitors waiting building (G+1 Floor) and Electrical Block (G+2 Floors). The other buildings proposed in the project are Driver's Toilets - 1 & 2 Areas and Security Rooms - 1 to 4 Areas.
2	Parking area (Para No. 2)	30,223.21 Sq.m., (45.46%) to park about 1215 four wheelers and 475 two wheelers	32,312.82 Sq.m., (45.95%) in earmarked parking area to park about 1,215 four wheelers and 475 two wheelers
3	Amenities	Sewage Treatment Plant	Sewage Treatment Plant (STP),

	(Para No. 2)	(STP), Community Center, MSW Segregation point, DG sets for emergency supply – 4x1250 KVA	MSW Segregation point. The total power requirement of the project will be met from TSSPDCL. In case of power failure, power backup shall be provided through D.G. sets of 4x1250 kVA capacities (enclosed type)																																				
4	Project Cost (Para No. 2)	Rs. 400 Crores	Rs. 617 Crores																																				
5	Total Plot area (Para No. 3)	1,06,394.17 Sq.m. (26.29 Ac.)	1,13,514.33 Sq. m. (28.05 Ac.) Area affected by FTL Buffer Zone is 3,520.84 Sq.m. and area affected under Road widening is 7,122.47 Sq.m. Net Site Area of the project is 1,02,871.02 Sq. m. (25.42 Ac.).																																				
6	Total Built up area (Para No. 3)	66,479.92 Sq. m.	70,315.19 Sq. m.																																				
7	Green Belt area (Para No. 3)	10738.71 Sq. m. (10.44%)	11605.92 Sq. m. (11.29%) and landscape area is 11,649.41 Sq.m.																																				
8	Geo Co-ordinates of site (Para No. 4)	<table border="1"> <tr> <td>1</td> <td>170 24' 40.41"N</td> <td>780 28' 16.34"E</td> <td>1</td> <td>170 24' 40.13"N</td> <td>780 28' 06.22"E</td> </tr> <tr> <td>2</td> <td>170 24' 29.09"N</td> <td>780 28' 16.56"E</td> <td>2</td> <td>170 24' 40.41"N</td> <td>780 28' 16.34"E</td> </tr> <tr> <td>3</td> <td>170 24' 28.88"N</td> <td>780 28' 07.04"E</td> <td>3</td> <td>170 24' 29.34"N</td> <td>780 28' 17.25"E</td> </tr> <tr> <td>4</td> <td>170 24' 39.72"N</td> <td>780 28' 06.71"E</td> <td>4</td> <td>170 24' 29.02"N</td> <td>780 28' 16.36"E</td> </tr> <tr> <td></td> <td></td> <td></td> <td>5</td> <td>170 24' 31.92"N</td> <td>780 28' 04.71"E</td> </tr> <tr> <td></td> <td></td> <td></td> <td>6</td> <td>170 24' 37.79"N</td> <td>780 28' 06.25"E</td> </tr> </table>		1	170 24' 40.41"N	780 28' 16.34"E	1	170 24' 40.13"N	780 28' 06.22"E	2	170 24' 29.09"N	780 28' 16.56"E	2	170 24' 40.41"N	780 28' 16.34"E	3	170 24' 28.88"N	780 28' 07.04"E	3	170 24' 29.34"N	780 28' 17.25"E	4	170 24' 39.72"N	780 28' 06.71"E	4	170 24' 29.02"N	780 28' 16.36"E				5	170 24' 31.92"N	780 28' 04.71"E				6	170 24' 37.79"N	780 28' 06.25"E
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The proponent shall comply with the following condition:

1. The proponent shall pay balance consent fee of Rs 18,50,000/- as per the revised project cost.

This order is issued under Section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of Air (Prevention & Control of Pollution) Act, 1981 and Amendments thereof.

All the other conditions stipulated in the CFE order dt. 09.09.2020 remains same.

Sd/-  
MEMBER SECRETARY

To  
The Engineer-in-Chief,  
"Secretariat Complex" of Telangana State Government,  
4<sup>th</sup> Floor, R&B, NH, Roads & Buildings Department,  
Government of Telangana, Errummanzil,  
Hyderabad - 500082.

Copy to:

1. The JCEE, Z.O., Hyderabad for information and necessary action.
2. The E.E., R.O., Hyderabad for information and necessary action.

// T.C.F.B.O//

*Vesreddy*  
Senior Environmental Engineer

42

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD  
(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JULY  
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN  
AND  
THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION (PIL) NO: 155 OF 2020

Between:

1. Prof. P.L. Vishweshwar Rao, Age. 65 Years, Occu. Convenor, Telangana Democratic Forum and Vice President of Telangana JanaSamithi, R/o.H.No. 33-23/1, Officers Colony, Rama Krishnapuram, Secunderabad – 500056.
2. Dr. Cheruku Sudhakar, MBBS., S/o. UshaGoud, Age.58 years, Occ.Doctor, H.No.14-70, V.T. Colony, Nakrekal, Nalgonda District, Telangana State - 508 211.

...PETITIONERS

AND

1. Union of India, Rep. by its Secretary, Ministry of Environment and Forest(MOEF), Government of India, Nirman Bhavan, New Delhi - 110011.
2. Union of India, Rep. by its Secretary (HandFW), Government of India, Nirman Bhavan, New Delhi - 110011.
3. The State of Telangana, Rep. by its Chief Secretary, Telangana Secretariat, B. R. K. Bhavan, Hyderabad.
4. The State of Telangana, Rep. by its Principal Secretary to the Roads and Buildings, Telangana Secretariat, B. R. K. Bhavan, Hyderabad.
5. The State of Telangana, Rep. by its Principal Secretary to the Medical and Health Department, Telangana Secretariat, B. R. K. Bhavan, Hyderabad.
6. The State of Telangana, Rep. by its Principal Secretary to the Finance Department, Telangana Secretariat, B. R. K. Bhavan, Hyderabad.
7. The State of Telangana, Rep. by its Principal Secretary to the Municipality And Urban Development, Telangana Secretariat, B. R. K. Bhavan, Hyderabad.
8. The Commissioner, Greater Hyderabad Municipal Corporation, Liberty, Hyderabad, Telangana.
9. The Chief Conservator, Telangana State, Forest Bhavan, Lakidikapool, Hyderabad.
10. The Member Secretary, Pollution Control Board, State of Telangana, Erragadda, Hyderabad.
11. The Commissioner, Hyderabad MetroPolitan Development Area, Block A, District Commercial Complex, Tarnaka, Hyderabad, Telangana- 500007

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction. more particularly one in the nature of Writ of Mandamus in declaring the action of the Respondents in demolishing the present Secretariat Buildings ( 10 Blocks, Approximately 10 Lakhs

Sq.ftet),without following the due procedure of law and decided to construct the New Secretariat Building (Permanent structure consisting with 7 Lakhs Sq.feet) in the same place, which is situated adjacent to the Hussain Sagar Lake,Hyderabad as illegal, arbitrary, discriminatory, unreasonable, unfair, unlawful, unconstitutional, whimsical, perverse, mockery and against to Article 14, 19, 21,48-A And 51 - A(G) of Constitution of India and the Construction and Demolition Waste Management Rules, 2016 and against to the Provisions of the Epidemic Diseases Act, 1897 And against the provisions of the Environment Protection Act, 1986 and against the provisions of the Disaster Management Act, 2005 and against to the Division Bench Judgment of this Honble Court, which is reported in 2001(4)ALT 275.2001(4) Andhra I D 776 andthe full Bench Judgment of National Green Tribunal Orders, Dtd. 12/09/2019 in O.A.No,606 of 2018 and against the Orders of Honble Supreme Court in S.L.P.No.2905 - 2906 of 2005, Dtd. 16/01/2014 and Other Laws and Rules and also against to the Catena of judgments of an Apex Court.

**IA NO: 1 OF 2020**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to demolish the Secretariat Buildings without following due procedure of law (10 Blocks, Approximately 10 Lakh Sq.feet), which is situated adjacent to the Hussain Sagar Lake, Hyderabad, pending disposal of the above Writ Petition.

**IA NO: 2 OF 2020**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to commence the construction work for the Permanent Structure of New Secretariat of the State of Telangana in the Premises of Old Secretariat, which is situated adjacent to the 1-lussa in SagarLake, Hyderabad, pending disposal of the writ petition.

**IA NO: 4 OF 2020**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to receive the Additional Material Papers as part and partial of Main Affidavit in the above WP (PIL) No. 155 of 2020 in the interest of justice

**Counsel for the Petitioners:SRI. PRABHAKAR CHIKKUDU**

**Counsel for the Respondents: THE ADVOCATE GENERAL**

Counsel for the Respondent Nos. 1 & 2: SRI. N. RAJESHWAR RAO, ASST. SOLICITOR GENERAL

Counsel for the Respondent No. 3: GP FOR GENERAL ADMINISTRATION

Counsel for the Respondent No. 4: GP FOR ROADS & BUILDINGS

Counsel for the Respondent No. 5: GP FOR MEDICAL & HEALTH

Counsel for the Respondent No. 6: GP FOR FINANCE & PLANNING

Counsel for the Respondent No. 7: GP FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT

Counsel for the Respondent No. 8: SRI. SAMPATH PRABHAKAR, SC FOR GHMC

Counsel for the Respondent No. 9: GP FOR FOREST

Counsel for the Respondent No. 10: SRI. P. SIVA KUMAR, SC FOR PCB

Counsel for the Respondent No. 11: SRI. Y. RAMA RAO, SC FOR HMDA

The Court made the following: ORDER

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN  
AND  
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY**

**WRIT PETITION (PIL) No. 155 OF 2020**

**ORDER:** (Per Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

The petitioners have filed the present Public Interest Litigation challenging the continuation of the demolition of the present Secretariat buildings by the respondents, in order to construct a new Secretariat building in the same campus.

Mr. Prabhakar Chikkudu, the learned counsel for the petitioner has raised the following contentions:-

Firstly, on an earlier occasion, the Cabinet decision dated 18.06.2019 was challenged in a series of writ petitions filed before this Court, namely W.P. (PIL) Nos. 136, 142 and 145 of 2016 and in W.P. (PIL) Nos. 66 and 71 of 2019. By the said decision, the Cabinet had decided to demolish the present Secretariat buildings and to construct a new Secretariat. While arguing in the said writ petitions, the State had taken a categorical stand that the Cabinet decision dated 18.06.2019 is only an interim decision of the Cabinet, and not a final one. Accordingly, the learned Advocate General had pleaded that there were two options which were under consideration of the Cabinet, either to modify and renovate the standing structures in the Secretariat campus, or to demolish the standing buildings and to raise a new construction in order to build an iconic secretariat complete with latest technology and modern architecture. Therefore, the learned Advocate General had pleaded that it is too early in the day for the petitioners to challenge an interim decision claiming that it is, indeed, a final decision of the Cabinet. Now, the learned counsel submits that

without having a final decision of the Cabinet, the demolition process has commenced from July 07, 2020 and is presently continuing.

Secondly, the demolition work has been stayed by this Court by its order dated 10.07.2020. Therefore, as of today, there is no demolition activity going on in the secretariat campus.

Thirdly, relying on the Construction and Demolition Waste Management Rules, 2016 ('the Rules of 2016', for short), the learned counsel contends that under Rule 4(3) of the Rules of 2016, a waste generator, who generates 20 tons or more in one day, or 300 tons per project in a month, is required to submit a waste management plan before the appropriate authority, before commencing the demolition. However, in the present case, no such management plan has been submitted and no such approval has been sought from the appropriate authority. Therefore, the demolition, which has commenced on July 07, 2020, violates the Rule 4(3) of the Rules of 2016.

Fourthly, under the Environment (Protection) Act, 1986 ('the Act', for short) the Central Government had issued the notification dated 14.09.2006. The said notification not only makes it mandatory that prior to the commencement of a construction, or "*preparation of a land*", Environmental Clearance ('EC') has to be sought from the regulatory authority, but also prescribes an elaborate procedure before the Environmental Clearance Certificate ('ECC') can be issued by the regulatory authority. Relying on Para 2 and Para 6 of the said Notification, the learned counsel has strenuously pleaded that ECC is required after the identification of the prospective site, but before the land can be prepared, or the

construction can be commenced. According to the learned counsel, since certain buildings already stand in the Secretariat campus, the demolition of these buildings would fall within the words "*preparation of land*". After all, the buildings are being demolished only in order to "*prepare the land*" for the next set of new construction of the Secretariat as envisaged by the respondents.

Fifthly, relying on the case of **S.P. Muthuraman v. Union of India**, (a Full Bench decision of the National Green Tribunal, Principal Bench at New Delhi decided on 01.09.2015), the learned counsel has pleaded that the learned Tribunal has already opined that both the Act, and the Notification, 2006 are mandatory in nature. Therefore, before any construction can be raised, or a land can be prepared, a prior ECC is mandatory. In order to further buttress this plea, the learned counsel has drawn the attention of this Court to certain paras of the judgment, which shall be referred to hereinafter.

Sixthly, Section 12 of the Disaster Management Act, 2005 empowers the National Authority to recommend certain guidelines for the minimum standards of relief to be provided to persons affected by disaster. The learned counsel has further relied on Section 2 of the Epidemic Diseases Act, 1897 in order to plead that the demolition of the buildings is polluting the air quality in the area. According to the learned counsel, since fresh air, fresh water and non-pollutant environment is a fundamental right of the people under Article 21 of the Constitution of India, the demolition of the secretariat is violating Article 21 of the Constitution of India.

Lastly, considering the fact that Hyderabad is presently caught in the grip of Covid-19 pandemic, the learned counsel pleads that the demolition of the secretariat merely aggravates the pandemic. Therefore, this Court should issue a writ of mandamus directing the demolition to be stopped forthwith.

On the other hand, Mr. B.S. Prasad, the learned Advocate General, submits that due to the pandemic, a Cabinet meeting could not be convened. However, on 30.06.2020, by circulation, the issue with regard to the construction of a new Secretariat was circulated to the Cabinet Ministers. And the Cabinet has unanimously decided that, indeed, the present Secretariat needs to be demolished, and a state of the art iconic secretariat building needs to be constructed. In order to buttress this plea, the learned Advocate General has submitted a copy of the said decision before this Court for its perusal. Therefore, the learned Advocate General submits that a final decision has certainly been taken by the Cabinet for demolition of the present Secretariat, and construction of a new Secretariat in the same campus.

Secondly, aware of the requirement of the Rules of 2016, the Principal Secretary (T, R&B) Department had not only informed the Engineer-in-chief, R&B Buildings informing him about the Cabinet decision, but had also directed him to take the necessary action in the matter. Therefore, the R&B Department had requested the Commissioner, GHMC to grant necessary approval for the waste management plan submitted along with the letter relating to the demolition and disposal of the debris. Subsequently, on 04.07.2020, by taking the waste management plan into consideration, the permission was granted by the Commissioner of

GHMC. Therefore, according to the learned Advocate General, the permission required from the local authority under Rules of 2016 has duly been granted. Since the permission was granted under the Rules of 2016, on 04.07.2020, the demolition process began on 07.07.2020.

Thirdly, neither Para 2, nor Para 6 of the Notification, 2006 deal with the demolition of buildings. The said paras deal only with the "construction work", and "preparation of land". These two phrases, namely "construction work" and "preparation of land" are vis-à-vis Item Nos.1 to 7 of the Schedule attached to the Notification, 2006. However, building/construction project/area development project and townships fall within item No. 8. These words do not relate to Item No. 8. Hence, there is no requirement under Notification, 2006 that a prior ECC is required before commencing the demolition. In order to buttress this plea, the learned Advocate General has drawn the attention of this Court to the letter dated 16.07.2020 issued by the State Level Environmental Impact Assessment Authority ('SEIAA'), the regulatory authority under the Notification, 2006, whereby even the regulatory authority has clearly stated that "*demolition does not fall within the words "preparation of land".*" Therefore, prior to demolishing a standing structure, no EC is needed.

Fourthly, according to the learned Advocate General an ECC would be needed only before commencing the construction of the new Secretariat. He gives an undertaking that before commencing the construction of the new Secretariat, the Government shall follow the requirement of Notification, 2006 and shall seek the ECC from the regulatory authority.

Fifthly, Section 12 of the Disaster Management Act is merely an enabling provision empowering the National Authority i.e. the National Disaster Management Authority, constituted under subsection(1) of Section 3, to issue guidelines for the minimum standard of relief to be provided to persons or a class of persons affected by disaster. However, there is no guideline provided by the National Authority which prohibits the demolition of a building. Therefore, there is no violation of Section 12 of the Disaster Management Act, 2005.

Sixthly, even Section 2 of the Epidemic Diseases Act, 1897 is merely an enabling provision empowering the State to take certain decisions and to issue certain directions and to prescribe certain temporary regulations to be observed by the public or class of persons in order to prevent the outbreak of epidemic disease, or the spread thereof. However, there is no guideline, or a policy decision taken by the State, so far, which would prevent demolition of a building. Therefore, the demolition of the present Secretariat building is not in violation of Section 2 of the Epidemic Disease Act, 1897.

Lastly, the learned Advocate General fairly concedes that Article 21 of the Constitution of India does include the right of the people to fresh air, fresh water, and clean environment. However, he submits that all precautions are being taken by the State to ensure that the air quality of the area does not deteriorate, and does not adversely affect the health of the people. Moreover, keenly aware of the Covid-19 pandemic, the State is taking every step to control and to eradicate Covid-19 pandemic not only in Hyderabad, but also throughout the State. Therefore, the learned

Advocate General submits that the State is well aware of its Constitutional and Statutory duties. But nonetheless, since a number of reports have clearly pointed out the deficiencies in the present Secretariat buildings, the Cabinet is of the opinion that the present Secretariat buildings need to be demolished so that a modern Secretariat can be built in its place. Hence, the learned Advocate General has supported the action of the respondents in demolishing the Secretariat buildings.

On 15.07.2020, while hearing the present writ petition, this court had noted that the learned counsel for the petitioner and the learned Advocate General have taken too opposite stands with regard to the interpretation of the words "*preparation of land*". While Mr. Prabhakar Chikkudu, the learned counsel for the petitioner argued that even demolition activity would fall within the words "*preparation of land*", the learned Advocate General counter-argued that demolition is not part of "*preparation of land*". According to him, the preparation of land means the commencement of the construction which would naturally begin with the laying of the foundation of the building. Since neither of the learned counsel could present any case law where the words "*preparation of land*" have been discussed, and interpreted, this Court asked Mr. Rajeshwar Rao, the learned Assistant Solicitor General of India, to seek a clarification from the Ministry of Forest and Climate Change with regard to their interpretation of the words "*preparation of land*", and with regard to whether there was any legal requirement of having an ECC prior to commencement of a demolition or not?

Mr. Rajeshwar Rao informs this Court that on 17.07.2020, the Ministry of Environment has addressed a letter with regard to the issues raised by this Court wherein it has clearly stated that "*a logical reading and interpretation of the provisions indicate that stand alone building activity does not require prior environmental clearance under the EIA Notification 2006.*" (Emphasis added). Therefore, Mr. Rajeshwar Rao has supported the interpretation placed by the learned Advocate General before this court.

Heard the learned counsel for the parties, and perused the record submitted by all the parties, and considered the case law submitted by the learned counsel.

Admittedly, in the previous litigation, namely W.P. (PIL) Nos. 136, 142 and 145 of 2016 and in W.P. (PIL) Nos. 66 and 71 of 2019, the learned Advocate General had taken the stand that the Cabinet decision dated 18.06.2019 was an interim decision as the Cabinet was considering two possibilities, whether to renovate and modify the already standing structures at the Secretariat, or to demolish the same and to construct a new Secretariat. The challenge to the earlier Cabinet decision dated 18.06.2019 was decided by this Court by its judgment dated 29.06.2020.

The learned Advocate General has submitted the proceedings of the Council of Ministers approved in circulation, namely Resolution No. 173/2020. A bare perusal of the same clearly reveals that the Cabinet has unanimously resolved to demolish all the existing structures of the Secretariat and to construct a new one. Therefore, the contention raised by the learned counsel for the petitioner that, in fact, there is no final decision of the Cabinet

is belied by the record itself. Hence, the said contention is unacceptable.

Under the provisions of Sections and 25 of the Act, on 29.03.2016, the Rules of 2016 were promulgated. Rule 3 (e) of the Rules of 2016 defines the word "demolition" as meaning – *breaking down or tearing down buildings and other structures either manually or using mechanical force (by various equipment) or by implosion using explosives.*

Rule 4(3) of the Rules of 2016 is as under:-

**4. Duties of the waste generator.— (1) xxx**

(2) xxx

(3) *Waste generators who generate more than 20 tons or more in one day or 300 tons per project in a month shall segregate the waste into four streams such as concrete, soil, steel, wood and plastics, bricks and mortar and shall submit waste management plan and get appropriate approvals from the local authority before starting construction or demolition or remodeling work and keep the concerned authorities informed regarding the relevant activities from the planning stage to the implementation stage and this should be on project to project basis.*

(4) xxx

(5) xxx

A bare perusal of Rule 4(3) of the Rules of 2016, the Rule emphasized by the learned counsel, clearly reveals that it is the duty of the waste generator to submit a waste management plan, and to get the approval from the local authority.

Although the learned counsel for the petitioners has vehemently pleaded that prior to commencing the demolition on 07.07.2020, no such waste management plan was ever submitted to the local authority, and no such permission was ever granted by the local authority, the learned Advocate General has submitted a series of letters in his counter which belie the said contention.

A bare perusal of the counter clearly reveals that on 30.06.2020, the Principal Secretary to the Government, Transport, Roads & Buildings Department had informed the Engineer-in-chief, R&B of the decision taken "*to demolish all the existing structures of the Telangana State Secretariat at Hyderabad*". And had also directed the Engineer-in-Chief "*to take necessary action in the matter.*" Consequently, on 30.06.2020, the Engineer-in-Chief had informed the Commissioner, GHMC not only with regard to the demolition of the proposed buildings, but also with regard to the construction and demolition waste management plan. The same was submitted for the perusal of the Commissioner, GHMC, the local authority. Moreover, by letter, dated 04.07.2020, the Commissioner, GHMC had issued an order thereby giving the necessary permission for undertaking the demolition of the existing buildings as per the plan submitted by the Engineer-in-Chief. Hence, a bare perusal of these documents clearly reveals that not just the construction and demolition waste management plan was submitted to the local authority, but most importantly, the permission required under Rule 4(3) of the Rules of 2016 was also granted by the local authority on 04.07.2020. Therefore, the learned counsel for the petitioner is unjustified in claiming that the requirements of Rule 4(3) of the Rules of 2016 have not been complied with by the respondents. Hence, the said contention is unsustainable.

On 14.09.2006, while invoking its power under sub-section (1) and Clause (v) of sub-section (2) of Section 3 of the Act, read with Clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986, a notification was issued which

prescribed not only the requirement of having a prior EC, but also prescribed an elaborate procedure for seeking and for granting the ECC.

Para 2 and Para 6 of the Notification, 2006 are as under:-

**2. Requirements of prior Environmental Clearance (EC):-** *The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:*

*(i) All new projects or activities listed in the Schedule to this notification;*

*(ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, After expansion or modernization;*

*(iii) xxx*

**6. Application for Prior Environmental Clearance (EC):-**

*An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.*

A bare perusal of Para 2 of the Notification, 2006 clearly reveals that the following projects or activities require an EC from the concerned regulatory authority. According to Para 3 of the Notification, 2006, the SEIAA is the regulatory authority for the

State. It is for this regulatory authority to issue an ECC before any construction, or preparation of land by the project management.

Para 6 imposes a duty to submit an application seeking prior EC after identification of prospective sites for the project, and/or activities to which the application relates and “before commencing any construction activity or preparation of land”.

Therefore, the issue before this Court is whether the demolition of an existing building would fall within the words “preparation of land”, or not? The words “preparation of land” have not been defined, either in the Act, or in the Notification, 2006. Moreover, even in the case of **S.P. Muthuraman** (supra), the learned Tribunal has not interpreted the said words.

Since two contradictory contentions were being raised, one by the learned counsel for the petitioner, and the other by the learned Advocate General, with regard to the extent of the words “preparation of land”, this Court thought it proper to seek the interpretation from the Central Ministry, and from the regulatory Authority of the State. Mr. Rajeshwar Rao, the learned Assistant Solicitor General of India, has submitted the letter issued by the Central Ministry. It is reproduced as under:-

**File No.3-52/2020-IA.III**  
**Government of India**  
**Ministry of Environment, Forest and Climate**  
**Change**  
**IA (Infra-2) Division**

Indira Parvayavaran Bhawan  
Jorbagh Road, New Delhi – 110 003  
Telefax: 24695331, E-mail: shard.sapra@nic.in

Date: 17<sup>th</sup> July, 2020

To,

**Shri Namavarapu Rajeshwar Rao**  
Assistant Solicitor General of India (ASGI)  
2-3-70/65, 1<sup>st</sup> Floor Anantha Ram Nagar,

Amberpet-13, Hyderabad. Telangana  
Mob. 9948094769, 8247064124

**Subject: WP (PIL) 155 of 2020 before Hon'ble High Court Telangana at Hyderabad (PL Vishweshwar Rao & Anr. Vs. UOI & Ors.) - Reg.**

Sir,

*In this above cited subject matter, I have been directed to refer to your e-mail dated 15<sup>th</sup> July, 2020 wherein a clarification to the Ministry has been raised that reads as, "In terms of Para 2 and 6 of EIA Notification, 2006, whether prior environment clearance is required or not, for demolition of the existing Telangana Secretariat Building with an area of more than 7 lac. sq. mtrs."*

2. *In the subject context, the stated provisions of the EIA Notification, 2006 have been examined. A logical reading and interpretation of the provisions indicate that a standalone building demolition activity does not require prior environment clearance under the EIA Notification, 2006. At the same time, however, such demolition activities are guided by the Ministry's Construction and Demolition Waste Management Rules, 2016 notified under the Environment (Protection) Act, 1986 vide notification GSR 445(E) dated 29.03.2016.*

*This issues (sic) with the approval of Competent Authority.*

*Yours faithfully,  
Sd/-  
(Shard)  
Scientist-E*

A bare perusal of the letter clearly reveals that the issue placed before the Central Ministry was whether a demolition of an existing building would fall within the provisions of Notification, 2006 or not? The answer to this query is that "a stand alone building demolition activity does not require prior environmental clearance under the Notification, 2006." The only rider placed by the Central Ministry is that the provisions of Rules of 2016 need to be followed. Therefore, the only requirement of law is that a permission needs to be sought from the local authority under Rule

4(3) of the Rules of 2016. But there is no requirement that a prior ECC needs to be sought from the regulatory authority under Para 6 of Notification, 2006.

Even the letter written by the SEIAA, the regulatory authority, dated 16.07.2020 clearly reveals as under:-

*In this regard, it is stated that the term "preparation of land" as appearing in Para 2 of the Notification does not include the act of demolition of the existing structures. The said term is not relatable to the construction Activity for the Projects/Activity as mentioned vide Item 8 of the Schedule to the Notification. The same is relatable to other projects from Item 1 to 7 where there may be a requirement of obtaining the Environmental Clearance from the time the land is prepared for the specific activity. Therefore, in the considered opinion of SEIAA (State Level Environment Impact Assessment Authority), T.S., the activity of demolition of the Secretariat buildings taken up by the Government of Telangana does not come within the purview of "Preparation of Land" as mentioned in the Para 2 & Para 6 of the Notification and as such requires no Environmental Clearances at this stage as this activity is already covered under the construction and Demolition (C&D) Waste Management Rules, 2016, under which the local authority concerned is empowered to grant necessary permissions."*

The only rider, this letter, attaches is that *"however, Environmental Clearance is necessary to be obtained before the actual commencement of construction work/activity i.e., excavation for foundation."*

Thus, it is obvious from both the letters issued by the Central Ministry, and by the SEIAA, the State regulatory authority, that no EC is required while demolishing a building, as demolition is covered by the Rules of 2016. Hence, the only requirement prior to demolition is a permission to be granted by the local authority under Rule 4(3) of the Rules of 2016. However, an EC would be required before commencing the construction work i.e., excavation of foundation. Therefore, the contention raised by the

learned counsel for the petitioner that a prior EC is required before beginning the demolition is clearly untenable.

Section 12 of the Disaster Management Act, 2005 is as under:-

**12. Guidelines for minimum standards of relief.—**

*The National Authority shall recommend guidelines for the minimum standards of relief to be provided to persons affected by disaster, which shall include,— (i) the minimum requirements to be provided in the relief camps in relation to shelter, food, drinking water, medical cover and sanitation; (ii) the special provisions to be made for widows and orphans; (iii) ex gratia assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood; (iv) such other relief as may be necessary.*

A bare perusal of the said provision clearly reveals that it is an enabling provision which bestows a power upon the National Authority, as constituted under Section 3, to issue guidelines for the minimum standards of relief to be provided to persons affected by disaster. It is further goes on to even indicate the classes of people for whom the guidelines need to be issued such as providing relief camps in relation to shelter, food, drinking water, medical cover and sanitation with regard to widows and orphans; with regard to ex gratia assistance on account of loss of life and such other reliefs, as may be necessary. However, the learned counsel for the petitioner has not placed any guidelines issued by the National Authority, which would debar the respondents from demolishing any building. Therefore, the learned counsel for the petitioner is unjustified in claiming that the provisions of Section 12 of the Disaster Management Act are being violated.

Similarly, Section 2 of the Epidemic Diseases Act, 1897 is as under:-

**2. Power to take special measures and prescribe regulations as to dangerous epidemic disease.**—(1) When at any time the State Government is satisfied that the State or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, the State Government, if it thinks that the ordinary provisions of the law for the time being in force are insufficient for the purpose, may take, or require or empower any person to take, such measures and, by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons as it shall deem necessary to prevent the outbreak of such disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation if any) shall be defrayed.

(2) xxx

This, too, is an enabling provision bestowing ample powers on the State Government to take the necessary actions and to prohibit certain activities in order to prevent the outbreak of any epidemic disease. However, the learned counsel has not shown any policy decision of the State Government which would prohibit the demolition of buildings.

The learned counsel has heavily relied on the case of **S.P. Muthuraman** (supra). The facts of that case are that that according to the applicant therein, under the Notification, 2006 a prior EC had to be obtained before any construction work or preparation of land could be undertaken by the project management. In pursuance of Notification, 2006, an Office Memorandum, dated 16.11.2010 was issued mandating the consideration of the proposals involving violation of the Act of 1986 and the Notification, 2006. However, subsequently, by Office Memorandum dated 12.12.2012, the previous Office Memorandum, dated 16.11.2010 was suspended. In fact, according to the Office Memorandum, dated 12.12.2012, and the subsequent Office Memorandum, dated 27.06.2013 it was

permissible for the regulatory authority to consider the case of construction/preparation of land even subsequent to the commencement of the construction, or the preparation of land. The applicant had challenged the legality of Office Memorandum, dated 12.12.2012, and Office Memorandum, dated 27.06.2013 before the learned Tribunal. Therefore, the issue before the learned Tribunal was whether the requirement under the Act, and Notification, 2006 which required a prior ECC to be issued, could be set aside, or could be deviated from, by an Office Memorandum. It is in this background that the learned Tribunal was of the opinion that the provisions of the Act and the paragraphs of the Notification, 2006 are mandatory in nature. Therefore, even before raising a construction, or preparation of land, an ECC is required to be had from the regulatory authority. Therefore, the learned Tribunal clearly observed that "*the law does not visualize such examination post- commencement and upon completion of the project, in relation to the covered projects and activities*", covered under the Notification, 2006.

The learned Tribunal further observed as under:-

**116.** *In light of the above stated principles, now, we may examine the provisions of the Act of 1986 and the Notification of 2006. The Act of 1986 has been enacted for the protection and improvement of environment and the prevention of hazard to human beings, other living creatures, plants and property. In light of the fact that the Article 21 of the Constitution of India includes the right to decent and clean environment, any of the provisions of the Act of 1986, in relation thereof, are a mandate of the Legislation. They do not provide discretion to A person to obey or not to obey the law and does not in any way permit dilution of the prescribed standards which are required to be adhered to by the person, who wishes to carry on any project or activity of any nature in the notified areas. The Notification of 2006 has been enacted to carry on the object and purpose of Act of 1986 effectively. The Notification as already noticed, applies not only to new*

*projects but also to projects which propose to expand or even modernize the existing projects and are required to strictly comply with the environment standards prescribed under the Act of 1986 and the notification of 2006. We have also noticed above that the expression 'prior' appears as many as 40 times in the Notification of 2006. The expression 'shall' appears in all the relevant clauses where the Project Proponent is required to make the application and follow the prescribed procedure to obtain the Environmental Clearance prior to the commencement of any constructions work or preparation of land, except for securing the land.*

The observation made by the learned Tribunal cannot be doubted. Under Article 21 of the Constitution of India people do have the fundamental right to have a decent and clean environment. However, Article 21 of the Constitution of India further states that a procedure has to be established by law before life of personal liberty can adversely be affected. While keeping in mind that the fundamental right to a clean environment does exist, that Notification, 2006, and Rules of 2016 have been promulgated. Therefore, the question, in the present case, would be whether the requirements of Notification, 2006, and Rules of 2016 have been violated or not? As discussed hereinabove, under Notification, 2006 there is no requirement of having a prior EC before beginning a demolition. It is only under the Rules of 2016 - a procedure established by law - that a permission is required from the local authority with regard to the demolition waste management plan. Since the permission has already been granted by the GHMC, as mentioned hereinabove, obviously the procedure established by law has been followed. Therefore, the learned counsel for the petitioners is unjustified in claiming that the fundamental right of having fresh air under Article 21 of the Constitution of India is being violated by the State.

Moreover, the petitioners have not placed any evidence whatsoever to establish the fact that after the demolition activities have commenced, the air quality in the area has deteriorated drastically. Hence, the contention raised by the learned counsel for the petitioners that the fundamental right of the people under Article 21 of the Constitution of India is being violated is a misplaced argument.

For the reasons stated above, this Court does not find any merit in the present writ petition. It is, hereby, dismissed. No order as to costs.

Miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

Sd/- B. SATYAVATHI  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri. Chikkudu Prabhakar, Advocate (OPUC)
2. Two CCs to the Advocate General, High Court for the State of Telangana at Hyderabad (OUT)
3. Two CCs to GP for General Administration, High Court for the State of Telangana at Hyderabad (OUT)
4. Two CCs to GP for Roads & Buildings, High Court for the State of Telangana at Hyderabad (OUT)
5. Two CCs to GP for Medical & Health, High Court for the State of Telangana at Hyderabad (OUT)
6. Two CCs to GP for Finance & Planning, High Court for the State of Telangana at Hyderabad (OUT)
7. Two CCs to GP for Municipal Administration & Urban Development, High Court for the State of Telangana at Hyderabad (OUT)
8. Two CCs to GP for Forests, High Court for the State of Telangana at Hyderabad (OUT)
9. One CC to Sri. N. Rajeshwar Rao, Asst. Solicitor General (OPUC)
10. One CC to Sri. P. Shiva Kumar, SC for PCB (OPUC)
11. One CC to Sri. Sampath Prabhakar, SC for GHMC (OPUC)
12. One CC to Sri. Y. Rama Rao, SC for PCB (OPUC)
13. Two CD Copies.

PM



HIGH COURT

DATED:17/07/2020



ORDER

WP(PIL).No.155 of 2020

Dismissing the WP(PIL)  
Without costs.

2/  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
18/7/2020.



**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](mailto: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,  
20<sup>th</sup> July, 2020. Mn.**



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

**Application No. 107 of 2020**

**REPLY FILED BY THE 4<sup>th</sup>  
RESPONDENT**

**T. Sai Krishnan  
Counsel for 4<sup>th</sup> Respondent**