

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE**

ORIGINAL APPLICATION NO. 107 OF 2020
And

In the matter of:

Anumula Revanth Reddy

..... Applicant

Versus

Union of India & 9 Ors

.....Respondent(S)

**REPLY AFFIDAVIT FILED ON BEHALF OF
RESPONDENT NO. 8, CENTRAL POLLUTION
CONTROL BOARD**

I, H. D. Varalaxmi, D/o Shri H.S. Devaiah, Hindu, aged about 52 years and having office at the Regional Directorate – Chennai, Central Pollution Control Board, 2nd Floor, 77-A, Ambattur Industrial Estate, Chennai – 600 058, do hereby solemnly affirm and sincerely state as follows:-

1. That I am presently working as Scientist 'E' & holding Charge of Regional Director at Regional Directorate, Chennai, Central Pollution Control Board (hereinafter called as CPCB) and have been authorized to file the reply affidavit on behalf of Respondent No. 8. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present as under:



H.D. Varalaxmi
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Regional Director
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2nd Floor, 77-A, South Avenue Road,
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2. That, the applicant is mainly focusing about unscientific and illegal demolition and construction of the Secretariat building in Hyderabad, possible pollution to Hussain Sagar Lake located 80m from the Secretariat building and violation of Environment Impact Assessment Notification, 2006; Construction & Demolition Waste Management Rules, 2016 and Wetlands (Conservation and Management) Rules, 2017. The petitioner in his application doesn't have direct reference to this Answering Respondent and most of the paragraphs details about not obtaining necessary statutory prior authorizations/permission as per the Construction & Demolition Waste Management Rules, 2016, Wetlands (Conservation and Management) Rules and Environment Impact Assessment Notification, 2006 by concerned authorities. CPCB has no mandate in issuing authorization under the said Rules, hence para wise reply is not attempted.
3. It is submitted that, Ministry of Environment, Forest & Climate Change has notified the Construction and Demolition (C&D) Waste Management Rules, 2016 vide S.O 317 (E) dated 29th March 2016. Prior to the C&D Waste Management Rules, 2016, the C&D waste was dealt under the provisions of Municipal Solid Wastes (Management and Handling) Rules, 2000. As per the relevant provisions under the Construction and Demolition Waste Management Rules 2016 (C&D WM Rules, 2016), the waste generators are entrusted with the primary responsibility of collection, segregation and storage of C&D waste generated as notified/directed by the local body.
4. As per the relevant provisions of the C&D WM Rules, 2016, the local body is responsible for the transportation of the collected C&D waste, establishment of the processing facility and disposal of the



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recycled materials in best possible manner either through own resources or by appointing private operators. The State Pollution Control Board or Pollution Control Committees (hereinafter called as SPCBs/PCCs) are entrusted with the responsibility of enforcement of the C&D WM Rules, 2016 in their states through local bodies and concerned authorities in their respective jurisdiction and a periodical review of implementation of these Rules and adherence to conditions prescribed under these Rules. The SPCBs/PCCs are also entrusted with the responsibility of issuance of authorization to the C&D waste processing facility after examining the proposals submitted by them.

5. It is submitted that, this answering Respondent has no mandate under the C&D WM Rules, 2016 in granting/issuing of Authorisation to the C&D waste processing facility and SPCBs/PCCS are mandated to issue such authorization as detailed in above para. As per the mandated duties/responsibilities under the C&D WM Rules 2016, CPCB has been coordinating with SPCBs/PCCs for implementation of these Rules and monitoring its implementation through SPCBs/PCCs. As per the Rule 10 of the C&D WM Rules 2016, CPCB prepared and published guidelines for Environmental Management of Construction and Demolition of waste in March 2017.
6. That, the respective local body, the District Administration and the Telangana State Pollution Control Board shall be the appropriate bodies to reply upon the averments made by the applicant, since the implementation of the provisions of the C&D WM Rules 2016, including infrastructure development for collection, storage, segregation, transportation, processing and disposal of C&D waste is their collective mandated responsibility under the C&D WM Rules, 2016.



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7. It is submitted that the Central Pollution Control Board has no mandate under Environment Impact Assessment Notification, 2006, Construction & Demolition Waste Management Rules, 2016 and Wetlands (Conservation and Management) Rules, 2017 in granting/issuing Environmental Clearance/Authorization to such projects.

Hence in view of above, it is respectfully prayed that this Answering Respondent No. 8 will abide by the order(s)/direction(s) passed by this Hon'ble Tribunal.

H.D. Varalaxmi

Deponent

H.D. VARALAXMI, M. Tech
Regional Director
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Symbiosis Industrial Estate, Chennai - 600 052

VERIFICATION

It is verified that the content of this Reply Affidavit is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified on this 11th day of March, 2022 at Chennai

H.D. Varalaxmi

Deponent

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Counsel for CPCB



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M/s. R. Thirunavukarasu

Counsel for the 8th Respondent

(CPCB)