

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI.  
ORIGINAL APPLICATION NO. 12 OF 2023 (SZ)**

**IN THE MATTER OF:**

K. Ramesh Babu  
Hyderabad

.... Applicant(s)

**-Versus-**

Union of India  
Rep by its Secretary  
MOEF & CC, New Delhi & Other

.... Respondent(s)

**REPLY AFFIDAVIT.**

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**Mrs. H. YASMEEN ALI**

**COUNSEL FOR THE RESPONDENT(S)**

**Date: 13.03.2024**

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

**ORIGINAL APPLICATION NO. 12 OF 2023**

**IN THE MATTER OF:**

k. Ramesh Babu  
S/o Late Bhaskar Rao  
R/o D..No. 1-9-290, 2<sup>nd</sup> Floor  
RamnagarGundu,  
Besides Cost to Cost Shop, Hyderabad-500044  
Mail: [relaindia@gmail.com](mailto:relaindia@gmail.com)  
Mobile NO. 83329 95398 ...**Applicant(s)**

**Versus**

1. Union of India  
Rep. by its Secretary  
Union Ministry of Environment, Forest& CC  
Indira ParyavaranBhavan  
New Delhi-110003  
Mail: [secy-moef@nic.in](mailto:secy-moef@nic.in)  
Phone: 001 24695262,24695265 and  
21 others ...**Respondent(s)**

**REPLY AFFIDAVIT FILED BY 7<sup>TH</sup> RESPONDENT**

1. I, K.Jai Singh, S/o. Panthunaik, aged. 47 years Occ: Assistant Director of Mines and Geology, BhadradiKothagudem District, R/o. Kothagudemdo hereby solemnly affirm and sincerely state on oath as follows:-

2. I am sufficiently conversant with the facts of the case and have also examined all relevant documents and records available with me, in relation thereto.

3. I submit that in O.A No.12 of 2023 was filed before this Hon'ble NGT, Chennai by Sri Konduri Ramesh Babu, Secretary, RELA, voluntary organization, Hyderabad regarding the pollution caused by stone crushing units located in Vattinagulapally, Kokapet, Gopanpally, Kothwalguda Villages of Rangareddy District and Kollur& Osman Sagar Villages of

Sangareddy District. The Department has filed a detailed report mentioning the action taken against the illegal stone crushers.

The Hon'ble NGT, Chennai vide its Orders dated:18-10-2023, directed the Department of Mines & Geology to file further report as to the recovery of the penalty imposed. Further, vide its orders dated 13.12.2023 directed to answer why the amounts were not recovered though they assessed, what is the action taken, and whether they will be able to even locate the quarry operators who ceased operations at least 5 or 6 years back.

In pursuance of the Hon'ble NGT orders, the further report is filing as under:

- a) I submit that after issuing of demand notice, the ADM&G, Kothagudem has taken all possible steps for realization of mineral revenue dues from the defaulters, by submitting proposals to the Dy. Director of Mines & Geology, Warangal region @ Warangal to issue necessary certificate under Section 3(1) of Revenue Recovery Act, 1864 addressing the District Collector, BhadradiKothagudem for initiating necessary action under Revenue Recovery Act. Accordingly the Dy. Director of Mines & Geology, Warangal region @ Warangal has issued certificates under Section 3(1) of Revenue Recovery Act, 1890 addressed to the District Collector, BhadradiKothagudem and requested the District Collector, BhadradiKothagudem district to kindly authorize the Tahsildar, Palvanchamandal to collect mineral revenue dues from the defaulters under RR Act, 1890 by attachment of movable/ immovable property located at the concerned address under the provisions of RR Act and the copies of the same were marked to the Asst. Director of Mines & Geology, BhadradiKothagudem with a request to pursue personally with the District Collector for realization of amounts.

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The details are submitted as below:

Sl. No	Name of the Quarry Lease holder/ defaulter	The AD, Mines Lr.No. & Date addressed to the Dy. Director of Mines & Geology, Warangal region	Dy. DM&G, WglLr.No. & Date addressed to the District Collector, BhadradiKothagudem for recovery of MR dues under RR Act	Amount payable in Rs./- (Normal seigniorage fee + 5/10 times penalty)
1.	Sri VageVenkateswar Rao	Lr.No. 1575/Q/2012, Dt: 05.05.2023  Lr.No. 1575/Q/2012, Dt: 05.05.2023	1328/RR Act/Q2-KMM/2021-2, Dt: 12.05.2023	35,26,57,757.40
2.	Sri BanothRamaiah		1328/RR Act/Q2-KMM/2021-3, Dt: 12.05.2023	82,76,71,650
3.	Smt Ch. Nagamma (4.000 Ha)		1328/RR Act/Q2-KMM/2021-1, Dt: 12.05.2023	35,92,99,950.80
4.	Sri LunavathKishan		1328/RR Act/Q2-KMM/2021-4, Dt: 12.05.2023	15,45,10,200
5.	Sri Islavath Raju		1328/RR Act/Q2-KMM/2021-7, Dt: 12.05.2023	13,11,55,020
6.	Smt Ch. Nagamma		1328/RR Act/Q2-KMM/2021-8, Dt: 12.05.2023	16,05,38,296.5
7.	Sri BodaChittibabu		1328/RR Act/Q2-KMM/2021-9, Dt: 12.05.2023	43,71,10,752
8.	Sri SettipalliNarsimha Rao		1328/RR Act/Q2-KMM/2021-6, Dt: 12.05.2023	40,94,43,547.5
9.	Sri Sode Satish		1328/RR Act/Q2-KMM/2021-5, Dt: 12.05.2023	17,28,95,580

(4)

b) I submit that as per the above, the collection of mineral revenue dues from the defaulters under Revenue Recovery Act is dealt with the District Collectorate and this office has regularly pursuing in the matter. On enquiry with the concerned in the Collectorate, it was known that they have addressed concerned Mandal Tahsildars in BhadradriKothagudem district to take necessary action for realization of mineral revenue dues from the defaulters as per demand notice under Revenue Recovery Act. It is further submitted that all the above quarry lease holders/ defaulters have filed revision petitions before the Government which are under process and awaited for further orders for which hearings conducted.

Sl. No	Name of the Quarry Lease holder/ defaulter	Date of Revision Application/ Petition	Date of Revision Hearings conducted
1	Sri BodaChittibabu	22.10.2022	On 23.12.2022 matter partly heard and again on 30.09.2023 heard the matter. (Orders are awaited from the Government).
2	Sri LunavathKishan	08.05.2023	30.09.2023 (Orders are awaited from the Government)
3	Sri VageVenkateswar Rao	28.10.2023	To be heard
4	Sri BanothRamaiah	22.11.2023	To be heard
5	Sri Sode Satish	06.12.2023	To be heard
6	Sri Islavath Raju	13.12.2023	To be heard
7	Smt Ch. Nagamma (4.00 Ha)	20.12.2023	To be heard

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8	Smt Ch. Nagamma (1.00 Ha)	20.12.2023	To be heard
9	Sri SettipalliNarsimha Rao	22.12.2023	To be heard

c) I further submit that certain defaulters/ lease holders have filed revision applications before the Government against to the demand notice of the Asst. Director of Mines & Geology, BhadradriKothagudem with a request to set aside the notice as the seigniorage fee was already recovered by the concerned mineral consuming departments from their contract work bills on the extracted mineral quantities from their quarry leases. The details of Seig.Fee recoveries by the mineral consuming departments/ Pay & Accounts office were submitted as below:

S.No	Name of the Agency	Payable Normal seigniorage fee amount in Rs. by the defaulter Sri LunavathKishan as per Demand notice.	Recovered / deducted Seig. Fee Amount in Rs/- from the work bills of agency	Seigniorage fee covered mineral Quantities in cbm
1	M/s KRK Infra Projects Pvt. Ltd	2,57,51,700/- for mineral quantity of 3,43,356 cbm	2,90,62,461.25/-	3,87,499.48 cbm

d) In this regard, I submit that as per record, the agency M/s KRK Infra Projects Pvt. Ltd., has submitted documentary evidences towards the recoveries/ deduction for the total seigniorage fee for an amount of Rs. 2,90,62,461.25/- covered mineral quantity of 3,87,499.48 Cbm against to the actual payable seigniorage of Rs. 2,57,51,700/- for the covered quantity of 3,43,356 cbm as per demand notice deducted by the consuming departments in various works at source from their

contract work bills and remitted the same into Government Head of accounts and the same was reported to the Director of Mines & Geology, Hyderabad for onward submission to the Government while hearing conducted and awaited for orders from the Government in the matter.

- e) I submit that the Department has taken action to prevent illegal excavation of mineral from the quarry leases, the Asst. Director of Mines & Geology, Bhadradi-Kothagudem and their Technical staff along with concerned Revenue and Police department officials have conducting joint surprise inspections/ checking's of quarry leases and noticed all the quarry leases are not in operation. No men and machinery was noticed in the premises of quarry leases.
- f) Further I submit that the Technical staff of Office of the Asst. Director of Mines & Geology, Bhadradi-Kothagudem district have conducting regular route checking of mineral transporting vehicles at vulnerable points in Palvanchamandal and collected the penalty from the defaulters for illicit transportation of mineral.
- g) In view of the above, I submit that after issuance of demand notices to the quarry lease and stone crusher unit holders in Thogudem village of Palvanchamandal, Bhadradi-Kothagudem District, Telangana state, to prevent the quarry and stone crushing operations and to curb illegal quarrying and transportation of mineral from the said quarry leases and stone crusher units, the Asst. Director of Mines & Geology, Bhadradi-Kothagudem has taken all possible steps as mentioned supra.

The Hon'ble NGT during the hearing held on 13.012.2023 has directed to furnish the report on the following:

- The Department of Mines and Geology is directed to answer why the amounts were not recovered.

As the lease holders have preferred Revision under rule 35-A of Telangana Minor Mineral Concession Rules, 1966 against the demand notice issued by the ADM&G and the revisions are pending adjudication before the Government, the amounts were not recovered till date.

- What is the action taken by the Department of Mines and Geology against the Quarry Leaseholders.

The ADM&G has inspected the quarry leases of each quarry lease holder and assessed the extracted mineral through ETS survey and accordingly issued demand notices for excess dispatch and encroachment of lease areas respectively. Further the ADM&G stopped the quarry operation further.

It is pertinent to mention that the ADM&G has also initiated steps to collect mineral revenue dues from the defaulters under RR Act, 1890 by attachment of movable/ immovable property located at the concerned address under the provisions of RR Act and obtained the certificated issued by the Dy. Director of Mines & Geology, Warangal region @ Warangal issued under Section 3(1) of Revenue Recovery Act, 1890 and the ADM&G addressed to the District Collector, Bhadradi-Kothagudem with a request to authorize the Tahsildar, Palvanamandal to collect mineral revenue dues from the defaulters

- Whether they will be able to even locate the quarry operators who ceased operations atleast 5 or 6 years back.

The ADM&G has located the quarry operators who ceased operations and raised demand notices against them for excess mining and initiated steps to realize the amounts.

At the outset I humbly submitted that all the quarry leases were not in operation since long back. The Mines department has not issuing the dispatch permits to the quarry lease holders and stone crusher unit holders and not allowing them to continue their operations until submission of statutory clearances i.e. Environment clearance(EC),CFE & CFO and realization of pending demand amounts as per demand notices.

The Mines department found violations, excess mining and accordingly imposed penalty on the Private Respondents, for the illegality and violations of the orders issued by the Asst. Director of Mines.

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In light of the above facts and submissions, it is therefore prayed the Hon'ble National Green Tribunal (Southern Zone) Chennai to dismiss the O.A and pass order or other order(s) as deemed fit in the circumstances of the case in the interest of justice.

Date: 13.03.2024  
Place: Kothagudem,

  
Asst. Director of Mines & Geology,  
Bhadradi-Kothagudem District.