

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI**

Original Application No. 126 of 2021

(Under Section 18(1) read with Sections 14 & 15, of National Green
Tribunal Act 2010)

IN THE MATTER OF:

M/s. Sri Mahalakshmi Hatcheries
Represented by its Proprietor
Mr.D. Sagar Reddy

... APPLICANT

VERSUS

1. UNION OF INDIA

Through the Secretary
Ministry of Environment and Forests & Climate Change,
And 6 others

... Respondents

COUNTER AFFIDAVIT FILED BY THE

4th RESPONDENT

**MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNCIL FOR GOVERNMENT OF
ANDHRA PRADESH**

**A.P. POLLUTION CONTROL BOARD
T.T.D. SUPREME COURT OF INDIA**

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IN THE MATTER OF:

M/s. Sri Mahalakshmi Hatcheries
Represented by its Proprietor
Mr. D. Sagar Reddy
S/o.D. Venkata Ramana Reddy
Office at Doruvukatta Village, Kota Mandal
Sidavaram Post, Nellore – 524 411
Ph: +91 8978374567
Email: sagar.duvvuru@gmail.com

... APPLICANT

VERSUS

1. UNION OF INDIA

Through the Secretary
Ministry of Environment and Forests & Climate Change,
Jor Bagh Road, Ali Ganj, Lodi Colony,
New Delhi – 110 003.
Email: secy-moef@nic.in Ph: 91-11-24621961

2. STATE OF ANDHRA PRADESH

Represented by its Chief Secretary
1, 5th Floor, Interim Government Complex
A.P. Secretariat, Velagapudi, Guntur
Andhra Pradesh,
Email: cs@ap.gov.in. Ph: +91 863 2441024

3. THE DISTRICT COLLECTOR

Nellore District
Achari St, VRC Centre, Nellore
Andhra Pradesh – 524 001
Email: collectornir@ap.gov.in
Ph: 0861 – 2324374

4. ANDHRA PRADESH COASTAL ZONE MANAGEMENT AUTHORITY

Represented by its Member Secretary
D.No.33-26-14 D/2, Near Sunrise Hospital
Pushpa Hotel Centre, Chalamavari Street
Kasturibaipet, Vijayawada – 520 010.
Email: membersecy@appcb.gov.in
Ph: 0866 – 2463200


**MEMBER SECRETARY,
Andhra Pradesh Coastal Zone
Management Authority (APCZMA)
Vijayawada, Andhra Pradesh.**

5. ANDHRA PRADESH POLLUTION CONTROL BOARD

Represented by its Member Secretary
No.33-26-14 D/2, Near Sunrise Hospital
Pushpa Hotel Centre, Chalamalavari Street
Kasturibatpet, Vijayawada – 520 010.
Email: membersecy@appcb.gov.in
Ph: 0866 – 2463200

6. COASTAL AQUA CULTURE AUTHORITY

Represented by its Member Secretary
5th Floor, Integrated Office Complex for
Animal Husbandry and Fisheries Department,
Nandanam, Chennai – 600 035.
Email: aquaaauth@gmail.com, Ph: 044-2435 3502

7. M/s. DIVIS LABORATORIES LIMITED

Represented by its Managing Director
303, DIVIs Towers, Cyber Hills
Gachibowli, Hyderabad – 500 032.
Email: mail@divislaboratories.com
Ph: +91 40 23786300

... **RESPONDENTS**

COUNTER AFFIDAVIT FILED BY THE 4th RESPONDENT

I, Vijay Kumar G Srkr, Son of Sri G Krishnaiah, Hindu, aged about 59 years, holding the post of Member Secretary, Andhra Pradesh Coastal Zone Management Authority (APCZMA), do hereby solemnly affirm and sincerely state as follows:-

1. I am the deponent herein and as such I am well acquainted with the facts of the case.
2. This respondent denies each and every averment made in the affidavit filed in support of the application as false and incorrect except those that are specifically admitted herein in this counter affidavit.
3. With regard to the averments made in paragraph 1 to 11 of the affidavit is not related to this respondent and hence there is no remark.


**MEMBER SECRETARY,
Andhra Pradesh Coastal Zone
Management Authority (APCZMA)
Vijayawada, Andhra Pradesh.**

4. With regard to the averment made in Paragraph 12 of the affidavit is denied as false. It is submitted that the M/s. Divis Laboratories Limited, Krishnapatnam Unit has submitted the proposal for discharge of treated effluent (1727 KLD) by Laying of treated effluent discharge pipeline at survey no. 397, 401, 402, 403, 446, 676, 681, 682, 683, 700 to 709, Krishnapatnam Industrial Area (KIA), Kothapatnam village, Kota Mandal, SPSR Nellore district, Andhra Pradesh and sought CRZ clearance under the provisions of CRZ Notification, 2011. The industry proposed the discharge point 1000 m from LFP (Land Fall Point) into the sea.

5. With regard to the averments made in paragraph 13 to 23 of the affidavit is not related to this respondent and hence there is no remark.

6. With regard to the averment made in Paragraph 24 of the affidavit is denied as false. It is submitted that the proponent engaged the services of Institute of Remote Sensing (IRS), Anna University, Chennai, an authorised agency of Ministry of Environment, Forests and Climate Change for demarcation of CRZ area including HTL, LTL duly superimposing the activities on the map of approved CZMP to examine the location of the project. The proposed pipeline route is crossing through, CRZ-I(A), CRZ-IB, CRZ-III and CRZ-IV(A) zones as per the approved Coastal Zone Management Plan (CZMP).

It is also submitted that the paragraph 3 (i)(a) of CRZ Notification, 2011 permits the construction directly related to waterfront and directly needing foreshore facilities. Laying of pipelines for discharge of treated effluent is a permitted activity and is a regulated activity as provided in paragraph 4 (ii)(d) of CRZ Notification, 2011.


**MEMBER SECRETARY,
Andhra Pradesh Coastal Zone
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Vijayawada, Andhra Pradesh.**

7. With regard to the averments made in paragraph 25 of the affidavit is not related to this respondent and hence there is no remark.

8. With regard to the averment made in Paragraph 26 of the affidavit is denied as false. It is submitted that the project proposal of M/s. Divis Laboratories Limited, Krishnapatnam Unit was placed in the Andhra Pradesh Coastal Zone Management Authority (APCZMA) meeting held on 30.12.2020 at APPCB, Head office, Vijayawada. After examination on the remarks, comments/suggestions received from the Members, the Authority **decided to send the recommendations of No Objection to SEIAA, A.P.** pertaining to the proposal of M/s. Divis Laboratories Limited for **discharge of treated effluent (1727 KLD) by Laying of treated effluent discharge pipeline** under CRZ Notification 2011 with certain specific and general conditions.

Recommendations of No Objection for the proposal of **M/s. Divis Laboratories Limited, Krishnapatnam Unit** for the **discharge of treated effluent (1727 KLD) by Laying of treated effluent discharge pipeline** into the sea, subject to the fulfillment of safety norms and the norms stipulated for the marine discharge of treated effluent, in accordance with CRZ Notification, 2011 and subject to the conditions is communicated to the State level Environment Impact Assessment Authority (SEIAA), Andhra Pradesh vide letter dated: 04.02.2021 marking copy to the MoEF&CC, New Delhi and to the applicant.

9. With regard to the averments made in paragraph 27 of the affidavit is not related to this respondent and hence there is no remark.

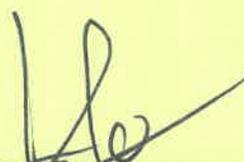

MEMBER SECRETARY,
Andhra Pradesh Coastal Zone
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Vijayawada, Andhra Pradesh.

10. With regard to the averment made in Paragraph 26 of the grounds is denied as false. It is submitted that the as the enforcement of the recommendations of CRZ, the monitoring agency to monitor the compliance with the terms and conditions of the CRZ clearance is Regional offices of MoEF, as per the Office Memorandum dated: 05.08.2011.

11. It is submitted that this respondent craves leave of this Hon'ble Tribunal to raise additional counter in the course of proceedings, if required.

In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above Original Application No.126 of the 2021 and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Solemnly affirmed at Vijayawada,
Andhra Pradesh on this the
13th day of JULY 2021 and
signed his name in my presence


~~4th~~ **RESPONDENT**
Member Secretary
APCZMA

MEMBER SECRETARY,
Andhra Pradesh Coastal Zone
Management Authority (APCZMA)
Vijayawada, Andhra Pradesh.

BEFORE ME

ADVOCATE,