

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), SOUTH ZONE,

CHENNAI

O.A.NO.146/2022

Between:

Sri. N Jagadeeshwar Rao, Karimnagar

.. Applicants

And

The Telangana State Mineral Development Corporation Ltd.  
represented by its Vice Chairman & Managing Director.

..  
Respondents

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THROUGH

  
(A. SANJEEV KUMAR)

COUNTER AFFIDAVIT FILED BY RESPONDENT-V

DATE: 14.02.2023

PLACE: HYDERABAD

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), SOUTH ZONE,  
CHENNAI**

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Between:

Sri N. Jagadeeshwar Rao, Karimanagar.. Applicants

And

The Telangana State Mineral Development Corporation Ltd.  
represented by its Vice Chairman & Managing Director.

.. Respondents

Counter Affidavit filed By the 5<sup>th</sup> Respondents herein

I, G. Malsur, S/o. Sri Laxmi Narasaiah aged about 58 years Occ: Vice-Chairman and Managing Director, Telangana State Mineral Development Corporation Ltd, Hyderabad do hereby solemnly affirm and state on oath as follows:

1. I am the Vice-Chairman and Managing Director, Telangana State Mineral Development Corporation Ltd, the 5<sup>th</sup> respondent herein and as such I am well acquainted the facts of the case.
2. I submit that the Telangana State has reviewed the Sand Policy and had come up with a new Sand Policy -2014 vide G.O.Ms.No. 38, Ind. & Com. (M.1) Dept., dt: 2.12.2014. The State of Telangana, exercising its power u/s 15 (1) of Mines and Minerals (Development and regulation) Act 1957 formulated the Telangana State Sand Mining Rules, 2015 which were published in the State Gazette dt: 8.1.2015 vide G.O.Ms.No. 3 Ind. & Com. (M.1) Dept., dt: 8.1.2015.

  
D. G. MALSUR  
VICE CHAIRMAN & MANAGING DIRECTOR  
TELANGANA STATE MINERAL DEV. CORP. LTD.  
(A State Govt. Undertaking)  
Regd. & Corporate Office  
H.M.W.S.S.B. Premises, Rear Block 3rd Floor,  
Khairatabad, Hyderabad - 500 004.

3. I submit that as per the New Sand Policy, the entire sand mining activity in the State of Telangana is handed over to M/s Telangana State Mineral Development Corporation (M/s TSMDC) which is a State Government undertaking.

4. I submit that in brief, the sand extraction in the State is categorized as under:

i) from river sand

ii) from de-siltation of reservoirs

iii) de-casting from Patta land

M/s TSMDC calls for tenders through e-procurement for extraction and dumping of sand from areas to be de-silted, establishes stockyards in consultation with the District Collectors and developed on-line system for booking of sand.

4. It is submitted that as per G.O.Ms.No.54, dt.21.08.2015, even de-cast of sand from Patta Lands is conducted by M/s TSMDC by entering into an agreement with the Pattadar to curtail the interference of the middle man. The sale price of the sand is fixed by the Government

5. It is submitted that a compliant Adjudicating Mechanism was introduced for rapid disposal of cases relating to illegal sand mining and transportation, under the chairmanship of District Collector and Superintendent of Police of the concerned District, Deputy Director of Mines & Geology of the region as members vide G.O.Ms. No.9, dt.24.02.2016.



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6. It is submitted that desolation of these checkdams have been taken up with an aim to provide designed water storage capacity of the said checkdams and make out proper shape of reservoir bed depending on the depth of sedimentation/silt available. The total available sedimentation/silt in these checkdams was assessed by the District Level Sand Committee (DLSC) constituted under TSMM Rules 2015.

7. It is submitted that the set procedures are indicated in the TSMMR Rules for identification and execution of de-siltation of projects in Telangana. The I&CAD department obtain the administrative approval from the Competent Authority for de-siltation of reservoirs and tanks as defined by the I&CAD to enhance the storage capacity

8. It is submitted that the DLSC, under the Chairmanship of Collector/Magistrate shall carry out Joint Inspection as per the Committee proposed. The DLSC will issue proceedings notifying the reservoirs to be de-silted and handed over to TSMDC which is the Nodal Agency to excavate, store and sell the sand in the State of Telangana. TSMDC identify the contractor for sand extraction through competitive bidding i.e. e-procurement process.

9. It is submitted that the booking of sand is done through the online portal Sand Sale Management and Monitoring System (SSMMS) [www.sand.telangana.gov.in](http://www.sand.telangana.gov.in), which ensures transparency in the sale of sand.

10. It is submitted that the subject check dams are in 5 mandals in Peddapalli district. All these mandals are safe in terms of ground water. Depth of de-siltation is less than 2 meters. De-siltation in these checkdams at FRL area is being done during lean period of flow in the river. Only exposed silt portions



**M. G. MALSUB**  
VICE CHAIRMAN & MANAGING DIRECTOR  
TELANGANA STATE MINERAL DEV. CORP. LTD.  
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Regd. & Corporate Office  
H.M.W.S.S.B. Premises, Rear Block 3rd Floor,  
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within FRL area is taken out. The depth of silt proposed to be de-silted is as per the need to maintain the shape of the reservoir bed of the checkdam. However, the depth of de-siltation is not as per the DLSC approval is only 2 meters.

11. It is submitted that TSMDC has delineated the boundary in each sand reaches by fixing geo-co-ordinates. TSMDC is carrying de-siltation of these checkdams only during lean periods and de-siltation is not carried out during July-November. The de-silted material is stored in the stockyard and from stockyard the sand is dispatched to the consumers. However, sand stockyards maintains proper registers and fixed with CCTVs. All operations are being monitored frequently by TSMDC staff.

12. It is, however, submitted that weighbridges are also installed to monitor the weight of the sand transported in the trucks. 15 number of weighbridges are installed at locations which cover 2 to 3 stockyards.

13. It is submitted that the sand operations happens from 6.00 am to 6.00 pm only. The tractors mounted with water tanks are hired to sprinkle the water on the roads, to suppress the emission of dust and roads are being maintained as and when it is required. Internal roads are being maintained all the time and repairs for these roads are taken up as per the need. District Survey Reports are carried out for Peddipally district. In most of the cases, separate roads are laid to avoid villages.

14. It is respectfully submitted that most of the de-silted material from the Full Reservoir Level (FRL) of these checkdams is being used for construction of irrigation projects, "Mission Bhagiradha" meant for providing drinking water, weaker section housing programmes and also for infrastructure projects leading

  
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to over all development of the State. With these 25 checkdams, water is impounded in the river Manair for about 22 km and even during the lean period water will be available in this area which will help lot of Fish Culture Development. Further, submitted that ground water level also will be increased apart from increase in the area irrigated. With the increased levels of Ground Water, the power consumption will be reduced due to less load on electric motors, pumping the water.

15. It is submitted that huge direct and indirect employment is being provided to locals by way of stockyard in-charges and traffic volunteers. Lot of people are getting indirect employment by way of establishing eateries and other public utility stores. The eligible work force about 25 villages which are around these checkdams are getting huge income @ Rs.700/- per truck by way of spreading or covering tarpaulin on the sand lorries.

Therefore, it is prayed that this Hon'ble Tribunal may consider the contentions raised in this Counter Affidavit and dismiss the O.A. and pass such other order / orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

Sworn and signed before me  
on this the 14<sup>th</sup> day of February, 2023 at Hyderabad.

Before me

Attestor

  
Deponent

**DR. G. MALSUR**  
VICE CHAIRMAN & MANAGING DIRECTOR  
TELANGANA STATE MINERAL DEV. CORP. LTD.  
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**Verification Statement**

I, G. Malsur, S/o. Sri Laxmi Narasaiah, age 58 years Occ: Vice-Chairman and Managing Director, Telangana State Mineral Development Corporation Ltd., Hyderabad, do hereby verify that the contents in the Counter Affidavit are based on records and believed to be true and correct.

Verified at Hyderabad on this 14<sup>th</sup> day of February, 2023.

  
Counsel for Respondents

  
~~Deponent~~  
**DR. G. MALSUR**  
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