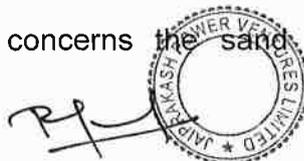


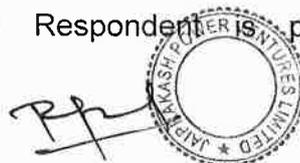
Prayers in the Original Application No. 152 of 2021 (hereinafter referred to as "O.A"). It is stated at the outset that the present Application is frivolous in nature premised on false and incorrect statements and pleadings. That the Answering respondent states that the arrayal of the Answering Respondent in the present Application appears to be at the behest of a vested interest with the malafide and oblique intention to misrepresent before this Hon'ble Tribunal. That the present Application as regards the Answering Respondent is not maintainable either in law or on merits.

2. That the answering Respondent herein denies each and every averment made in the said O.A as false and incorrect except those that are specifically admitted herein in this Affidavit. That none of the averments made in the said O.A may be construed as an admission if the same are not specifically dealt with or denied herein. This Hon'ble Tribunal has been pleased to, vide its Order dated 22/07/2021 call for a Report by a Joint Committee appointed by this Hon'ble Tribunal. This Answering Respondent craves leave to file a detailed response to the report as and when filed by the said Committee, which concerns the sand reaches



pertaining to the present Application, more particularly described by the Applicant in paragraph no. 2 of the Application.

3. That the Answering Respondent has only undertaken mining activity from 14th May, 2021, in only two out of the five reaches so alleged i.e. sr. no. 2 – S.No. 01- SSB Petta Village, Pichatur Mandal and Sr.no. 4 – S.No. 105 – BK Bedu Village, Nagalapuram, Mandalafterafter handing over of the same from Andhra Pradesh Mineral Development Corporation.
4. That the mining activity undertaken by the Answering Respondent in the concerned sand reaches is after having obtained all the clearances, permissions and licenses as mandated under the law and all allegation of illegal mining against the Answering Respondent are denied emphatically. That the answering Respondent has carried out mining only in the said areas with a valid EC and wherever the EC's have expired no mining activity is being conducted by the answering Respondent. I state that the EC as regards the said two reaches expired in December, 2021 and thereafter no mining activity has been conducted therein. That the tabular chart indicating the sand reaches with valid EC wherein the Answering Respondent is presently



undertaking mining activities in the Chitoor District is annexed as **Annexure 1** at page _____ to _____. I state that the reaches where the answering Respondent is carrying out mining activity are only those where there is a existing valid EC (hereinafter referred to as "**concerned sand reaches**").

5. I state at the outset that all the allegations of the Applicant as regards illegal mining or any illegal methods of mining are denied in toto. The allegation of the Applicant as regards mining being undertaken by the Answering Respondent without any valid Environmental Clearance is denied emphatically as the same is a false and baseless allegation. That the answering Respondent herein has been undertaking the mining activity in accordance with and within the parameters as set out in the permissions, licenses and clearances granted for the said mining activity in a suitable and scientific manner. In any case of the matter, it is evident from the bare perusal of the Application that the Applicant has on no basis whatsoever arrayed the Answering Respondent in the Application, despite being apparently aware that the Answering Respondent commenced the mining activity



in the concerned sand reaches only on 14th May, 2021, while it is evident from the own document of the Applicant, that the grievance of the Applicant is as regards activities conducted prior to 6th May, 2021 i.e. period during which the Answering Respondent had nothing to do with concerned sand reach.

6. I state that the present case pertains to the mining of the minor mineral i.e. sand, which forms the basis of activities such as construction etc. That in the present case also, the sand so extracted by the answering Respondent is used for construction activities in the State of Andhra Pradesh and also for the completion of the various housing schemes provided for by the State Government within the State of Andhra Pradesh.

7. I state that the answering Respondent also extracts the sand for local use and local requirement within the State of Andhra Pradesh. That the answering Respondent fulfills the demand of the State and local use by way of extraction done in a scientific manner within the four corners of the permissions and clearances and the Answering Respondent herein has not in any manner caused any violation as has been falsely and wrongly



alleged by the Applicant. That all valid permissions, clearances, licenses to conduct mining in the concerned sand reaches have been obtained by the Answering Respondent and only after such permissions, licenses and clearances having been obtained the Answering Respondent has undertaken the activity of mining in the concerned sand reaches in the most scientific manner.

I. Preliminary Objections

Allegations are devoid of any particulars

1. I state that allegations of the Applicant are baseless, and the Application has been filed by merely making vague allegations which are not substantiated by any cogent material of whatsoever nature. The tenor of the Application filed by the Applicant is a malicious attempt to make a rowing and fishing enquiry probably at the behest of vested interest best known to the Applicant. The Application has therefore been filed in furtherance of malafide and oblique intentions which ought not be countenanced by this Hon'ble Tribunal.
2. I state that in the present case, the sand mining operations which is a minor mineral, is done under the auspices of the State of Andhra Pradesh, by entering



into a transparent tendering process, whereby the Director of Mines & Geology (DMG) through MSTC Limited had called for three different tenders dated 08/01/2021 pertaining to Excavation, Storage and Sale of River Sand in the State of Andhra Pradesh for 13 Districts in the Andhra Pradesh and the same were split into three Packages namely;

a. Package 1: E tender Number:

MLS/HeadOffice/Marketing/1/20-21/ET/1

Districts Covered: Srikakulam, Vizianagaram, Vishakapatnam, East Godavari

b. Package 2: E tender Number:

MLS/HeadOffice/Marketing/2/20-21/ET/2

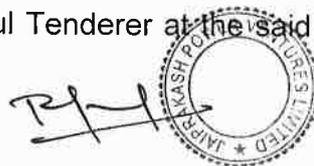
Districts Covered: West Gadavari, Krishna, Guntur, Parakasam

c. Package 3: E tender Number:

MLS/HeadOffice/Marketing/3/20-21/ET/3

Districts covered: Nellore, Chittoor, Kurnool, YSR Kadapa and Anantapur

3. I state that the Respondent No. 8 applied to the said competitive bidding process, participated and has on merits emerged as the successful Tenderer at the said



transparent Tender process of the State Government for all three different packages.

4. I state that the O.A filed by the Applicant herein is devoid of any merit more so any particulars. The Applicant has made allegations which are vague, wild and illusionary in nature and in no manner whatsoever has the Applicant provided any particulars as regards the nature, place, quantum, methodology etc. of the alleged violations. That the Applicant has merely arrayed the Answering Respondent without any description or single statement as regards any particulars of any alleged violation.
5. I state that from the tenor of the O.A. it is apparent that the same has been filed at the behest of a vested interest i.e.rival unsuccessful bidder and thereby is ridden with malafide intentions and is frivolous in nature.
6. I state that the Applicant has merely made prayers for initiation of criminal proceedings against the Answering Respondent. It is most respectfully submitted that the Applicant has urged prayers against the Answering Respondent in the wrong forum, and if any prayer of



initiation of criminal proceeding is so envisaged, the Applicant ought to have filed a criminal complaint, rather than an Original Application before this Hon'ble Tribunal.

7. I state that there are absolutely no particulars furnished by the Applicant of any alleged violations except for the vague and ambiguous allegation as regards illegal mining by way of heavy machinery and without valid Environmental Clearances, which the Applicant has so vaguely attributed to four respondents, without in any manner averring any particulars specific to the Answering Respondent. That the Answering Respondent denies that it is undertaking any illegal mining and further emphatically denies the false allegation of the Applicant that the Answering Respondent is using heavy machinery to conduct mining activity in the river without any Environment Clearance.

8. I state that in the absence of any specific pleadings or averments as regards the alleged violations being undertaken by the Answering Respondent, the very O.A. as regards the Answering Respondent is not



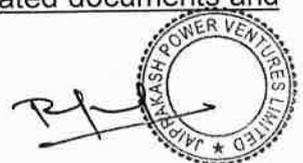
maintainable. Furthermore, arraying of the Answering Respondent in the present Petition appears to be with malafide and oblique intentions, as it is evident from the Applicant's own pleadings that the alleged grievance of the Applicant was for a time period before the Answering Respondent even commenced undertaking the mining activity in the concerned sand reach.

O.A filed without approaching the concerned authorities under the applicable Rules.

9. I state that the Applicant in this case has filed the O.A without approaching any Authority duly envisaged under the Andhra Pradesh Minor Mineral Concession Rules, 1996 or any other rules. The Applicant has merely made vague and baseless averments in the Application and on the basis of the same is seeking initiation of criminal prosecution against the Answering Respondent. That the Applicant ought to have at the first instance approached the concerned authorities in the present case, which the Applicant has evidently not done, which by itself is a cogent suggestion of the frivolity of the present Application.



O.A is premised on false and fabricated documents and suppression of material documents



10. I state that the Applicant herein is guilty of *suppresio veri and suggestio falsi* in as much as he has deliberately and in order to mislead this Hon'ble Tribunal purported a completely false narrative on the basis of fabricated and suppressed documents and pleadings.

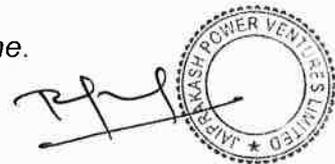
11. I state that the Applicant herein has deliberately with an intention to deceive and play an eye-wash; averred and pleaded that the Answering Respondent is undertaking the mining activity without any valid Environment Clearance (hereinafter referred to as "EC") which is to be granted by the State Environment Impact Assessment Authority (hereinafter referred to as "SEIAA"). That such contention of the Answering Respondent undertaking mining activity without valid EC is denied in toto. It is pertinent to note that the State Government obtained separate EC's for each reach. That the same were obtained by the State Government itself, much before the tender process as the State Government was operating the mining reaches. That since the State Government had obtained all the necessary permissions, no mining is taking place in the State of Andhra Pradesh without the applicable permissions and clearances. The mining operations



were conducted on the sand reaches by the Andhra Pradesh Mineral Development Corporation till 12th May 2021 and subsequently by the answering Respondent on and from 14th May 2021 i.e. after the work Order was issued to the answering Respondent.

12. I state that the DMG also shared all such valid EC's to the answering Respondent and the answering Respondent only conducted sand mining operation at such reach where there were valid EC's and the same is available in the public domain. That the Applicant despite being apparently aware of existence and validity of the valid environment clearances, has purposefully averred false statements in the Application.

13. I state that such statements averred by the Applicant is a malicious attempt of the Applicant to mislead and misrepresent before this Hon'ble Tribunal as the answering Respondent is operating only in such areas with a valid EC and therefore the present OA ought to be dismissed *in limine*.



14. I state that this only goes on to show that the Applicant has misdirected itself, and attempted to mislead this Hon'ble Tribunal, and further made a gross attempt at conducting a rowing and fishing enquiry.

15. I state that the Applicant has approached this Hon'ble Tribunal on the basis of false and incorrect pleadings. That furthermore, the Applicant is also guilty of misrepresentation, as the Applicant has on no basis whatsoever arrayed the Answering Respondent as party in the present case despite being aware that the Answering Respondent had nothing to do with the mining activity during the relevant period so relied upon by the Applicant in the documents annexed. That it is evident from the conduct of the Applicant that the O.A has been filed with malafide intentions to completely mislead this Hon'ble Tribunal, and thereby the O.A must be dismissed on this ground alone. That such false and frivolous contentions are averred by the Applicant before this Hon'ble Tribunal with oblique motives of deceiving and defrauding. That in such scenario, this Hon'ble Tribunal must initiate due action against the Applicant herein for gross abuse of the process of law and interference in administration of justice.



The O.A is ridden with false and baseless statements

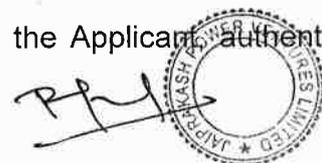
16. I state that the entire O.A filed by the Applicant is completely misconceived. The averment in Para 7 at page 7 of the O.A, is devoid of any substance and has been deliberately made despite knowing that the said ground is false to the Applicant's own knowledge.

17. I state that there are many false statements made in the O.A, which are denied emphatically as the same are false and baseless made in furtherance of the malafide intentions of the Applicant herein. That on this ground only the O.A deserves to be dismissed.

18. I state that when an Applicant approaches the environmental court the Applicant ought not to have made false statements, based on convoluted facts.

Delay

19. I state that assuming and in no way admitting the contentions of the Applicant, the O.A has been filed with unexplained delay, wherein the alleged cause of the Applicant began prior to 6th May, 2021. That even the photographs so annexed by the Applicant authenticity



of which is denied emphatically, show that the same allegedly pertain to 6th May, 2021, while the present Application has been filed after delay of two months, without any explanation for such delay. That such conduct of the Applicant makes it amply clear that the Application has been filed with malafide and oblique intentions at the behest of a rival entity of the Answering Respondent. That it appears that despite the cause of action being prior to 6th May, 2021, the Applicant at the behest of some vested interest, merely waited for the Answering Respondent to commence the mining activities, so as to very capriciously link such a non applicable cause to the Answering Respondent.

20. It is respectfully submitted by the Answering Respondent that the preliminary objections be decided at the first instance as the same goes to the root and maintainability of the present matter. It is further respectfully submitted that on the basis of the preliminary objections raised hereinabove, the present Petition be dismissed.



II. Brief Facts

Regarding Allotment of Mining Lease:



21. I state that in the present case, the sand mining operations which is a minor mineral, is done under the auspices of the State of Andhra Pradesh, by entering into a transparent tendering process, whereby the Director of Mines & Geology (DMG) through MSTC Limited had called for three different tenders dated 08/01/2021 pertaining to Excavation, Storage and Sale of River Sand in the State of Andhra Pradesh for 13 Districts in the Andhra Pradesh and the same were split into three Packages namely;

d. Package 1: E tender Number:

MLS/HeadOffice/Marketing/1/20-21/ET/1

Districts Covered: Srikakulam, Vizianagaram, Vishakapatnam, East Godavari

e. Package 2: E tender Number:

MLS/HeadOffice/Marketing/2/20-21/ET/2

Districts Covered: West Gadavari, Krishna, Guntur, Parakasam

f. Package 3: E tender Number:

MLS/HeadOffice/Marketing/3/20-21/ET/3

Districts covered: Nellore, Chittoor, Kurnool, YSR Kadapa and Anantapur



22. I state that the answering Respondent No. 8 applied to the said competitive bidding process, participated and has on merits emerged as the successful Tenderer at the said Tender process of the State Government for all three different packages.

23. I state that the letter of Intent was issued by the DMG to the answering Respondents on 20th March 2021 and performance guarantee was executed on 9th April 2021, for a total amount of Rs. 120 cr(Package 1: 40 Cr, Package 2: 50cr, Package 3: 30 Cr).

24. I state that the Mining Lease Agreement between the answering Respondents and the Director of Mines and Geology (DMG) came to be executed on 03rd May 2021 for all three packages.

25. I state that it is pertinent to note here that the answering Respondents has appointed a contractor for the purpose of carrying out the work at the site relating to excavation etc. and has accordingly entered into an Agreement with Turnkey Enterprise Private Limited ("TEPL") for Excavation, Storage and Sale of Sand in



the State of Andhra Pradesh to be carried out in accordance with the Lease Agreement.

26. I state that thereafter, the DMG issued a Work Order dated 12th May 2021 in favour of the answering Respondent to commence mining operations and a List of operational Reaches with on-going valid EC's was given to the answering Respondent herein. It is pertinent to note that the State Government obtained separate EC for each reach and therefore validity of various EC's would expire on different dates. However, as on 13th May 2021 when the work Order was issued to the answering Respondent the DMG shared all such valid EC's to the answering Respondent and consequently, the answering Respondent commenced mining operations on 14th May 2021 in terms of the Lease Agreement.

27. I state that wherever the EC validity has expired no mining operations were taking place. It is categorically stated that the Answering Respondent has not carried out any mining activity in any sand reach without there being a valid EC for such reach.

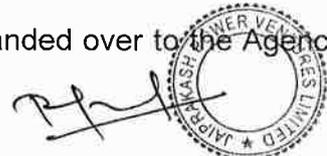


28. The Respondent No. 8 commenced the mining operations in the sand reaches only from 14th May 2021 and that Prior thereto it was the State Government through the Andhra Pradesh Mineral Development Corporation which had undertaken and carried out mining operations.

Re: Permissions:

29. I state that as stated herein above, the sand mining operations herein are conducted under the auspices of the State Government. That unlike mining of major minerals, in so far as minor minerals are concerned, especially in the present case, it is the State Government that prepares the approved mining plan, and it is the State Government that obtains the Environmental Clearances.

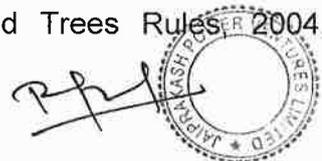
30. I state that the State Government obtains all such necessary statutory permissions including but not limited to obtaining the statutory clearances viz. Approved Mining Plan (AMP), preparation of the District Survey Report (DSR) and thereafter obtaining the Environmental Clearance (EC), Consent for Establishment (CFE) / Consent for Operation (CFO) for the sand reaches which are handed over to the Agency



for undertaking Sand operations, as per the procedure laid down by Director of Mines & Geology, and the answering Respondent remits all such cost incurred by Department of Mines & Geology in obtaining all such permissions. That it is the State Government which is the owner of all such leases and therefore obtains all the statutory clearances and permissions enumerated hereinabove.

31. I state that as stated herein above, the sand mining operations herein are conducted under the auspices of the State Government. That unlike mining of major minerals, in so far as minor minerals are concerned, especially in the present case, it is the State Government that prepares the approved mining plan, and it is the State Government that obtains the Environmental Clearances.

32. That it is the State Government which is the owner of all such leases and therefore obtains all the statutory clearances and permissions as enumerated hereinabove. I state that in the state of Andhra Pradesh there are certain local laws which deal with land, water, trees and other ecological aspects. There are what is called as the AP Water Land Trees Rules, 2004,



wherein, there is a requirement for preparing annually in every stream or river, the quantity of sand deposited which is done by setting up observing stations which are monitored along the stream course.

33. Apart from the Mining Department of the State, the Ground Water Department takes up periodical or annual inspections as the case may be in terms of these Rules, a joint inspection along with the officials from the Department of Mines and Geology and or all other concerned Departments.

34. There are similar requirements under the APMMC Rules, requiring joint efforts by various departments of the Government. The collected data is used for the purpose of conducting a feasibility study assessing the quantity of sand deposited, the study and impact of sand mining on the ground water and various other matters including the quantity of sand to be quarried etc are all done systematically.

35. The requirement of preparing the District Survey Report is precisely for these very things in accordance with the guidelines issued by the MOEF. These are the basic matters included in the District Survey Report

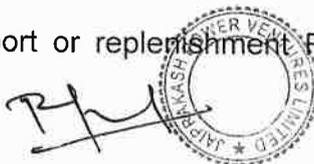


after which an Environment Clearance is required to be applied for. It is but natural that this updating takes place annually not only in the State of Andhra Pradesh but all over in the coastal regions of India and even in North India, rivers and streams. There have been various instruction guidelines, rules, regulations, requiring the assessment of periodical accumulation of sand.

36. I state that the State Government obtains all such necessary statutory permissions including but not limited to obtaining the statutory clearances viz. Approved Mining Plan (AMP), preparation of the District Survey Report (DSR) and thereafter obtaining the Environmental Clearance (EC), Consent for Establishment (CFE) / Consent for Operation (CFO) for the sand reaches which are handed over to the Agency for undertaking Sand operations, as per the procedure laid down by Director of Mines & Geology, and the answering Respondent remits all such cost incurred by Department of Mines & Geology in obtaining all such permissions.



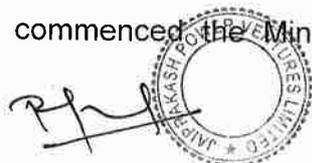
37. Incidentally, the MOEF has now decided to call it the District Survey Report or replenishment Report of



sand mining areas, all of which was traditionally done. As such, the District Survey Report based on the above parameters are updated annually.

38. I state that the aforesaid process ensures, that no lease holder / lessee can commence any mining operation without obtaining necessary statutory permissions, it is only after the State Government having obtained all such permissions that the lessee is allowed to commence mining in accordance with the provisions of the Act and the rules as applicable. That thereunder the Answering Respondents have commenced the Mining activity after all the permission were handed over to it and thereupon have been conducting the mining activity in light and within the permissions and clearances.

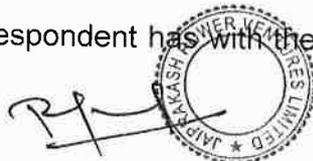
39. I state that the aforesaid process ensures, that no lease holder / lessee can commence any mining operation without obtaining necessary statutory permissions, it is only after the State Government having obtained all such permissions that the lessee is allowed to commence mining in accordance with the provisions of the Act and the rules as applicable. That thereunder the Answering Respondent have commenced the Mining



activity after all the permissions were handed over to it and thereupon have been conducting the mining activity in light and within the permissions and clearances.

Re: Stock of mined mineral.

40. I state that the answering Respondent commenced mining operations on 14th May 2021 strictly in accordance with and as per the mining plan approved and in compliance with the conditions as imposed in the EC's as also in compliance of the terms and conditions of the Lease Deed dated 03rd May 2021 and Agreement dated 03rd May 2021. The answering Respondents have indeed ensured complete compliance with not only the provisions of the lease deed, Environmental Clearance, the Approved Mining Plan, Consent issued under the Act, but has also ensured strict and full compliance of the guidelines laid down in the year 2021 by the Ministry of Environment, Forest and Climate Change. The mining operations of the answering respondent is carried on in a very professional and scientific manner. The answering respondent is alive to the fact that in matters of precious ecology and environment, the work is required to be undertaken with the required care and caution as also following the principles of sustainable development. The answering respondent has with them



all the technical experts as well as marine experts for the purpose of undertaking the said work.

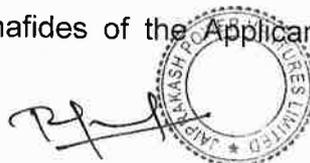
41. It is pertinent to mention that there is not a single violation pointed out by the Applicant in the main application, except for making vague, wild and unsubstantiated allegations. Indeed, it is important to mention here that after the answering respondent had gained the status of being the successful tenderer by competing on merits and securing the tenders, the present application has been initiated apparently at the behest of some other rival competitors who have failed to win the tender.

42. That it is evident from the above, that the Answering Respondent has been carrying out the mining activity as per the conditions of the Permissions, Clearances, Lease Agreement and Tender Document. Furthermore, the Answering Respondent is also submitting timely the required data of the mining activity to the Director of Mines and Geology. Therefore, it is respectfully submitted that the answering Respondent has not violated any permission or clearances and the allegations of the Applicant are denied in toto as they are false and baseless.



III PARAWISE REPLY

43. I state that with respect to paragraph no. I and II of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. I state that the contents of the paragraph no. I and II are mere formal pronouncements and the same are denied to the extent the same are contrary to what has been stated herein.
44. I state that with respect to paragraph no. III of the OA, the contents of the same are denied to the extent that are inconsistent and/or are contrary to what has been stated herein. I state that the paragraph no. III is blank and thereby warrants no reply whatsoever.
45. I state that with respect to paragraph no. IV of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. That it is denied that the Applicant is a public spirited person. It is reiterated that the very nature of the pleadings and conduct of the Applicant in making false and fabricated submissions raises concerns as to the bonafides of the Applicant,



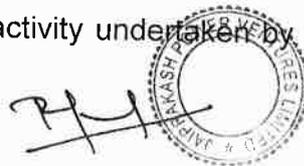
who prima facie appears to be filing the present Application at the behest of a rival company, who was unsuccessful in the bid in which the Answering Respondent was declared successful. The answering respondent denies that the present application raises substantial question of environment as regards the uncontrolled and unlawful land mining activity, carried on by State of Andhra Pradesh in Araniaaru (Arani River), of Karani, Sruttapalli, SSB Petta, BK Bedu, SubanaiduKandigai, Nandanam and Nagalpuram and other party villages of Chittoor District, Andhra Pradesh. The answering Respondent denies that illegal sand mining without EC is happening in the Arani river to a total quarrying extent of 11 Km by the Answering Respondent. That Answering Respondent states that the present Application is in furtherance to the malafide and oblique intentions of the Applicant which are itself devoid of any merit or law. It may be pertinent to mention that the very Application is premised on merely baseless, vague and false statements not corroborated with single evidence.

46. I state that with respect to paragraph no. 1 of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what



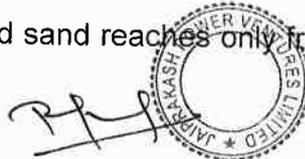
has been stated herein. I state that the river "Araniar," having an approximate length of 110km is a non perennial river which originates at Sadasivuni, Konda in Narayanavammandal and passes through various villages in the Narayanam, Nindra and PichaturMandals and then finally enters the territorial waters of the State of Tamil Nadu.

47. I state that with respect to paragraph no. 2 of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The answering respondent denies that the whole stretch or any part thereof, of the Aaraniaar River from Suruttupalli Village to Nagalapuram Village is being illegally mined by the Answering Respondent. The Answering Respondent denies undertaking mining activity in all the five survey numbers mentioned in the paragraph no. 2, whereas the Answering Respondent has only undertaken mining activity from 14th May, 2021, in only two out of the five reaches so alleged i.e. sr. no. 2 – S.No. 01- SSB Petta Village, Pichatur Mandal and Sr.no. 4 – S.No. 105 – BK Bedu Village, Nagalapuram, Mandalafter handing over of the same from Andhra Pradesh Mineral Development Corporation. That the mining activity undertaken by the



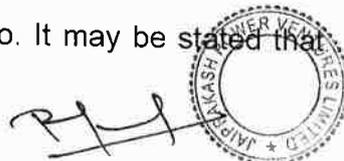
Answering Respondent in the concerned sand reaches is after having obtained all the clearances, permissions and licenses as mandated under the law and all allegation of illegal mining against the Answering Respondent are denied emphatically.

48. I state that with respect to paragraph no. 3 of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The answering respondent denies that no environmental impact assessment is carried out. The answering respondent denies that by a technical interpretation of nomenclature the proponents term it a "de-silting and dredging" activity upon enquiry. The answering respondent states that the Applicants pleading are made in ignorance to the facts, as the Answering Respondent possesses the Valid EC's for the concerned sand reaches. The answering respondent denies that respondent 8 is involved in the activity of mining using heavy machineries in the river. The Answering Respondent states that the Application has merely chosen to plead a false and fabled narrative without even annexing single evidence. That the Answering Respondent has commenced the sand mining activity in the concerned sand reaches only from



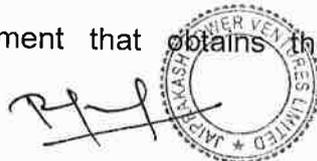
14th May, 2021 after having obtained all the necessary permissions, clearances and licenses as mandated under the law. The Answering Respondent has mined the sand reaches only within the precincts of the EC in the most scientific manner with due care and utmost regard for the environment. In the first place there is no forest which is nearby. The forest existing is more than 500 mtrs further away from the river stretch. As such even the coastal regulation zone notification applicable to an area of 500 mtrs from the water mark in a river, does not apply. Since the forest is situated beyond 0.7 kms.

49. I state that with respect to paragraph no. 4 and 5 of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The Answering Respondent reiterates that it undertook the sand mining activities in the concerned sand reaches only after 14th May, 2021 and having obtained all the necessary permissions. That prior to the Answering Respondent the mining activity was being undertaken by APMDC. That the contentions if any in the paragraph no. 4 do not pertain to the Answering Respondent, and thereby any inference drawn is denied in toto. It may be stated that

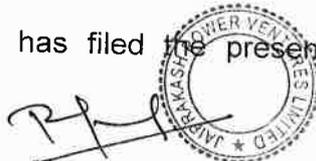


evidently the Answering Respondent has not been arrayed in O.A. No. 87/2020(SZ), and therefore any inference drawn from such case is also denied in toto. That it is clarified that the Applicant is attempting to link the Answering Respondent with cause which is non applicable to the Answering Respondent, which is itself impermissible in law. That the Answering Respondent is put to strict proof as regards any contention or allegation of the role of the Answering Respondent in the mining activity prior to 14th May, 2021.

50. I state that with respect to paragraph no. 6 of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The answering respondent denies that the respondent 8 had started identical activities in the adjacent areas, covering to an extent of 11 Km in total in the Arani River in the manner so wrongfully alleged and pleaded. It is reiterated that the sand mining operations herein are conducted under the auspices of the State Government. That unlike mining of major minerals, in so far as minor minerals are concerned, especially in the present case, it is the State Government that prepares the approved mining plan, and it is the State Government that obtains the

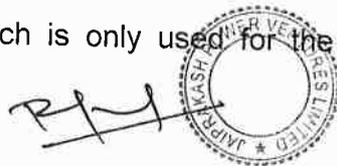


Environmental Clearances. I state that the State Government obtains all such necessary statutory permissions including but not limited to obtaining the statutory clearances viz. Approved Mining Plan (AMP), preparation of the District Survey Report (DSR) and thereafter obtaining the Environmental Clearance (EC), Consent for Establishment (CFE) / Consent for Operation (CFO) for the sand reaches which are handed over to the Agency for undertaking Sand operations, as per the procedure laid down by Director of Mines & Geology, and the answering Respondent remits all such cost incurred by Department of Mines & Geology in obtaining all such permissions. That it is the State Government which is the owner of all such leases and therefore obtains all the statutory clearances and permissions enumerated hereinabove. That in the present case the Answering Respondent only under such permission, clearances and licenses is carrying out the sand mining activities in the concerned sand reaches. The Applicant is put to strict proof as regards any allegation of the Answering Respondent not having an EC. That it may be pertinent to note that the EC is very much available in the public domain, which is apparently known to the Applicant herein. That despite such knowledge the Applicant has filed the present



Application in furtherance to malafide and oblique intention to misrepresent before this Hon'ble Tribunal. The Answering Respondent has conducted the sand mining activity only as per and under the valid EC, and wherever the EC has expired the Answering Respondent has stopped mining in such sand reach till issuance of a fresh EC. That the Applicant except for making baseless allegations has not placed a single document on record to suggest any non compliance by the Answering Respondent, especially as regards the false allegation of mining without EC.

51. I state that with respect to paragraph no. 7 of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The answering respondent denies that the respondent 8 had started the said activity of mining without assessing the environmental damage that would be caused. The answering respondent denies that till date the said Respondent had mined the River Sand to a depth of 35 feet, using heavy machineries. The answering respondent states that it is denied that an 'illegally constructed' temporary road has been created by the answering Respondent. I state that there is a temporary road which is only used for the



purpose of transportation. The answering respondent denies that the proponent is using heavy machineries and lorries. The answering respondent denies that the excavation is being done 24 hours a day and in full capacity at nights. That the very baseless and frivolous nature of the averments and contentions of the Applicant is evident from the fact that the Applicant has averred that the Answering Respondent has mined to a depth of 35 feet. It is respectfully submitted that the Answering Respondent is permitted to mine only till the depth of one meter as per the EC and the Answering Respondent is undertaking mining activity only within the precincts of the EC. That the Applicant is put to strict proof as regards the false, baseless and exaggerated claim of mining having been done by the Answering Respondent to the depth of 35 feet. The Applicant has very capriciously without even placing on record the valid EC's and any proof to substantiate it's allegation made the vague allegation that the Answering Respondent is using heavy machinery to do sand mining. The Answering Respondent as per the EC is undertaking the sand mining activity in a semi mechanised manner with due obligation to the law and utmost regard to the environment.



52. I state that with respect to paragraph no. 8 of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. That the contents of the paragraph no.8 do not in any manner pertain to the Answering Respondent and thereby the same warrants no reply. That in any case, any inference sought to be drawn with any allegation against the Answering Respondent as regards any illegal or improper mining, illegal or improper dredging or illegal or improper de silting is denied emphatically.

53. I state that with respect to paragraph no. 9 of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. That the Answering Respondent is carrying out the sand mining activities in the concerned sand reaches only from 14th May, 2021, after having obtained all the necessary and requisite permission, clearances and licenses. That the Answering Respondent has been providing the sand for local use to the community and also the Government of the State of Andhra Pradesh for building of low cost housing. That the allegation of the Applicant that the Answering Respondent is mining the sand in the

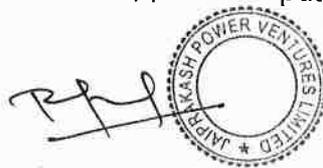


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concerned reaches for merely commercial purposes in denied emphatically. That no reference or inference as regards the Joint Committee report conducted on O.A No. 87/2020 dated 21/09/2020 so relied upon can be drawn to the Answering Respondent as it was evidently not undertaking any sand mining activities in S. Nos 161 and 162 in Karani village, Nagalapuram Mandal, Chittoor District, Andhra Pradesh prior to 14th may, 2021.

54. I state that with respect to paragraph no. 10 of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The answering respondent denies that the River sand mining to an extent of 11 Km, covering a total extent of about 350 hectares of area, is being done without the necessary Environmental Clearance, as deemed necessary under the EIA Notification, 2006 by the Answering Respondent. That it is reiterated that the Answering Respondent has carried out mining activity only under and within the precincts of a valid EC and thereby the Applicant is put to strict proof thereof.



55. I state that with respect to paragraph no. 11 of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The answering respondent denies that no prior assessment has been done. The answering respondent denies that since no prior assessment is made, the activity of mining had severely damaged the ecology of the area and that the ground water level has drastically gone down in the recent times. The answering respondent denies that the mining is carried out without any control by using heavy machineries. The answering respondent denies that till date the mining activity is done to a depth of 35 feet from the actual level. I state that it is denied that the environmental impacts were not considered while grant of EC was considered. I state that in any event of the matter, there is no mining being undertaken by the answering Respondent within 100 to 200 m from the said national highway, whereas the mining activity being carried out pursuant to obtaining all valid and legal permissions is situated almost 1 km away from the said National Highway. The answering respondent further denies the quantity of sand stored in the 3 yard at SubanaiduKandigal and further denies that Nandaram would show the amount of sand illegally mined. The



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Answering respondent states that the very pleadings make it evident that it is not the case of the Applicant that the Answering Respondent has mined without assessing the impact on the environment, as no averment as regards the same is made against the Answering Respondent.

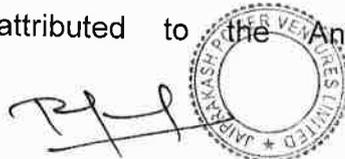
56. I state that with respect to paragraph no. 12 of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. That the Answering respondent states that it has not undertaken any illegal sand mining. That the Applicant has not pleaded any particulars as regards any illegal mining so alleged to have been done by the Answering Respondent and on the contrary without substantiating any averment, the Applicant has merely made bold and vague allegation which are false in nature. That if it is the case of the Applicant that the authorities ought to have taken notice of the alleged illegal sand mining, then it was imperative on the Applicant to have approached such authorities and brought the same to their notice at the first instance. That the Applicant without approaching any authority has merely filed the present Application which itself is



frivolous in nature. The Applicant has filed the present application as a row and fishing inquiry at the behest of a rival unsuccessful bidder in furtherance to the very malafide and oblique motive to misrepresent before this Hon'ble Court. That such acts and conduct of the Applicant must not be countenanced and this Hon'ble Tribunal must take strict action against the Applicant with levy of exemplary cost.

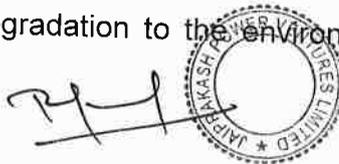
57. I state that with respect to paragraph no. 13 of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The Answering Respondent denies each and every ground raised by the Applicant as the same are devoid in law and on merit.

58. I state that with respect to ground A of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The answering respondent denies that it is undertaking any illegal mining. The Answering Respondent denies that the illegal mining in the Applicant Village had severely affected the ecology of the area and that the any such alleged illegal mining can remotely be attributed to the Answering



Respondent. I state that the Applicant has merely pleaded bold and vague statements without producing single evidence on record to substantiate any such allegation. That the Applicant is put to strict proof thereof.

59. I state that with respect to ground B of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The Answering Respondent denies that the any illegal mining activity has been undertaken by the Answering Respondent. The Answering Respondent denies that the illegal mining activity has deprived the villagers of their right envisaged under Article 21 of the Constitution of India and that any such allegation can be remotely be attributed to the Answering Respondent.
60. I state that with respect to ground C of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. The Answering Respondent denies that any illegal mining activity has been undertaken by the Answering Respondent. The answering respondent denies that the alleged continuous illegal mining activity had caused severe degradation to the environment in



Aaraniyar River and that any such allegation can be remotely be attributed to the Answering Respondent.

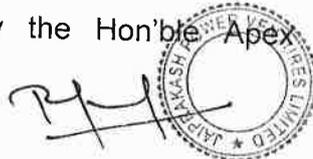
61. I state that with respect to ground D of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. I reiterate that the Answering Respondent had commenced the mining activity in the concerned sand reaches only on 14th May, 2021 and after obtaining all the permissions, clearances and licenses under law from the concerned authorities. That the Answering Respondent has undertaken mining activity only in sand reaches which had a valid EC and in case of expiry of any EC the Answering Respondent did not undertake any mining activity in such reach. That in the case of sand reach where the EC had expired, the fresh EC's were applied for, and only after issuance and receipt of such fresh EC, the Answering Respondent undertook the mining activity in that reach. The Answering Respondent has not undertaken any mining activity in the concerned sand reaches without there being a valid EC.

62. I state that with respect to ground E of the OA, the contents of the same are denied to the extent the same

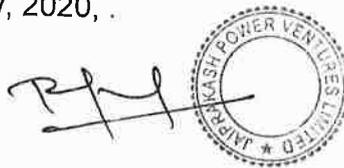


are inconsistent and/or are contrary to what has been stated herein. The Answering Respondent states that it has undertaken mining activity within the precincts of the EC and the applicable law. That De siltation if any was done by the Answering Respondent only after obtaining the prior approvals

63. I state that with respect to ground F of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. As regards ground F the contention itself is misconceived. In the first place there is no forest which is nearby. The forest existing is more than 500 mtrs further away from the river stretch. As such even the coastal regulation zone notification applicable to an area of 500 mtrs from the water mark in a river, does not apply. Since the forest is situated beyond 0.7 kms. In so far as the state boundary is concerned, the General Condition requirement is in the case of EIA Notification 2006, applicable to projects which have a threshold limit of above 5 ha. For areas below 5 ha the general conditions do not apply. Thirdly, the EIA notification was not intended to cover minor minerals which were specifically kept out. It was only on account of the observations made by the Hon'ble Apex Court in

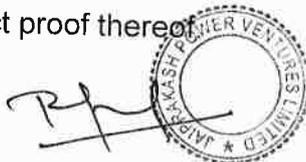


Deepak Kumar's case that the minor minerals came to be included. This was pursuant to para 29 of the decision rendered by the Hon'ble Supreme Court in the case of Deepak Kumar vs State of Haryana, the answering Respondent craves leave to refer to and rely on the same at the time of arguments. I state that thereafter the mechanism was evolved under which the environmental clearances for sand mining were regulated initially by the 2016 guidelines, which came to be a subject matter of the case of Vikrant Tongad vs Union of India. Upon which the MOEF after consideration of the matter issued guidelines for Sand Mining, 2020 under which SIEEA is the Authority for granting EC for river bed mining in various states. The bodily lifting of General conditions in the EIA Notification of 2006 which is applicable to bigger projects, and which does not cover either minor minerals or an area below 5 ha, is a contention completely misconceived in law as well as facts. The requirement of obtaining EC and the entire sand mining regime was governed earlier by the 2016 Guidelines formed by MoEF, till its interdiction by NGT and now subsequently by 2020 guidelines since February, 2020, .



64. I state that with respect to ground G of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. That the contents of the ground G is citation of the decision of the Hon'ble Supreme Court and there is no pleading or contention raised as regards the Answering Respondent therein. In any case of the matter, any inference sought to be taken against the Answering Respondent is denied emphatically as the Answering Respondent has undertaken the mining activity in the concerned sand reaches only after obtaining all permissions, license and clearances required under law and with utmost regard to the environment in a scientific manner.

65. I state that with respect to paragraph no. H of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. I state that the Applicant has merely cited decisions of the Hon'ble Courts and very capriciously, without any particulars, sought to make an inference as regards the Answering Respondent. That Answering Respondent denies any such inference and the Applicant is put to strict proof thereof.



66. I state that with respect to paragraph no. 1 of the OA, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. I state that the allegations and contentions raised in the ground 1 are not against the Answering Respondent. In any case, any inference sought to be taken or made to the Answering Respondent is denied emphatically.

67. The Answering Respondent denies that the present Application has been filed within time. The very documents relied upon by the Applicant make it evident that the cause of action if anything was prior to 6th May, 2021 while this Application was filed after a delay of two months, for which there is no explanation whatsoever. That such conduct of purportedly delaying the filing of the Application and linking of a cause of action during which the Answering Respondent was not undertaking any mining activity in the concerned sand reaches prima facie suggest that the present application, as regards the Answering Respondent, has been filed at the behest of some vested interest.

68. The Answering Respondent states that the present Application is not maintainable in law or on






merits and therefore deserves to be dismissed with exemplary costs. That Answering Respondent is not entitled to any prayers so pleaded in the Application.

69. I state that the contents of the paragraphs 1 to 63 are true to my knowledge and belief.

70. I state that the annexures to the present affidavit are true copies of the original.

R.P.


Solemnly affirmed at New Delhi

BEFORE ME

_____ on this the 19th day of
May, 2022 and signed his name
in presence

ADVOCATE,



ATTESTED
[Signature]
NOTARY PUBLIC

19 MAY 2022

Noted & Registered
Sr. No. 110/2022

S. Ram Kumar
3152/15
[Signature]

9360734765

CHITTOOR EC STATUS & SUMMARY (2022-2023)

S.NO	DISTRICT	Reach Name	Village	Mandal	Extent in Hecters	QTY In MTs	EC NO	EC VALDITY	
								From	To
1	CHITTOOR	O.G.Kuppam	O.G.Kuppam	Nagari	3.38	50700	OrderNo.SEIAA/AP/CTR/MIN/11/2021/3591/169.69&166.55	23-12-2021	22-12-2022
2	CHITTOOR	Guntiveerannapalli	Guntiveerannapalli	Kalikiri	2.83	42450	OrderNo.SEIAA/AP/CTR/MIN/11/2021/3592/169.70&166.56	23-12-2021	22-12-2022
3	CHITTOOR	Madhavarampalli	Madhavarampalli	Valmikipuram	1.7057	25585.5	OrderNo.SEIAA/AP/CTR/MIN/11/2021/3590/169.68&166.54	23-12-2021	22-12-2022
4	CHITTOOR	Kotrakona	Kotrakona	G.D.Nellore	4.81	72150	OrderNo.SEIAA/AP/CTR/MIN/11/2021/3589/169.67&166.53	23-12-2021	22-12-2022
5	CHITTOOR	Gundluru	Gundluru	Kalikiri	3.12	46800	OrderNo.SEIAA/AP/CTR/MIN/11/2021/3588/169.66&166.52	23-12-2021	22-12-2022
6	CHITTOOR	Govindavaram	Govindavaram	Yerpedu	3.97	59550	OrderNo.SEIAA/AP/CTR/MIN/11/2021/3649/171.16&168.11	24-12-2021	23-12-2022
7	CHITTOOR	S.N.Kandriga (Karani-2)	Karani	Nagalapuram	4.75	71250	OrderNo.SEIAA/AP/CTR/MIN/11/2021/3651/171.18&168.13	24-12-2021	23-12-2022
8	CHITTOOR	B.N.R.Peta	B.N.R.Peta	Chittoor	4.64	69600	OrderNo.SEIAA/AP/CTR/MIN/11/2021/3647/171.15&168.10	24-12-2021	23-12-2022
9	CHITTOOR	Chemuru	Chemuru	Thottambedu	4.9	73500	OrderNo.SEIAA/AP/CTR/MIN/11/2021/3650/171.17&168.12	24-12-2021	23-12-2022
10	CHITTOOR	Vikruthamala	Vikruthamala	Yerpedu	4.94	74100	OrderNo.SEIAA/AP/CTR/MIN/11/2021/3652/171.19&168.14	24-12-2021	23-12-2022
11	CHITTOOR	Ananthapuramu	Ananthapuramu	Chittoor	4.52	67800	OrderNo.SEIAA/AP/CTR/MIN/11/2021/3647/171.14&168.9	24-12-2021	23-12-2022
12	CHITTOOR	S.S.B.Peta-3	S.S.B.Peta	Pichatur	4.89	73350	Order No.SEIAA/AP/CTR/MIN/04/2022/4145/183.97&180.73	21-04-2022	20-04-2023
13	CHITTOOR	S.S.B.Peta - 4	S.S.B.Peta	Pichatur	4.95	74250	Order No.SEIAA/AP/CTR/MIN/04/2022/4144/183.92&180.68	21-04-2022	20-04-2023

CHITTOOR EC STATUS & SUMMARY (2022-2023)

S.NO	DISTRICT	Reach Name	Village	Mandal	Extent in Hecters	QTY In MTs	EC NO	EC VALDITY	
								From	To
14	CHITTOOR	Anagallu-1	Anagallu	Chittoor	4.39	65850	Order No.SEIAA/AP/CTR/MIN/04/2022/4132/183.93&180.69	21-04-2022	20-04-2023
15	CHITTOOR	Nandanam - 3	Nandanam	Nagalapuram	4.97	74550	Order No.SEIAA/AP/CTR/MIN/04/2022/4143/183.98&180.74	21-04-2022	20-04-2023
16	CHITTOOR	Nandanam-5	Nandanam	Nagalapuram	4.33	64950	Order No.SEIAA/AP/CTR/MIN/04/2022/4141/183.99&180.75	21-04-2022	20-04-2023
17	CHITTOOR	Sanambatla	Sanambatla	Chandragiri	3.38	50700	Order No.SEIAA/AP/CTR/MIN/04/2022/4134/183.94&180.70	21-04-2022	20-04-2023
18	CHITTOOR	Muthukuru-1	Muthukuru	Chittoor	4.86	72900	Order No.SEIAA/AP/CTR/MIN/04/2022/4146/184.63&181.37	03-05-2022	02-05-2023
19	CHITTOOR	Penumallam-1	Penumallam	Yerpedu	3.5	52500	Order No.SEIAA/AP/CTR/MIN/04/2022/4138/184.68&181.42	03-05-2022	02-05-2023
20	CHITTOOR	Musalipedu-1	Musalipedu	Yerpedu	4.6	69000	Order No.SEIAA/AP/CTR/MIN/04/2022/4139/184.66&181.41	03-05-2022	02-05-2023
21	CHITTOOR	B.K.Bedu-1	B.K.Bedu	Nagalapuram	4.79	71850	Order No.SEIAA/AP/CTR/MIN/04/2022/4140/184.66&181.40	03-05-2022	02-05-2023
22	CHITTOOR	Nandanam-4	Nandanam	Nagalapuram	4.81	72150	Order No.SEIAA/AP/CTR/MIN/04/2022/4142/184.70&181	03-05-2022	02-05-2023
23	CHITTOOR	Virupakshapuram	Virupakshapuram	Thottambedu	4.9	74100	Order No.SEIAA/AP/CTR/MIN/04/2022/4137/184.69&181.43	03-05-2022	02-05-2023
24	CHITTOOR	Ramalingapuram	Ramalingapuram	Srikalahasthi	4.35	65250	Order No.SEIAA/AP/CTR/MIN/04/2022/4136/184.64&181.38	03-05-2022	02-05-2023
25	CHITTOOR	Vavilthota	Vavilthota	Puthalapattu	4.36	65400	Order No.SEIAA/AP/CTR/MIN/04/2022/4133/184.65&181.39	03-05-2022	02-05-2023
TOTAL MT						1600285.5			