

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

O.A. No. 160 of 2020 (SZ)

E.A.S. SARMA & ANR.

... Applicants

-Vs-

UNION OF INDIA & ORS.

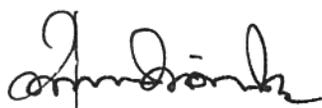
... Respondents

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Certified that the above documents are a true copy of the original.

Dated at Chennai on this the 18th day of March, 2021.



COUNSEL FOR RESPONDENT No. 7

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

O.A. No. 160 of 2020 (SZ)

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... Applicants

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... Respondents

**COUNTER STATEMENT FILED ON BEHALF
OF THE 7th RESPONDENT**

The 7th Respondent above-named humbly submits as follows;

1. The 7th Respondent is a statutory Board, established under S. 3 of the Andhra Pradesh Maritime Board Act, 2018 which is empowered to have administrative control over the port areas in the state of Andhra Pradesh and performs various functions as indicated under the said Act.
2. The address for service of all notices, summons, processes etc. on the 7th Respondent is that of its Counsel, R. Palaniandavan, G. Rajkumar and S. Manisha Bohra, Advocates, having office at 770A, Lower Ground Floor, Dewa Towers, Anna Salai, Chennai- 600 002.
3. The 7th Respondent has perused a copy of the application and documents filed in support of O.A. No. 160 of 2020 (SZ) and emphatically denies the averments/allegations contained therein except those that are matters of record and those that are specifically admitted to hereunder. The 7th Respondent also puts the



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Corrns. Nil

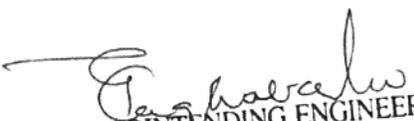
**SUPERINTENDING ENGINEER
(MARINE) A.P. MARITIME BOARD**



**CHIEF EXECUTIVE OFFICER
A.P. MARITIME BOARD**

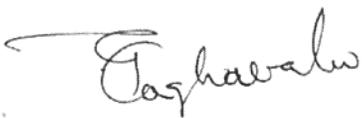
Applicant to strict proof of the averments/allegations made in application.

4. The 7th Respondent states that most of the allegations/averments made by the Applicants does not concern the 7th Respondent and as such, do not merit any response from the 7th Respondent. Hence, the 7th Respondent is not providing its response in the para wise. However, this may not be deemed as admission of any fact on the part of the 7th Respondent for the mere absence of any specific traverse.
5. The allegations/averments in paras 3 and 14 of the Application that the 7th Respondent has been issuing permissions for dredging of the Kakinada Bay Area in total disregard to the ecological relevance of the area is emphatically denied as false, baseless and concocted for the purpose of the present proceedings and the Applicants are put to strict proof thereof. The Applicants have failed to place any material before this Hon'ble Tribunal to substantiate their baseless claims. It is further clear upon a perusal of the Application and the supporting documents that the 1st Applicant does not have any personal knowledge of the alleged violation and it is also unclear on the personal knowledge of the 2nd Respondent.
6. The 7th Respondent states that permissions for dredging are provided within the Port limits, strictly on an as-needed basis, after carefully and holistically considering the requirement and perusing all relevant/requisite materials. In the instant case, the 7th Respondent granted dredging permission within the limits of Kakinada Port only based on the application of the 8th Respondent for towing the barge-mounted plant out of the mooring basin. It is pertinent to note that the plant was kept idle because of withdrawal

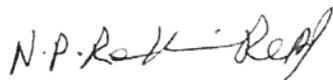

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Corrns. Nil (MARINE) A.P. MARITIME BOARD


CHIEF EXECUTIVE OFFICER
A.P. MARITIME BOARD

- of gas allocation to run the plant, resulting in keeping the barge-mounted power plant idle. As such, it is necessitated to move out the plant from the mooring basin. For taking out of the mooring basin, it required effecting of some dredging due to subsequent siltation of the area after its installation earlier. Permission was not accorded for capital dredging or maintenance dredging and it is only for minimum quantity to facilitate the barge-mounted power plant to be taken out from the mooring basin, as its existence became redundant consequent on withdrawal of gas allocation to run it. The 7th Respondent categorically and emphatically states that it has not authorised any dredging activity, disregarding the ecological relevance of the area. It is also necessary to note that the 7th Respondent has a statutory duty to perform its functions mandated under S. 15 of the Andhra Pradesh Maritime Board Act, 2018.
7. The 7th Respondent states that it is mischievous on the part of the Applicants, apart from the allegation being totally misleading, to state that the permission for dredging given by the 7th Respondent is leading to destruction of the mangroves and mudflats in the Kakinada area and the said allegation/assertions is hence, vehemently denied.
8. The 7th Respondent states that it had accorded permission after being satisfied that the proposal for dredging was approved by the Government. Needless to state, a perusal of the permission granted by the 7th Respondent will amply and clearly demonstrate the application of mind by the authority in considering all the relevant material before grant of permission especially in laying down additional conditions for taking up the dredging activity.



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Corrns. N (MARINE) A.P. MARITIME BOARD



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9. The 7th Respondent has clearly designated the dumping area and has specifically instructed the 8th Respondent to take all precautions to protect the mangroves while dumping the dredged spoil and to ensure that the slushy water is allowed into the sea. It is stated that the dredged site as well as the dredged spoil disposal area fall outside the eco-sensitive zone of Coringa Wildlife Sanctuary.
10. The 7th Respondent states that Applicants have miserably failed to make out any impropriety on its part regarding the violations as alleged in the Application. The 7th Respondent states that it has acted in compliance with its statutory mandate at all times and shall continue to do act in the future as well. The allegations made by the Applicants against the 7th Respondent are reckless and baseless to say the least. It is stated that the instant Application, in so far as it relates to the 7th Respondent, ought to be dismissed as it lacks substance and/or merit.

It is therefore prayed that this Hon'ble Tribunal may be pleased dismiss O.A. No. 160 of 2020 (SZ) with cost and pass such further/other order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Dated at Kakinada on this the 18th day of March, 2021.

N.P. Reddy

**RESPONDENT NO. 7
CHIEF EXECUTIVE OFFICER
A.P. MARITIME BOARD**

THROUGH

R. Palaniandavan, G. Rajkumar & S. Manisha Bohra

**R. PALANIANDAVAN, G. RAJKUMAR
& S. MANISHA BOHRA, ADVOCATES**

Counsel for 7th Respondent

770A, Lower Ground Floor, Dewa Towers
Anna Salai, Chennai- 600 002

Chagavala

Page No. 4
Corrns. Nil

**SUPERINTENDING ENGINEER
(MARINE) A.P. MARITIME BOARD**

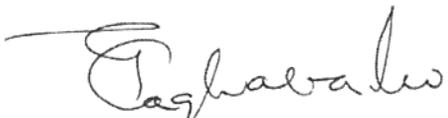
N.P. Reddy

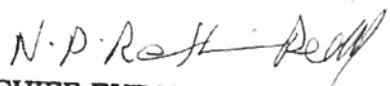
**CHIEF EXECUTIVE OFFICER
A.P. MARITIME BOARD**

VERIFICATION

I, N.P. Ramakrishna Reddy, son of Mr. Veerreddy, aged about 70 years, Chief Executive Officer of Andhra Pradesh Maritime Board, having office at Port Administrative Building, Beach Road, PB No. 11, Kakinada- 533 007, do hereby verify and state that the averments stated in paras 1 to 9 above are true and correct to the best of my personal knowledge and belief and that I have not suppressed any material fact.

Dated at Kakinada on this the 18th day of March, 2021.


SUPERINTENDING ENGINEER
(MARINE) A.P. MARITIME BOARD


CHIEF EXECUTIVE OFFICER
A.P. MARITIME BOARD
RESPONDENT NO. 7

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

6

O.A. No. 160 of 2020 (SZ)

E.A.S. SARMA & ANR.

... Applicants

-Vs-

UNION OF INDIA & ORS.

... Respondents

VERIFICATION AFFIDAVIT

I, N.P. Ramakrishna Reddy, son of Mr. Veerreddy, aged about 70 years, having office at Port Administrative Building, Beach Road, PB No. 11, Kakinada- 533 007, do hereby solemnly affirm and sincerely state as under;

1. I am the Chief Executive Officer of Andhra Pradesh Maritime Board, the 7th Respondent herein and as such, I am conversant with the facts and circumstances of the case and competent to affirm this affidavit.
2. I state that the contents of the accompanying Counter Statement are true and correct to the best of my personal knowledge and belief and that I have not suppressed/concealed any material fact.

N.P. Reddy

CHIEF EXECUTIVE OFFICER
A.P. MARITIME BOARD

Solemnly affirmed at Kakinada
On this the 18th day of March, 2021
And signed his name in my presence

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()
()

BEFORE ME

Tejshaba

SUPERINTENDING ENGINEER
(MARINE) A.P. MARITIME BOARD

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

O.A. No. 160 of 2020 (SZ)

E.A.S. Sarma & Anr.
... Applicants
v.
Union of India & Ors.
... Respondents

**COUNTER STATEMENT FILED ON
BEHALF OF THE 7th RESPONDENT**

**R. PALANIANDAVAN (1266/08)
G. RAJKUMAR (348/2000)
S. MANISHA BOHRA (4583/2018)**

COUNSEL FOR 7TH RESPONDENT

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