

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

Appeal No. 82 of 2021 & IA.No.213 of 2021 (SZ)

Mahesh Mamindla & Ors.

.... Appellant(s)

Versus

State of Telangana & Others.

.... Respondent (s)

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1	Reply Affidavit filed by the Respondent No.4 and 5	
2	Copy of the Telangana State Government forwarding letter No. 746/For.I(1)/2021 dated 09.03.2021-Annexure R-I	
3	Copy of the Map and kml file of the forest area diverted are enclosed as Annexure –RII	
4	Copies of the FORM A, PART II filled by the Divisional Forest Officer, Ranga Reddy and check list are enclosed as Annexure –R-III and R-IV respectively;	
5	The Copy of the Integrated Regional Office, MoEF&CC, Hyderabad letter No. 4-TSC180/2021-HYD/077 dated 09.04.2021 is placed as Annexure-R-V	
6	Copy of the Environment, Forests, Science & Technology Department, Telangana State Secretariat, Hyderabad vide letter No. 746/For.I(1)/2021 dated 01.05.2021 is placed as Annexure R-VI.	
7	Copy of the Minutes of the 47 th Regional Empowered Committee (REC) IRO Chennai meeting held on 07.05.2021 is enclosed as Annexure R-VII	



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8	Copy of the Stage I (In-principle) approval order issued by the Integrated Regional Office, Hyderabad vide its letter No.4-TSC180/2021-HYD/091 dated 13.05.2021 is enclosed as Annexure R-VIII	
9	Copy of the Compliance report submitted by the State Government is enclosed as Annexure R-IX.	
10	Copy of the Stage II approval order No. 4-TSC180/2021-HYD/155 dated 07.12.2021 is enclosed as Annexure-R-X.	
11	Copy of the extract of the hand book i.e., chapter No 10 with related to transmission line projects is enclosed as Annexure –R-XI	
12	Copy of the extract of the hand book with related to applicability Cost Benefit analysis is enclosed as Annexure-R- XII.	



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**AFFIDAVIT ON BEHALF OF MINISTRY OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE AND INTEGRATED REGIONAL OFFICE-
HYDERABAD (RESPONDENT NO. 4 AND 5)**

MOST RESPECTFULLY SHOWETH:

I Dr.E.Arockia Lenin currently working as Scientist 'C' in the Ministry of Environment, Forest and Climate Change (MoEF&CC), Integrated Regional Office, Hyderabad, do hereby solemnly affirm and state as under:-

1. That I Dr. E.Arockia Lenin working as Scientist 'C' in the Ministry of Environment, Forest and Climate Change, Government of India, Integrated Regional Office, Hyderabad and am conversant with the facts and circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit on behalf of the Respondent No. 04 and 05 in the above mentioned matter.
2. That I have perused the contents of the petition filed by the petitioner and I am duly authorized to depose by way of the present affidavit. At the outset, I deny all the averments by the petitioner except those that are specifically admitted here in.
3. It is humbly submitted that in case the Hon'ble Court desires technical/specialized information, an expert from the Ministry can be produced subject to the direction of the Hon'ble High Court.

Statement of Facts

4. It is humbly submitted that the 'land' is a subject matter of State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, inter alia, being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgements and directions of the Hon'ble Supreme Court.
5. That the prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 is required for carrying of any non-forestry activity on forest land.
6. It is respectfully submitted that the, Government of Telangana vide letter dated 09.03.2021 had submitted a copy of the proposal for diversion of 6.7076 ha of forest land in Shamshabad division for erection of 400 KV overhead DC line from Kethireddipally 400 KV SS to 400 KV Rayadurg GIS (TSPA junction to ORR junction) along outer side of ORR in favour of EE, 400 KV/Const-II, Metro, TS, TRANSCO, Hyderabad to the Integrated



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Regional Office, MoEF&CC, Hyderabad. The State Government processed and forwarded above mentioned proposal through online vide proposal No. FP/TG/TRANS/42277/2019 on 23.03.2021. (Copy of the forwarding letter No. 746/For. I(1)/2021 dated 09.03.2021 is annexed as *Annexure-I*)

7. It is respectfully submitted that, along with the above mentioned forest clearance proposal, the State Government submitted a map (along with DGPS co-ordinates) duly countersigned by the Divisional Forest Officer, Ranga Reddy and the User Agency also uploaded the kml file of the entire forest area i.e, 6.7076 ha in the online proposal in Ministry of Environment, Forests & Climate Change (MoEF&CC), PARIVESH Portal. Copy of the Map and kml file of the forest area diverted is annexed as *Annexure-II*.
8. It is respectfully submitted that, the Divisional Forest Officer, Ranga Reddy in FORM A (PART II) under Sl.No 8 (iii) of the said proposal, had not reported that the forest area i.e. 6.7076 ha proposed for diversion is falling within the Eco Sensitive Zone of Mrugavani National Park and the Divisional Forest Officer, Ranga Reddy in FORM A (PART II) under Sl.no 8 (iv) reported that no national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within 1 Km. from boundary of the forest land proposed for diversion. However, in the check list submitted along with the proposal, it was reported that the forest area proposed for diversion is falling in Eco Sensitive Zone of Mrugavani National Park. Copies of the FORM A, PART II of the said proposal filled by the Divisional Forest Officer, Ranga Reddy and check list are annexed as *Annexure-III and IV* respectively.
9. It is respectfully submitted that, the Integrated Regional Office, Hyderabad examined the proposal submitted by the Telangana State Government thoroughly as per the rules / guidelines made under Forest (Conservation) Act, 1980 including the relevant extant guidelines pertaining to laying of such Transmission Lines in the forest area. Further, it is submitted that the kml file uploaded by the User Agency was analyzed through Decision Support System (DSS) and it is submitted that, as per the DSS analysis, it was noted that the area violated the Protected Area Rule of DSS and fell in Mrugvani National Park.
10. It is respectfully submitted that, after thorough scrutiny of the proposal, the Integrated Regional Office, MoEF&CC, Hyderabad vide its letter No. 4-TSC180/2021-HYD/077 dated 09.04.2021 requested the State Government to submit the following additional information / clarification for further consideration of the proposal;
 - a. As per the report of DFO & Conservator of Forests (CF), the "proposed area is not falling in any National Park, Wildlife Sanctuary, Tiger Reserve etc." But as per the Check List in Page No. 10 of the file it reads that the area is "falling in ESZ of Mrugvani National Park". It is also submitted that based on the DSS analysis the area violates the Protected Area Rule and falls in Mrugvani National Park. The above discrepancy needs clarification and if the area falls under ESZ, then appropriate permission is needed
 - b. As per the report of UA entered in Parivesh Portal" alternative routes were not examined", hence, map clearly depicting alternative routes along with write-up on the same shall be furnished;



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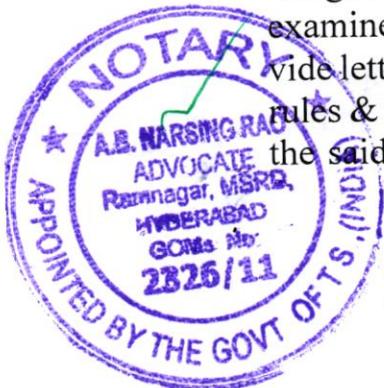
- c. CA land proposed is an isolated bit devoid of much vegetation hence its suitability as well as future protection from biotic and grazing pressure needs to be reported. Also, as per the data entered in PARIVESH portal, CA Scheme is proposed for the area of 13.415 ha whereas the area comes under DSS analysis is 14.95 ha. Hence, clarification on the above discrepancy in the data may be reported;
- d. Already a multilane highway /ORR is passing nearby the proposed forest through RF hence details such as total area of RF notified area and project wise details of already diverted area in the RF along with references of FCA clearances may be submitted.

The Copy of the Integrated Regional Office, MoEF&CC, Hyderabad letter No. 4-TSC180/2021-HYD/077 dated 09.04.2021 is placed as **Annexure-V**

11. It is respectfully submitted that, the Telangana State Government vide letter No. 746/For.I(1)/2021 dated 01.05.2021 submitted the reply to the additional information / clarification as sought by the Integrated Regional Office, Hyderabad, wherein it was submitted that the Eco Sensitive Zone (ESZ) of Chilkur Mrugavani National Park is not notified and hence 10 km from the periphery of the National Park is taken into consideration. Hence it is confirmed that the forest area proposed for diversion of 6.7076 ha of forest land in Shamshabad division for erection of 400 KV overhead DC line from Kethireddipally 400 KV SS to 400 KV Rayadurg GIS (TSPA junction to ORR junction) along outer side of ORR in favour of EE, 400 KV/Const-II, Metro, TS, TRANSCO, Hyderabad is falling in Eco Sensitive Zone (ESZ) of Chilkur Mrugavani National Park.

Copy of the letter of Joint Secretary, Department of Environment, Forests, Science & Technology, Telangana State Secretariat, Hyderabad vide letter No. 746/For.I(1)/2021 dated 01.05.2021 is placed as **Annexure-VI**.

12. It is submitted that the draft notification to declare ESZ around Mrugvani National Park was published on 4.8.2015 which has now expired. Revised proposal for declaration of ESZ around Mrugvani National Park has not been received from the State Government of Telangana. Therefore, default 10 km around Mrugvani National Park has to be considered as its ESZ.
13. It is respectfully submitted that the Integrated Regional Office, Hyderabad placed the proposal received from the State Government i.e. diversion of 6.7076 ha of forest land in Shamshabad division for erection of 400 KV overhead DC line from Kethireddipally 400 KV SS to 400 KV Rayadurg GIS (TSPA junction to ORR junction) along outer side of ORR in favour of EE, 400 KV/Const-II, Metro, TS, TRANSCO, Hyderabad and the additional information received from the State Government vide letter vide letter No. 746/For.I(1)/2021 dated 01.05.2021 before the Regional Empowered Committee (REC), Integrated Regional Office, Chennai in its 47th meeting held on 07.05.2021.
14. It is respectfully submitted that, the Regional Empowered Committee (REC), Integrated Regional Office, Chennai had considered the said proposal and examined the additional information received from the State Government vide letter vide letter No. 746/For.I(1)/2021 dated 01.05.2021 as per the extant rules & regulations and guidelines of the Ministry. During the examination of the said proposal, the Committee sought further details/ clarifications from



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the Principal Chief Conservator of Forests (PCCF), Telangana and the representative of the User Agency attended the meeting regarding justification for forest area proposed for diversion and alternative routes examined for the impugned proposal;

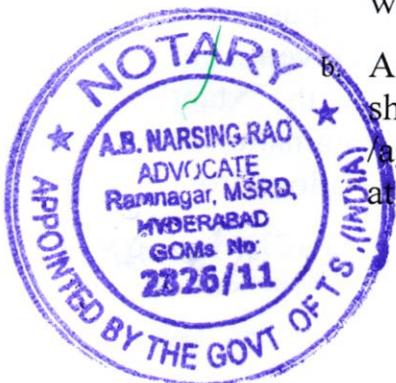
15. It is respectfully submitted that, after detailed deliberation, the Regional Empowered Committee (REC) **recommended** the proposal to issue Stage-I (in-principle) approval, subject to the Standard conditions as applicable to such transmission line projects with the following additional conditions;
- State Forest Department shall ensure minimum tree felling and shall translocate the trees wherever feasible at the cost of the User Agency;
 - State Forest Department shall carryout plantation of dwarf medicinal plants under the transmission line at the cost of the User Agency;
 - As the proposed forest area falls in Eco Sensitive Zone, the user agency shall get the wildlife mitigation plan prepared by any competent person /agency with the approval of Chief Wildlife Warden and implement it at the cost of the User Agency;

Copy of the Minutes of Meeting of the 47th Regional Empowered Committee (REC), IRO Chennai, held on 07.05.2021, is enclosed as **Annexure-VII**

16. It is respectfully submitted that, in pursuance of the recommendation of the Regional Empowered Committee (REC), the Integrated Regional Office, Hyderabad vide its letter No.4-TSC180/2021-HYD/091 dated 13.05.2021 conveyed Central Government's Stage-I approval for diversion of 6.7076 ha of forest land in Shamshabad division for erection of 400 KV overhead DC line from Kethireddipally 400 KV SS to 400 KV Rayadurg GIS (TSPA junction to ORR junction) along outer side of ORR in favour of EE, 400 KV/Const-II, Metro, TS, TRANSCO, Hyderabad, subject to certain conditions;

Copy of the Stage-I (In-principle) approval order issued by the Integrated Regional Office, Hyderabad vide its letter No.4-TSC180/2021-HYD/091 dated 13.05.2021 is enclosed as **Annexure-VIII**

17. It is respectfully submitted that, the Integrated Regional Office, Hyderabad considered the fact that the proposed transmission line is passing through Eco Sensitive Zone of Chilkur Mrugavani National Park and as recommended by the Regional Empowered Committee (REC) and in the efforts to ensure minimizing the impact of the wildlife animals and number of trees to be felled, the following specific conditions were stipulated in the Stage-I (in-principle) approval;
- The User Agency in consultation with the State Forest Department shall prepare and execute a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in the right of way under the transmission line in consultation with the State Forest Department;
 - As the proposed forest area falls in Eco Sensitive Zone, the user agency shall get the wildlife mitigation plan prepared by any competent person /agency with the approval of Chief Wildlife Warden and implemented at the cost of the User Agency;



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- c. The User Agency shall restrict the felling of trees to the minimum in the diverted width of 46 meters of the forest land and the State Forest Department shall carry out translocation of the trees wherever feasible at the cost of the User Agency; In case of felling, the trees shall be felled under the strict supervision of the State Forest Department at the project cost;
- d. The User Agency at its cost shall provide bird deflectors, which are to be fixed on the upper conductor of the transmission line at suitable intervals to avoid bird hits;
- e. The trees on strips would have to be felled but after stringing work is completed, natural regeneration will be allowed to come up. Future pollarding / pruning of trees will be done with the permission of the local forest officer wherever necessary for the maintenance of the transmission lines;
- f. During construction of transmission line, pollarding / pruning of trees located outside the 46 meters width of the strips whose branches / parts infringe with conductor stringing, shall be permitted to the extent necessary, as may be decided by the local forest officer;
18. It is respectfully submitted that the Telangana State Government vide its letter No 746/For.I(1)/2021 dated 23.11.2021 submitted a compliance report on conditions stipulated in the Stage-I (in-principle) approval order dated 13.05.2021. The Compliance report submitted by the State Government was examined by the Integrated Regional Office, Hyderabad and confirmed the receipt of the amount deposited by the User Agency i.e. TS, TRANSCO, as levies towards Compensatory Afforestation (CA), Net Present Value (NPV), cost towards plantation and its maintenance of dwarf species (preferably medicinal plants) in the right of way under the transmission line etc.

Copy of the Compliance report submitted by the State Government

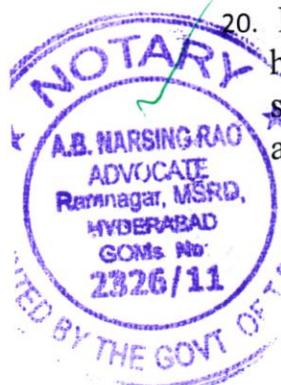
is enclosed as **Annexure-IX**.

19. It is respectfully submitted that, after examining of the compliance report, the Integrated Regional Office, Hyderabad, vide the order No.4-TSC180/2021-HYD/155 dated 07.12.2021 had conveyed the Central Government's approval (Stage-II) under Section '2' of Forest (Conservation) Act, 1980 for diversion of 6.7076 ha of forest land in Shamshabad division for erection of 400 KV overhead DC line from Kethireddipally 400 KV SS to 400 KV Rayadurg GIS (TSPA junction to ORR junction) along outer side of ORR in favour of EE, 400 KV/Const-II, Metro, TS, TRANSCO, Hyderabad with imposition of certain conditions;

Copy of the said Stage-II approval order No. 4-TSC180/2021-

HYD/155 dated 07.12.2021 is enclosed as **Annexure-X**.

20. It is respectfully submitted that the User Agency TS, TRANSCO, Hyderabad had agreed and submitted undertakings for strict compliance of all conditions stipulated in the Stage I approval order and also to comply with all the additional conditions to be imposed by the Government of India in future if



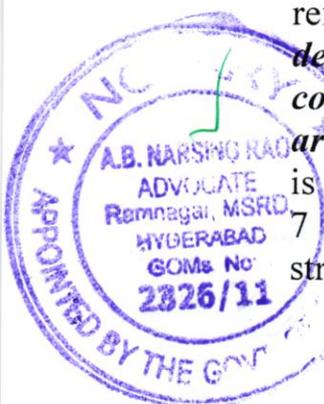
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necessary in view of the conservation of flora and fauna. The Integrated Regional Office, Hyderabad, in its Stage-II approval had also stipulated the below mentioned specific direction vide condition No. 07, which is as follows;

“As the proposed forest area falls in Eco Sensitive Zone, the user agency shall get the wildlife mitigation plan prepared by any competent person /agency with the approval of Chief Wildlife Warden and implemented at the cost of the User Agency. The State Forest Department shall submit report on execution of such wild life mitigation plan, to the IRO Hyderabad”

21. It is respectfully submitted that, the status report on execution of wildlife mitigation plan is yet to be received from the State Forest Department, Government of Telangana.
22. With detailed facts submitted under para No. 02 to 16 above, it is submitted that the Integrated Regional Office, Hyderabad had duly examined the proposal submitted by the State Government seeking prior approval of Government of India under Forest (Conservation) Act, 1980 as per the rules & regulations and guidelines framed under the said Act in general and also in the light of specific rules & regulations and guidelines to such transmission line projects. Further it is submitted that, in pursuance of the recommendations of the Regional Empowered Committee (REC) and to ensure minimal impact of the project on wildlife, in addition to the general conditions, few specific conditions as mentioned under para No.12 and 15 above were also imposed / stipulated while according Stage I / II approval for the proposal for diversion of 6.7076 ha of forest land in Shamshabad division for erection of 400 KV overhead DC line from Kethireddipally 400 KV SS to 400 KV Rayadurg GIS (TSPA junction to ORR junction) along outer side of ORR in favour of EE, 400 KV/Const-II, Metro, TS, TRANSCO, Hyderabad ;
23. It is respectfully submitted that, in the chapter number 10 of hand book of guidelines for Effective and Transparent Implementation of provisions of Forest (Conservation) Act, 1980 dated 28.03.2019, the width of Right of Way, Width clearance below each conductor or conductor bundle for stringing purpose (meter) for different transmission Voltage lines, Minimum clearance between conductor and trees (Meters) etc were specified. It is respectfully submitted that the specification for such 400 KV overhead DC line has been duly adopted under the project in question. Further, in the above referred hand book under Chapter 10, it is also mentioned that **“To prevent death of animals like elephants due to electrocutions the distribution companies shall preferably use ABC or underground cables in forest areas”**. It is respectfully submitted that, as the transmission line in question is a 400 kv DC and for which the specifications were 46 meters Right of Way, 7 meters Width clearance below each conductor or conductor bundle for stringing purpose and 7 meters Minimum clearance between conductor and



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trees. Further, the specific condition to provide bird deflectors, which are to be fixed on the upper conductor of the transmission line at suitable intervals to avoid bird hits was also stipulated by the answering respondent. Hence, it is submitted that all aspects of the proposal including the nature of fauna present in and around the forest area that is being diverted were considered by the Regional Empowered Committee (REC) and it is further submitted that the subject transmission line is passing all along with the already existing road only and hence, fragmentation of forest because of transmission line is not correct. Further, to mitigate such adverse effect on fauna, if any, the Integrated Regional Office had stipulated specific condition to implement suitable wildlife mitigation plan at the project cost.

Copy of the extract of the hand book i.e., chapter No 10 with related to transmission line projects is enclosed as *Annexure-XI*.

24. That, with regard to the averments made on Cost Benefit analysis, it is submitted that the as per the provisions made under hand book of guidelines for Effective and Transparent Implementation of provisions of Forest (Conservation) Act, 1980 dated 28.03.2019 in Annexure III, the Cost Benefit analysis is not required for the proposals involving forest land upto 20 hectares in plains. Hence, the Integrated Regional Office, Hyderabad had not insisted for submission of Cost Benefit analysis while processing of the said proposal.

Copy of the extract of the hand book with related to applicability Cost Benefit analysis is enclosed as *Annexure-XII*.

25. It is submitted that vide the Wetlands (Conservation & Management) Rules, 2017, the State/Union Territories (UT) Wetlands Authorities have been constituted and powers for inventorisation, notification of wetlands etc. have been delegated to the State Governments and UT Administrations. The Environment, Forests, Science & Technology Department in the State Government of Telangana is the nodal Department for wetlands and the PCCF & HOFF is the Member Secretary of the State Wetlands Authority. Hence, the State Forest Department/PCCF (Respondent No. 3) is the concerned Authority w.r.t water bodies.
26. With the above submission, the answering respondent herewith deny all averments made in petition against the respondents No 04 & 05
27. That, the answering respondent reserves the right to file additional information before the Hon'ble National Green Tribunal, if required till Pendente-lite.
28. Thus, in light of the above submissions, it is most humbly prayed that this Hon'ble National Green Tribunal may kindly pass such order(s) as deemed fit and proper in the facts and circumstances of the case.



DEPONENT

Dr. E. AROCKIA LENIN
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VERIFICATION

I, Dr.E.Arockia Lenin S/o Emanuvel aged about 34 years, Occ: Scientist 'C' R/o Hyderabad, the deponent do hereby verify that the contents in the above mentioned paras are true and correct to the best of my knowledge and belief and the same are borne out of records, hence verified this on the 25th day of February, 2022.

DEPONENT

Dr, E. AROCKIA LENIN
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Deputy Director
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ATTESTED
(Handwritten signature in green ink)
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