

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

Original Application No.20 of 2021

IN THE MATTER OF:

1. Oggu Srinivasa Reddy
S/o.Kesava Reddy, age 46 years,
Occ: Agriculture,R/o.Narayanapuram &
Rajerla Village, Sathupalli Mandal,
Khammam District,Telangana.
 2. Chintala Bharat Kumar Reddy
S/o.Surender Reddy, Age 24 years,
Occ: Software Engineer,
R/o.Rajerla village, Sathupalli Mandal,
Khammam District,Telangana
- ... APPLICANTS

VERSUS

1. Union of India,
Through the Secretary,
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhavan,
Jor Bag, New Delhi-110003.
Phone: 010-24695262,
E-Mail: secy_moef@nic.in
2. Telangana State Pollution Control Board,
Rep. by its Chairman,
A-3, Paryavaran Bhavan, Industrial Estate,
Sanath Nagar, Hyderabad 500 018.
Phone:91-(040)23815630
E-Mail id: tspcb@gov.in.
3. The Singareni Collieries Company Limited,
Rep. by its Chairman & Managing Director,
Singareni Bhavan, Redhills,
Hyderabad, Telangana
Phone No.040-23300132.
E-Mail Id: mkt-import@scclmines.com ... RESPONDENTS

Original Application No.174 of 2020 (SZ)

Banoth Nandu Nayak,
R/o. H.No.13-181, NTR Nagar,
Sattupalli Village and Mandal,
Khammam District, Telangana – 507 303.
Mobile No.98495 20879
Mail id: raghu1138@gmail.com

... APPLICANT

VERSUS

1. The Singareni Collieries Company Ltd.,
Rep. by its Chief Executive Officer,
Kothagudem,
Bhadrachari Kothagudem District,
Telangana – 507 101.
Mail: dp@scclmines.com
Phone No.08744 242301.
2. Union of India,
Through its Secretary,
Ministry of Environment, Forest & CC,
Indira Paryavaran Bhavan,
Jorbagh, New Delhi-110003.
Mil: secy_moef@nic.in
Phone: 011-24695262, 24695265
3. Telangana State Pollution Control Board,
Rep. by its Member Secretary,
A-3, Paryavaran Bhavan,
Sanath Nagar, Industrial Estate,
Sanat Nagar, Hyderabad – 500 018.
Mail: ms-tspcb@telangana.gov.in
Mobile: 04023887600.
4. District Collector and Magistrate,
Khammam, Telangana – 507 101.
Mail: collector_kmm@telangana.gov.in
Phone: 08742224641.
5. General Manager,
District Industrial Centre,
Khammam, Telangana – 507 101.
Mail: [gmdic.kmm.indts@nic\[dot\]in](mailto:gmdic.kmm.indts@nic[dot]in)
Mobile No.9100839729.

... RESPONDENTS

ADDITIONAL WRITTEN SUBMISSIONS FILED BY RESPONDENTS

(SCCL) IN REPLY TO WRITTEN SUBMISSIONS OF CLAIMANTS

1. It is submitted that this reply submissions may be read as part and parcel of the pleading filed by the respondent.
2. In reply to the submissions made by the petitioner, it is submitted that a joint committee has already been constituted by Hon'ble NGT and the committee submitted its report on three occasions - 18/12/2020, 09/06/2021 & 03/09/2021, after conducting a review meeting in VC mode and making two site inspections.

TSPCB also submitted its independent report on 11/08/2021 whereas SCCL submitted its compliance report on 10/08/2021 regarding the recommendations & objections of the Joint Committee Report.

3. Further it is submitted that as per the directions of MoEF&CC, an assessment of ecological damage due to excess coal production was done and accordingly environmental compensation was estimated by i) Considering the ecological damage and ii) Economic benefits arrived on account of excess coal production.

An amount of Rs. 26.67 Crores has been allocated for Remediation Plan, Natural Resource Augmentation Plan and Community Resource Augmentation Plan.

It is submitted that the SCCL is spending the said amounts in a phased manner in order to execute the remediation plan. The project proponent has also submitted a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the same will be released only after successful implementation of the Remediation Plan and Natural and Community Resource Augmentation Plan basing on the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.

It is further submitted that in respect of excess production, credible legal action has already been initiated by the Telangana State Pollution Control Board through legal proceedings before the Hon'ble Court of Judicial First Class Magistrate, Sathupalli, Telangana and CC No. 1075/2020 was filed by TSPCB against M/s SCCL represented by its Project Officer Sri. S.Venkata Chary as accused No.1 and Sri. S.Venkata Chary Project Officer as Accused

No.2. The Hon'ble Court Vide docket order dated 11.12.2021 has closed the CC case as the accused pleaded guilty by imposing penalty of Rs. 10,000 (Rupees Ten Thousand Only) each against M/s The Singareni Collieries Company Limited and Project Officer of JVR OC-I Sathupalli under section 15(1) of Environment Protection Act, 1986. In compliance of the said order the accused have remitted the total penalty amount of Rs.20,000 on 11.12.2021.

4. With regard to the averment of damage caused as alleged by the petitioner, it is to submit that Vengal Rao Nagar was located at a minimum distance of 598 m from blasting face in 2005 and distance has reached a maximum of 1519 m in 2020.

1. Virat Nagar was located minimum distance of 883 m from blasting face in 2005 and distance has reached a maximum of 2659 m in 2020.

NTR colony was located at a minimum distance of 649 m in year 2016 from blast face and at a maximum distance of 2970 m during 2005.

2. DGMS vide. Technical circular no. 7, dated 29.08.1997 stipulated following standards depending on the type of structures and the dominant excitation frequency, the peak particle velocity (PPV) on the ground adjacent to structures shall not exceed the values given in the following table.

Permissible Peak Particle Velocity (ppv) at the foundation level of structures in mining areas in mm/sec

Type Of Structures	Dominant excitation frequency,		
	< 8	8 – 25 Hz	>25 Hz
(A) Building/Structures not belonging			
(i) Domestic houses/ structures (kachha,	5	10	15

(ii) Industrial buildings (RCC & framed)	10	20	25
(iii) Objects of historical importance and	2	5	10
(B) Building belonging to owner with			
(i) Domestic houses/structures (kachha,	10	15	25
(ii) Industrial buildings (RCC & framed)	15	25	50

3. The PPVs observed at JVR OC - I during the entire period from 2015 till 2020 shows that the PPV are within the stipulated limits of the above said circular issued by DGMS after detailed study. Hence, it is to submit, the damage to houses (cracks & spalling of plaster) is not due to blasting operations in JVR OC - I Expansion Project but poor quality of construction.
4. With regard to the certification of Tahsildar, Sathupalli that houses are damaged due to blasting operations in three villages, it is submitted that the same is certified without any competency and without any technical evidence. It is further submitted that DDMS/DGMS is the competent authority to certify ground vibrations and allied damage based on peak particule velocity measured with minimate instrument.
5. It is further submitted that during the site visit of joint committee, it was observed that the PPV values were within the stipulated limits of DGMS circular and damages to structures was due to poor construction. It was established by the experts of the Joint committee that damage to structures i.e. Spalling of slab was due to insufficient reinforcement / defective construction.
6. Further, the respondent has been conducting Medical camps periodically in the surrounding villages as a part of CSR activities.

Therefore in view of the above it is humbly prayed that this Hon'ble Tribunal may dismiss the case of petitioner as devoid of merits as the

respondent company is implementing the Remediation Plan, Natural Resource and Community Resource Augmentation Plan approved by MoEF&CC and the Respondent company is complying the same and in the interest of justice, for which the respondent shall ever pray else the Respondent company will be put to irreparable loss.



**Counsel for Respondent No.3 in OA No.20/2021
& Respondent No.1 in OA No.174/2020**

(Sri A. SANJEEV KUMAR)

Date: 31.01.2022

Place: HYDERABAD

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

O.A. No.20 OF 2021

IN THE MATTER OF:

Oggu Srinivasa Reddy & Another
...APPLICANTS

VERSUS

Union of India & others
... RESPONDENTS

**ADDITIONAL WRITTEN
SUBMISSIONS FILED BY
RESPONDENTS (SCCL) IN REPLY
TO WRITTEN SUBMISSIONS OF
CLAIMANTS**

Sri. A.Sanjeev Kumar,
Advocate.
Counsel for Respondent No.3