

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE BENCH AT CHENNAI

ORIGINAL APPLICATION No.187 of 2020

**IN THE MATTER OF:**

1. DEMOCRATIC TRADITIONAL FISHERS' WOKERS FORUM (DTFWF)  
Through its General Secretary,  
Shri D. Pal,  
Aged about 52 years,  
S/o. S.R. Pal,  
R/o. Saikrishna Nagar, near Sambhunagar Flyover,  
Alcot Gardens, Rajahmundry,  
East Godavari District,  
Andhra Pradesh-533 101,  
Ph: 81055 21754.  
Email: [sharan.balakrishna@gmail.com](mailto:sharan.balakrishna@gmail.com)
  2. SHRI DOMA ADINARAYANA,  
Aged about 62 years,  
S/o. Shri Venkanna,  
R/o. Vasalarevu Village, H/o. Kota,  
K. Gangavaram Mandal,  
East Godavari District,  
Andhra Pradesh-533 306.  
Ph: 81055 21754  
Email: [sharan.balakrishna@gmail.com](mailto:sharan.balakrishna@gmail.com)
- ..... Applicants

Versus

1. Union of India,  
Through its Secretary,  
Ministry of Environment, Forests and Climate Change,  
Indira Paryavaran Bhawan, Jor Bagh Road,  
New Delhi-110 003.  
Email: [secy.moef@nic.in](mailto:secy.moef@nic.in)  
Ph: 011 24645586
2. State of Andhra Pradesh  
Through its Chief Secretary,  
Building No.1, 1<sup>st</sup> Floor, Interim Government Complex,  
AP Secretariat Office,  
Velagapudi, Andhra Pradesh-522 503.  
Email: [cs@ap.gov.in](mailto:cs@ap.gov.in)  
Ph: 0863 2441024.
3. Andhra Pradesh State Environmental Impact Assessment Authority  
Through its Member Secretary,  
A-3, Prayauaraana Bhavan,  
Industrial Estate Sanath Nagar,  
Moosapet, Hyderabad-500 018.  
Email: [balasubramanyamsarasa@yahoo.com](mailto:balasubramanyamsarasa@yahoo.com)  
Ph: 040 23400969.

1<sup>st</sup> PAGE  
CORRES.



ATTESTOR

*G. Subuday*  
Deputy Director (Mines)  
Department of Mines and Geology  
Govt. of A.P., Ibrahimpattam  
Krishna District

DEPONENT

*[Signature]*  
Director of Mines and Geology  
Govt. of Andhra Pradesh  
Ibrahimpattam, Vijayawada.  
Krishna District.



4. Andhra Pradesh Mineral Development Corporation  
Through its Chairman,  
R/o. 294/ID. 100 Ft. Road,  
Kanuru Village, Penamaluru Mandal,  
Vijayawada, Andhra Pradesh-521137.  
Email: [secy\\_mines@ap.gov.in](mailto:secy_mines@ap.gov.in)  
Ph: 0866 242 999
5. Water Resources Department, Andhra Pradesh  
Through its Secretary,  
D.No.14-7-29, 3<sup>rd</sup> Floor, Vyshya Bhavan,  
Namboori Gopal Rao Street,  
Hanumanpet, Vijayawada,  
Andhra Pradesh-520 003.  
Email: [splcs-wrd@ap.gov.in](mailto:splcs-wrd@ap.gov.in)  
Ph: Not available.
6. Andhra Pradesh Coastal Zone Managment Authority  
Through its Member Secretary,  
D.No.33-26-14 D/2, Near Sunrise Hospital,  
Pushpa Hotel Centre, Chalamalavari Street,  
Kasturibaipet, Vijayawada,  
Andhra Pradesh-520 010.  
Email: [membersecy@appcb.gov.in](mailto:membersecy@appcb.gov.in)  
Ph: 0866 2463204
7. Andhra Pradesh Pollution Control Board  
Through its Member Secretary,  
D. No.33-26-14 D/2, Near Sunrise Hospital,  
Pushpa Hotel Centre, Chalamalavari Street,  
Kasturibaipet, Vijayawada,  
Andhra Pradesh-520 010.  
Email: [membersecy@appcb.gov.in](mailto:membersecy@appcb.gov.in)  
Ph: 0866 2463204
8. District Collector, East Godavari District  
District Collectorate Office,  
Andhra Pradesh-533 001  
Email: [collector\\_egd@ap.gov.in](mailto:collector_egd@ap.gov.in)  
Ph: 0884 2365424.

..... Respondents

**COUNTER AFFIDAVIT FILED BY THE 4<sup>TH</sup> RESPONDENT**

I, V.G. Venkata Reddy, Son of Subba Reddy, Hindu, aged about 56 years, holding the post of Vice Chairman and Managing Director, M/s. APMDC Ltd., Kanuru, Vijayawada, Andhra Pradesh, do hereby solemnly affirm and sincere state as follows:

1. I am the deponent herein and as such I am well acquainted with the facts of the case and competent to swear to this counter affidavit.

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CORRES.



**ATTESTOR**

*G. S. Chandra*  
Deputy Director (Mines)  
Department of Mines and Geology  
Govt. of A.P., Ibrahimpatnam  
Krishna District

**DEPONENT**

*V. G. Venkata Reddy*  
Director of Mines and Geology  
Govt. of Andhra Pradesh  
Ibrahimpatnam, Vijayawada.  
Krishna District.

2. This respondent denies each and every averment made in the affidavit filed in support of the application as false and incorrect except those that are specifically admitted herein in this counter affidavit.

3. With regard to the averments made in paragraphs 1 to 5 of the affidavit are only narration of facts and hence no remark is submitted.

4. With regard to the averments made in paragraphs 6, 9 and 10 of the affidavit are denied as false. It is submitted that, as per the directions of the Hon'ble National Green Tribunal (SZ), Chennai orders dated 21.09.2020, a Joint Committee was constituted by District Collector, East Godavari, Kakinada comprising of :-

- (1) A Senior Officer of MoEF&CC, Regional Office, Chennai;
- (2) A Senior Officer from Central Pollution Control Board, Regional office, Chennai;
- (3) A Senior Scientist from State Environment Impact Assessment Authority (SEIAA), State of Andhra Pradesh;
- (4) The Assistant Director of Mines and Geology, East Godavari District, Rajamahendravaram.
- (5) The District Collector, East Godavari, Kakinada.

The committee inspected the alleged area in the application that illegal sand mining is being taken place in Kotipalli Village and ramp was constructed on the River bed which is obstructing flow of the River. They noticed that presently at the geo-coordinates specified in the complaint (16'41'50.3"N 82°02'49.2"E) there is no ramp. The committee verified the historical satellite images and observed that the ramp was existing in the said location. On enquiring with villagers, it was informed that the ramp was washed away due to heavy rains. From the historical satellite images it is understood that the alleged ramp is present since 2016. The villagers also informed that the ramp was used as a village road. Hence, it cannot be established that the ramp was used for illegal sand mining activities.

5. With regard to the averments made in paragraphs 7 and 8 of the affidavit are only narration of facts and hence no remark is submitted.

6. With regard to the averments made in paragraph 11 to 16 of the affidavit are denied as false. This respondent denies each and every averment

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CORRES.



*G. Srinivas Rao*  
**ATTESTOR**

Assistant Director of Mines and Geology  
Govt. of A.P., Ibrahimpatnam  
Krishna District

*[Signature]*

**DEPONENT**

Director of Mines and Geology  
Govt. of Andhra Pradesh  
Ibrahimpatnam, Vijayawada.  
Krishna District.

made in the affidavit filed in support of the application as false and incorrect except those that are specifically admitted herein in this counter affidavit. It is submitted that the Committee had inspected the area physically and also verified the satellite images and concluded that

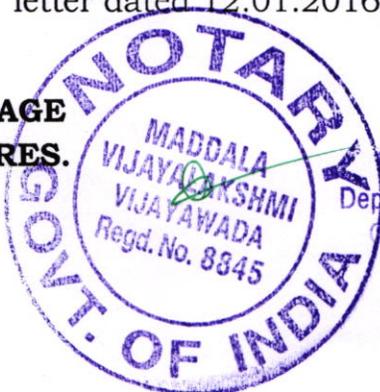
- i. The alleged ramp was present since 2016 and the Villagers are also informed that the Ramp is used as Village Road. There is no evidence for establishing that the Ramp was used for illegal sand mining activities.
- ii. Presently, at Kotipalli near to alleged ramp, 2 Km length Railway bridge from Kotipalli to Muktheswaram is being under construction on the waterway.
- iii. Out of which for a length of 700m flow is obstructed.
- iv. It was informed that the sand used in the construction of Railway Bridge is excess sand available while digging footage for pillars in the river bed only and the bridge may be completed by 2023.
- v. The photos of Heavy machinery are plying on the river bed and on flood banks for sand mining is not true.
- vi. The C&D waste generated during construction activity are dumped near the river itself.
- vii. More than 300 workers are involved in the construction activity.

Finally, it is submitted that the construction of Railway Bridge from Kotipalli to Muktheswaram is a National Project for the public purpose. The obstruction at 700 mts. in Godavari River is purely temporary construction and tentative for the sake of construction of Railway Bridge and it is not obstructing the natural flow of river. After completion of the Bridge work, it will be completely removed. It cannot be affected Environment as it is a time being for construction of Bridge. It is false statement that the machinery used in the construction bridge is shown as used for sand mining.

7. With regard to the averments made in paragraphs 17 to 22 of the affidavit, it is submitted that, the Joint Committee had inspected the alleged area at Dowliaswaram Dam Reservoir, Rajamahendravaram and stated that

- The Water Resource Department, Government of Andhra Pradesh vide letter dated 12.01.2016 had proposed to take de-siltation in Bridgelanka

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CORRES.



*G. S. Choudary*  
**ATTESTOR**  
Deputy Director (Mines)  
Department of Mines and Geology  
Govt. of A.P., Ibrahimpatnam  
Krishna District

*[Signature]*  
**DEPONENT**  
Director of Mines and Geology  
Govt. of Andhra Pradesh  
Ibrahimpatnam, Vijayawada.  
Krishna District.



and Kethavanilanka located near to Dowlaiswaram barrage to enhance the storage capacity. However, the Irrigation department has not scientifically assessed the loss in storage capacity and by means of de-siltation how much storage can be recovered. The committee is of the opinion that since Godavari is a V<sup>th</sup> order stream, large quantity of siltation is likely to occur over a period of time but whenever de-siltation activity is taken up it is essential to scientifically ascertain the quantity of silt deposits which is lacking in the present case. Further, the sediment yield of river Godavari in the region is also not ascertained.

- The Water Resource Department, Revenue Department and Department of Mines and Geology have identified following three de-siltation points near to Dowlaiswaram barrage.
  - i. Venkatanagaram sand ramp in Rajamahendravaram Rural (M)@Km.15.9 KM of Akhanda Godavari Left Bank.
  - ii. Bridgelanka (Kotilingala sand ramps) in Rajamahendravaram Rural(M) @Km.11.4 KM of Akhanda Godavari Left Bank.
  - iii. Ketavani Lanka (Gayatri sand ramps) in Rajamahendravaram Rural(M) of Akhanda Godavari Left Bank.
- The de-siltation reaches have been operating since 2016 as per the directions of the District Level Sand Committee. The quantity of 2,00,000 cum of excavation of Sand is permitted from each de-siltation point.
- The Water Resource Department has proposed to carryout Bathymetric Survey to assess de-siltation quantity in the River Godavari.
- Sand is extracting manually through Boats (most of them Boatmen and Fishermen). No machinery is using for extraction of sand in the de-siltation points.
- Operations are carrying out since 2016 onwards by renewing the permission for de-siltation of sand. Present, permissions were accorded on 27.11.2020 by the Water Resource Department. The average quantity of 475 Tons extracting per day. From the date of permission, a quantity of 17,100 Tons of sand was extracted from these de-siltation points.
- Geo-coordinates were fixed for each de-siltation area by the Water Resource Department for the de-siltation reaches which are submerged in water and partly sub-merged in water.

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CORRES.



**ATTESTOR**

G. Srinivasulu Reddy  
Deputy Director (Mines)  
Department of Mines and Geology  
Govt. of A.P., Ibrahimpatnam  
Krishna District

**DEPONENT**

*[Signature]*  
Director of Mines and Geology  
Govt. of Andhra Pradesh  
Ibrahimpatnam, Vijayawada.  
Krishna District.

- As a routine River maintenance activity, de-siltation is being carried out without affecting the River ecology. The sand coming from the de-siltation is used both for Government schemes as well as commercial purposes as leaving it on the River Bank causes re-deposition in the River.
- The de-siltation sand reaches are operating without Environmental Clearance from SEIAA. However, the State has considered it as for the Ministry of Environment, Forest and Climate Change Notification Dt 15.01.2016, S.O.141(E), Appendix-IX which exempt the De-Silting in the River from requirement of prior Environment Clearance and proceeded. Water Resource Department shall ensure that sand reaches are operated in compliance of AP Sand Mining Policy, 2019 and sustainable sand mining guidelines issued by MoEF&CC.

Finally, the committee did not observe any environmental impacts or damage to structures near to the De-siltation points in Dowlaiswaram. It seems that the petitioner allegations are far away from the Truth.

8. With regard to the averments made in Grounds A to O, it submitted as follows:

(A) With regard to the averment made in Ground A of the affidavit, it is submitted that the Joint Committee is concluded that the Ramp was not used for illegal sand mining activity, it was used as Village Road.

(B) With regard to the averment made in Ground B of the affidavit, it is submitted that the makeshift ramp/bridge on the River bed is temporary and being a part of construction of railway bridge but not permanent.

(C) With regard to the averment made in Ground C of the affidavit, it is submitted that the Joint Committee stated that a Railway Bridge for a length 2 Kms from Kotipalli to Muktheswaram is under construction. There is no illegal sand mining observed.

(D) With regard to the averment made in Ground D of the affidavit, it is submitted that partly obstruction (diversion) of waterway is tentative for the construction of the Railway Bridge only.

(E) With regard to the averment made in Ground E of the affidavit, it is submitted that the Joint Committee reported that the Sand is extracting

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CORRES.



*G. S. Choudhary*  
**ATTESTOR** (Mines)  
Department of Mines and Geology  
Govt. of A.P., Ibrahimpattam  
Krishna District

*U. S. Reddy*  
**DEPONENT**  
Director of Mines and Geology  
Govt. of Andhra Pradesh  
Ibrahimpattam, Vijayawada.  
Krishna District.

manually through Boats only (most of them are Boatmen and Fishermen) in the de-siltation points. No machinery is being used for extraction of sand in the de-siltation points in and around Dowlaiswaram.

(F) With regard to the averment made in Ground F of the affidavit, it is submitted that the committee did not observe any environmental impacts or damage to structures near to the de-siltation points in Dowlaiswaram.

(G) With regard to the averment made in Ground G of the affidavit, it is submitted that as a routine River maintenance activity, de-siltation is being carried out without affecting the River ecology.

(H) With regard to the averment made in Ground H of the affidavit, it is submitted that the ramp/bridge constructed in the waterway is tentative. It will be wiped out after the completion of the Railway bridge and it is not obstructing natural flow of river.

(I) With regard to the averment made in Ground I of the affidavit, it is submitted that de-siltation is permitted to improve the storage capacity of the Reservoir by the Water Resource Department as per MoEF&CC Notification dated 15.01.2016, S.O.141(E), Appendix-IX which exempt the De-Siltation in the River from requirement of prior Environment Clearance and proceeded .

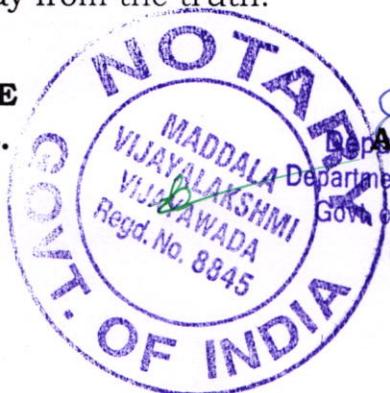
(J) With regard to the averment made in Ground J of the affidavit, it is submitted that no illegal sand mining is observed by the Joint Committee. Hence, violation of Environmental laws does not arise.

(K) With regard to the averment in Ground K of the affidavit, it is submitted that no violations of Environmental laws observed during the course of the Inspection of the Joint Committee. Hence, the contravention of the provisions of Section 24 is does not arise.

(L) With regard to the averment made in Ground L of the affidavit, it is submitted that pertaining to Kotipalli Bridge and de-siltation in Dowlaiswaram barrage, there are no violations taking place. Hence, there is no degradation to the Environment is caused.

(M) With regard to the averment made in Ground M of the affidavit, it is submitted that excavation of sand in de-siltation points is conducting manually only. Hence, the contention of the petitioner i.e., usage of machinery is far away from the truth.

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CORRES.



ATTESTOR

Deputy Director (Mines)  
Department of Mines and Geology  
Govt. of A.P., Ibrahimpatnam  
Krishna District

DEPONENT

Director of Mines and Geology  
Govt. of Andhra Pradesh  
Ibrahimpatnam, Vijayawada.  
Krishna District.

(N) With regard to the averment made in Ground N of the affidavit, it is submitted that pertaining to two issues Kotipalli Bridge and de-siltation in Dowlaiswaram barrage, no violations were observed by the Joint Committee.

(O) With regard to the averment made in Ground O of the affidavit, it is submitted that the construction of Railway Bridge from Kotipalli to Muktheswaram is a National project, it is benefit to the public for transportation. The construction of Ramp obstructing part of waterway is purely temporary.

9. It is submitted that this respondent craves leave of this Hon'ble Tribunal to raise additional counter in the course of proceedings, if required.

In the above said circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above Original Application No.187 of 2020 and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

*E. S. Choudhary*  
**ATTESTOR**  
 Deputy Director (Mines)  
 Department of Mines and Geology  
 Govt. of A.P., Ibrahimpatnam  
 Krishna District

Solemnly affirmed at Vijayawada,

on this the 17<sup>th</sup> day of March, 2021

and signed his name in my presence.

*[Signature]*

**DEPONENT**

Director of Mines and Geology  
 Govt. of Andhra Pradesh  
 Ibrahimpatnam, Vijayawada.  
 Krishna District.

BEFORE ME

AVOCATE, VIJAYAWADA



*[Signature]* 17/03/2021

**MADDALA VIJAYALAKSHMI, B.A., B.L.**  
**ADVOCATE & NOTARY**  
 FLAT No.103, RAMYA TOWERS  
 IBRAHIMPATNAM (Village & Mandal,  
 VIJAYAWADA-521456  
 KRISHNA Dist, ANDHRA PRADESH