

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE AT CHENNAI  
OA NO. 187 OF 2021 (SZ)**

**IN THE MATTER OF:**

NAGENDRAKUMAR

...APPLICANT

VERSUS

GOVERNMENT OF INDIA

AND ORS

...RESPONDENTS

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 19 AND 20  
OPPOSING OA NO. 187 OF 2021**

I, Ram Kumar Porwal, aged 58 years, son of Late Shri P.L Porwal, having office at Second Floor, H. No. 40-14-7, Chandra Mouli Puram, Benz Circle, Vijayawada, Krishna District, Andhra Pradesh, 520010, presently in New Delhi, the authorized representative on behalf of the Respondent No. 19 and 20 do hereby on solemn affirmation state and submit as under:-

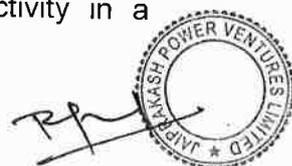


1. That I am the deponent herein and as such I am well acquainted with the facts of the case and competent to swear this Affidavit. I have been authorized to file the present Affidavit on behalf of the Answering



Respondent Nos. 19 and 20 opposing the Prayers in the Original Application No. 187 of 2021 (hereinafter referred to as "O.A").

2. That the answering Respondents 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 Court has been pleased to, vide its Order dated 20.09.2021 call for an interim Report by the said Committee appointed by this Hon'ble Tribunal. The answering Respondents craves leave to file a detailed response to the interim report and main report as and when filed by the said Committee.
3. 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. That the answering Respondents herein have been undertaking the mining activity in accordance with and within the parameters as set out in the permissions and clearances granted for the said mining activity in a suitable and scientific manner.

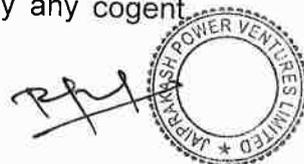


4. I state that furthermore, the present case pertains to the mining of the minor mineral i.e sand, which forms the basis of activities such as construction etc. That in the present case also, the sand so extracted by the answering Respondents are used for construction activities in the State of Andhra Pradesh and also to for the completion of the various housing schemes provided by the State Government within the State of Andhra Pradesh.
5. I state that the answering Respondents also extracts the sand for the local use and the local requirement within the State of Andhra Pradesh. That the answering Respondents fulfill the demand of the State and local use by way of extraction which is done in a scientific manner within the four corners of the permissions and clearances and has not in any manner caused any violation as has been wrongly alleged by the Applicant.

#### I. Preliminary Objections

##### Allegations are devoid of any particulars

1. I state that allegations of the Application are baseless, and the Application has been filed by making vague allegations which are not substantiated by any cogent



material. 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 intentions which ought not be countenanced by this Hon'ble Court.

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

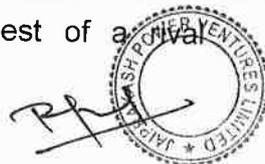


Districts Covered: West Gadavari, Krishna, Guntur,  
Parakasam

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 answering Respondent Nos. 19 and 20 applied to the said competitive bidding process, participated and have 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.
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



unsuccessful bidder and thereby is ridden with malafide intentions and is frivolous in nature.

6. I state that the prayers in the O.A are beyond the scope of the Application itself. The Applicant has without providing any basis or particulars to the alleged violations, prayed for directions qua mining in sand reaches as regards 13 districts in the State of Andhra Pradesh.
7. I state that there is absolutely no mention of any alleged violations in any district except for the vague and ambiguous allegation as regards the district of Guntur. Even the allegations in the district of Guntur are false and baseless as the same pertain to the fabled narrative of the Applicant, which by itself are without any particulars and merit.
8. I state that in the absence of any pleading or averment of whatsoever nature as regards the alleged violations in the 13 districts in the State of Andhra Pradesh, the prayers prayed for in the O.A are not maintainable. Furthermore, such prayers are beyond the scope of the O.A and therefore make it evidently clear that the Applicant has filed this O.A not on the ground of any



violation or environment concern but rather at the behest of a rival unsuccessful bidder.

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

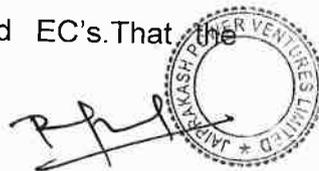
9. I state that the Applicant in this case has filed the O.A without approaching any Authority duly envisaged under the Andhra Pradesh Minor Mineral Concession Rules, 1996. The Applicant has merely made an averment of having made representations to the concerned authorities, but no such representation is placed on record in any of the volumes so filed by the Applicant, thus, making a false statement. That furthermore, the Applicant ought to have approached the concerned authorities in the present case, which he 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.



11. I state that the Applicant herein has deliberately with an intention to deceive and play an eye-wash; annexed the incomplete Environment Clearance (hereinafter referred to as "EC") granted by the State Environment Impact Assessment Authority (hereinafter referred to as "SEIAA"). 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 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 12<sup>th</sup> May 2021 and subsequently by the answering Respondent on and from 14<sup>th</sup> May 2021 after the work Order was issued to the answering Respondents.
12. I state that the DMG also shared all such valid EC's to the answering Respondents and the answering Respondents only conducted sand mining operation at such reach where there were valid EC's. That, the



EC which is being relied on by the Applicant and annexed to the O.A is the unamended EC which has been deliberately placed on record by the Applicant to mislead this Hon'ble Tribunal. That the EC was subsequently amended on 19.12.2020 and the same is available in the public domain. That the Applicant has purposefully and intentionally annexed an incomplete document to the present Application so as to mislead this Hon'ble Court.

13. I state that in addition to the incomplete EC so annexed by the Applicant, the Applicant has also filed fabricated documents while suppressing material documents. The applicant has produced along with the application an incorrect tender document issued on 27.07.2019 annexed at Annexure A6 at page 538 of Volume 3. The said Tender, at page 538 annexed as annexure A6 was called for by the Andhra Pradesh Mineral Development Corporation Ltd and not by the State of Andhra Pradesh. The said Tender was for selection of a contractor for excavation and transportation. At the relevant time the said reaches were operated by APMDC and hence for executing the work they had to appoint a contractor. Whereas, in the present case, the State of Andhra Pradesh decided to



lease out the sand reaches and accordingly for that purpose invited a tender on 8<sup>th</sup> January 2021. This was a tender invited by MSTC limited a Government of India enterprise, on behalf of the Director of Mines and Geology, Government of Andhra Pradesh for selection of an agency for conducting all sand mining operations in three different packages.

14. I state that such deliberate filing of incorrect documents and or attempting to pass off incorrect documents as the correct document is a malicious attempt of the Petitioner to mislead this Hon'ble Court.
15. I state that this only goes on to show that the Applicant has misdirected itself, and attempted to mislead this Hon'ble Court, and further a gross attempt at conducting a rowing and fishing enquiry.
16. Indeed, the Applicant has made a completely false statement in para 9 at page 14 of the O.A. which is reproduced here for ease of reference "*the said features have been highlighted even recently vide tender document dated 27.07.2020....*"



17. As a matter of fact the Tender document NIT in the present case was issued as recent as 8.01.2021. The said Tender document of 08.01.2021 was apparently known to the Applicant but the Applicant chose not to annex the said document.
18. The Applicant has, annexed the 2019 Tender document and deliberately made a wrong statement that as late as 2019 the said document was floated, and has annexed the same, which appears to be the subterfuge in connivance with some rival Company i.e. some other unsuccessful bidder, who had obtained the said document when the tender was floated in 2019. Based on the said tender document of 2019 which was a different type of Tender and nothing to do with the Answering Respondent 19 and 20 herein and based on such incorrect document's averments are made in the present O.A.
19. I state that the Applicant has approached this Hon'ble Tribunal on the basis of false and fabricated documents. That furthermore, the Applicant is also guilty of suppression of the material documents. 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 forged and fabricated documents are filed 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 interreference in administration of justice.

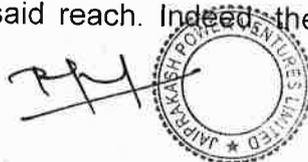
The O.A is ridden with false and baseless statements

20. I state that the entire O.A filed by the Applicant is completely misconceived, the grounds in Para II at page 16 of the O.A, are devoid of any substance and have been deliberately made despite knowing that the said grounds are false to his own knowledge. That in the O.A Ground II B speaks of sand mining in all 13 Districts during monsoon which is a completely false ground, as it is respectfully submitted that there was no sand mining operations carried out during the monsoon season.
21. I state that the Hon'ble Tribunal has already recorded in its order dated 28/09/2021, based on the communication from the inspection committee, that, "due to monsoon and stagnation of water in the sand



*reach reaches, where the alleged mining is going on, the mining activities are not happening.”* That it is evident from the same, that the Applicant is guilty of misleading this Hon'ble Tribunal as the Answering Respondents has not carried out any mining activity during the monsoon period as has been wrongly alleged by the Applicant.

22. I state that in Ground C, a further incorrect statement has been made about the answering Respondents carrying out instream mining in Rajamundhry, Karnool, and Kastala for the last 2 months, these statements have been made in a most causal manner, as what was undertaken in Karnool and Rajamundhry by the boatsman society was de-siltation. That this was done since de-siltation was required to be done during this period in order to enhance the flow of water so as to prevent flooding in the river, de-siltation which is an environmentally friendly act is required to be undertaken periodically and carried out.
23. I state that in so far as Kastala is concerned, the answering Respondents have not undertaken any mining in the said reach as no permissions has been obtained as yet for the said reach. Indeed the tender



conditions and tender notice specifically require de-siltation to be carried out, and wherever the same has been undertaken, it has only been done with requisite permissions and in terms of the Tender Conditions / Lease Agreement.

24. I state that an averment is made in ground F at page 16 that the answering Respondent Nos. 19 and 20 have used highly mechanized vehicles which is a completely false statement as there is no highly mechanized vehicles used for mining.
25. I state that in so far as ground G is concerned, again false statements have been made, in as much as, it is completely wrong that there have been repeated guidelines for use of tractors only for the purpose of transportation of sand on the contrary Ground H clearly speaks of installation of GPS in vehicles meant for Transportation which itself indicates that transportation has to be done properly and in a scientific manner.
26. I state that in so far as Ground H is concerned, the Applicant has again made false statements that the Answering Respondents have not used GPS systems, whereas GPS systems has been duly installed on all the



vehicles and the averment in this regard in the said ground H is again completely false.

27. I state that as demonstrated herein from the above, 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.

No Cause of Action

28. I state that no Cause of Action of whatsoever nature has arisen in the instant matter, and the Applicant has not made out any cause of action in the Application filed by the Applicant. That as demonstrated herein above, the Applicant has approached this Hon'ble Tribunal with unclean hands, and made vague, false and baseless allegation which in no way can be said to made out any cause of action and the application is liable to be dismissed itself on the ground..

29. I state that the very contentions and averments made by the Applicant in the Application makes it amply clear that no cause of action is made out and the



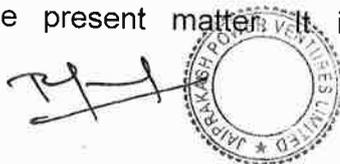
averments made therein are merely vague and deceitful averments without any particulars.

30. I state that when an Applicant approaches the environmental court the Applicant ought not to have made false statements, based on convoluted facts. Further the Applicant ought not to have placed reliance on wrong documents.

Delay

31. I state that assuming and in no way admitting that the contention of the Applicant is correct, then the O.A has been filed with unexplained delay, as the monsoon period begun in the month of July. That even the photographs so annexed by the Applicant, authenticity of which is denied emphatically, the same allegedly pertain to the month of July, while the present Application has been filed after a month, without any explanation for such delay.

32. It is respectfully submitted by the Answering Respondents 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 original application be dismissed.

## II. Brief Facts

### Regarding Allotment of Mining Lease:

33. 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

34. I state that the answering Respondents Nos. 19 and 20 applied to the said competitive bidding process, participated and have on merits emerged as the successful Tenderer at the said Tender process of the State Government for all three different packages.
35. I state that the letter of Intent was issued by the DMG to the answering Respondents on 20<sup>th</sup> March 2021 and performance guarantee was executed on 9<sup>th</sup> April 2021, for a total amount of Rs. 120 cr(Package 1: 40 Cr, Package 2: 50cr, Package 3: 30 Cr).
36. I state that the Mining Lease Agreement between the answering Respondents and the Director of Mines and Geology (DMG) came to be executed on 03<sup>rd</sup> May 2021 for all three packages.



37. I state that it is pertinent to note here that the answering Respondents have appointed a contractor for the purpose of carrying out the work at the site relating to excavation etc. and have 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.

38. I state that thereafter, the DMG issued a Work Order dated 12<sup>th</sup> May 2021 in favour of the answering Respondents to commence mining operations and a List of operational Reaches with on-going valid EC's was given to the answering Respondents 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 13<sup>th</sup> May 2021 when the work Order was issued to the answering Respondents the DMG shared all such valid EC's to the answering Respondents and consequently, the answering Respondents commenced mining operations on 14<sup>th</sup> May 2021 in terms of the Lease Agreement. I state that details in the form of a Tabular Chart showing total EC's quantity and



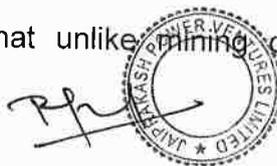
production details for 1, 2, and 3 are annexed herewith and marked as **Annexure – A** at page \_\_\_\_.

39. I state that wherever the EC validity has expired no mining operation are taking place, and for such cases, the State Government through the DMG is already in the process of obtaining fresh EC's following all applicable norms and statutory requirements. I state that this process i.e obtaining of fresh EC's is although now undertaken by the answering Respondent, however, the process is done by and through the State Government itself ensuring that all necessary compliances are in place.

40. The answering Respondents 19 and 20 commenced the mining operations in the sand reaches only from 14<sup>th</sup> 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:**

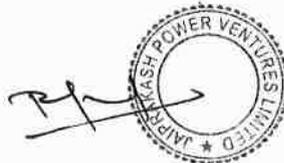
41. I state that as stated herein above, the sand mining operations herein are conducted under the auspices of the State Government. That unlike mining of major



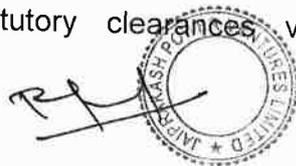
minerals, in so far as minor minerals are concerned, especially in the present case, it is the State Government that prepares the approved mining plan, and it is the State Government that obtains the Environmental Clearances.

42. 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.

43. 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.



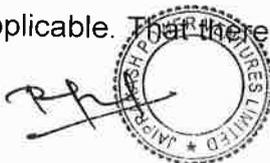
44. There are similar requirements under the APMMC Rules, requiring joint efforts by various departments of the Government. The collected data is used for the purpose of conducting a feasibility study assessing the quantity of sand deposited, the study and impact of sand mining on the ground water and various other matters including the quantity of sand to be quarried etc are all done systematically.
45. The requirement of preparing the District Survey Report is precisely 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.
46. 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.

47. Incidentally, the MOEF has now decided to call it the District Survey Report or replenishment Report of sand mining areas all of which was traditional done. As such, the District Survey Report based on the above parameters are updated annually.

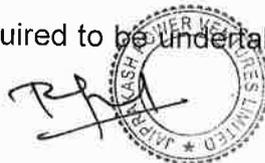
48. I state that the aforesaid process ensures, that no lease holder / lessee can commence any mining operation without obtaining necessary statutory permissions, it is only after the State Government having obtained all such permissions that the lessee is allowed to commence mining in accordance with 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.

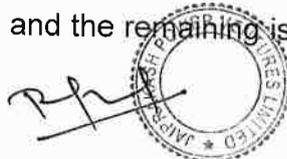
**Re: Stock of mined mineral.**

49. I state that the answering Respondents commenced mining operations on 14<sup>th</sup> 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 03<sup>rd</sup> May 2021 and Agreement dated 03<sup>rd</sup> 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 respondents are carried on in a very professional and scientific manner. The answering respondents are 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 respondents have with them all the technical experts as well as marine experts for the purpose of undertaking the said work.

50. 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 respondents 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.
51. That in so far as the mining operations conducted by the answering Respondents are concerned, the quantity of sand excavated including the reaches from which the same is excavated has been documented in the form of a tabular chart and the same, as required in terms of the Rules, has been duly submitted to the DMG on a monthly basis. That some amount of sand excavated is sold directly from the reach, and the remaining is stored



at the stockyard for which a proper inventory of stock and consequent sale is maintained.

52. That it is evident from the above, that the Answering Respondents have been carrying out the mining activity as per the conditions of the Permissions, Clearances, Lease Agreement and Tender Document. Furthermore, the Answering Respondents are also submitting timely and required data of the mining activity to the Director of Mines and Geology. Therefore, it is respectfully submitted that the answering Respondents have 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

53. I state and submit that with respect to paragraphs no.1 of the Original Application, 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 it is denied that the Applicant is an activist for the welfare of the environment and it is denied that the Applicant is competent to present the present Application. The Applicant as stated herein above has



approached this Hon'ble Tribunal with unclean hands and has misconstrued facts and documents, and has attempted to mislead this Hon'ble Court.

54. I state and submit that with respect to paragraphs no.2 of the Original Application, 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 Answering Respondents herein have indeed been carrying out the sand extraction activity by adhering to and wholly complying with all the relevant provisions governing the answering Respondents. That the Applicant, has filed the present Application which is in the nature of a rowing and fishing enquiry without any material particulars and the allegations made are unsubstantiated.

55. I state and submit that with respect to paragraphs no.3 of the Original Application, 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 it is denied that the answering Respondents have caused or committed any violations as has been wrongly alleged by the Applicant. I state that as stated herein above, the answering Respondents have been



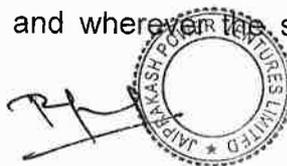
strictly complying with all the relevant provisions applicable and further complied with the all the conditions of the EC and terms of the Lease Agreement executed pursuant to award of sand mining contract as well as the guidelines governing Sand Mining issued by the Ministry of Environment, Forest and Climate Change and the State Government.

56. I state and submit that with respect to paragraphs no.4 of the Original Application, 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 boundaries / fencing have Indeed been set up in the area allotted to the Answering Respondents based on the geo coordinates, thus, the question of plying of unauthorised vehicle does not arise. I state that weigh bridges have also been set up at the sale points and therefore sand being transported are kept track of. In so far as GPS enabled devises are also installed on the trucks for movement / transport of sand to the stockyard. That the Applicant himself has not averred in a single word as regards the manner, nature, quantum of any of the alleged violations, which makes it abundantly clear that the very Application is a premised on a fabled and illusionary narrative.



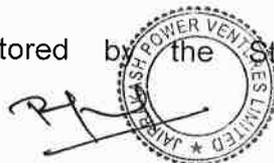
57. I state and submit that with respect to paragraphs No.5 of the Original Application, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. I state that it is vehemently denied that there is any contravention of the Sustainable Sand Mining Management Guidelines 2016. That it is submitted that the Applicant has deliberately made false and incorrect statements herein. I state that it is denied that the Answering Respondents have carried out any sand mining during the monsoon season, or in any manner prohibited.

58. I state that what has been carried out is with the requisite permissions from the State Government, i.e. the process of de-siltation, undertaken by the Boatsman society. That this was done since de-siltation was required to be done during this period in order to enhance and ensure that water does not collect but flows so as to prevent flooding in the river. De-siltation which is an environmentally friendly act is required to be undertaken periodically and carried out. Indeed, the tender conditions and tender notice specifically require de-siltation to be carried out, and wherever the same



has been undertaken, it has only been done with requisite permissions and in terms of the Lease Agreement. It is denied that any mining has been carried out during the monsoon season as has been wrongly alleged by the Applicant. I state that it is denied that in-stream mining is carried out as has been alleged by the Applicant. The Applicant has deliberately conflated the process of de-siltation with instream mining. That the contents and allegations as has been made in para 5 are therefore denied in toto.

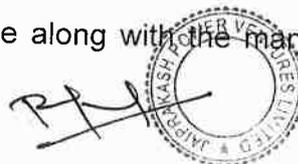
59. I state and submit that with respect to paragraphs no.6 of the Original Application, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein. I state that the allegation of the applicant that river bed mining is being carried out during the monsoon season is denied as false and misconceived. The answering Respondents have adhered to all the EC conditions and further the lease conditions and has not done any violation of whatsoever nature. I state that the answering respondents submit reports to the Directorate of Mines and the District Administration as regards the quantity of sand extracted, and the same is all documented and duly monitored by the State



Administration. Therefore the contentions of the Applicant is devoid of any merit is a bald allegation.

60. I state and submit that with respect to paragraphs no.7 of the Original Application, 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 answering Respondents have the highest regards to the Statutory rules and all such guidelines in place with respect to the conduct of sandmining operations. In this regard, as has been stated earlier, the answering Respondents have conducted its mining operations strictly in compliance of the applicable rules, regulations, and guidelines, including the Mines and Minerals (Development and Regulation Act 1957) and the Andhra Pradesh Minor Mineral Concession Rules 1966 (Concession Rules).

61. I state and submit that with respect to paragraphs no.8 of the Original Application, 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 it is denied that the Applicant is not permitted to extract sand by use of machinery in a semi-mechanised way which is done along with the manual



method as stipulated in the EC. I state that boundary pillars have been erected so as to ensure that mining is carried out within the demarcated area, and it is denied that boundary are not erected as has been alleged. I state that it is denied that excavation is taking place beyond the demarcated area.

62. I state that the Applicant has in its ambition to create a subterfuge in order achieve its malafide objectives, deliberately misconstrued the factual position herein. I state that while the Applicant has made a passing mention of Rule 9(L) of the AP Minor Mineral Concession Rules, the Applicant has conspicuously failed to mention that Rule 9(L)(8) which states that the mining has to be carried out *inter alia* in terms of the EC. Thus, while Rule 9(L)(11) states that Extraction has to be done manually, Rule 9(L) (8) categorically states as follows:

*"(8) Conduct operations as stipulated in these Rules and in accordance with the **conditions imposed in Approved Mining Plan and Environment Clearance** issued by the MoEF, CFE & CFO issued by APPCB"*

That the Rules have to be read as a whole and the Applicant cannot pick and choose one portion which suits the Applicant.



63. I state that the Applicant has at page 677 of Volume 4 of the O.A deliberately with an intention to mislead this Hon'ble Tribunal placed on record one of the EC dated 08.07.2020, without placing on record the Amendment dated 19.12.2020 to the said EC and such other similar EC's, whereby the SEIAA, has after a careful consideration of the factual situation *in situ*, been pleased to pass the following amendment:

*"7. In view of the above, the Specific Condition of A (ii) in the Environmental Clearance Orders issued to the above 31 Sand Reaches in Guntur District are to be amended as:*

*A. Specific Conditions:*

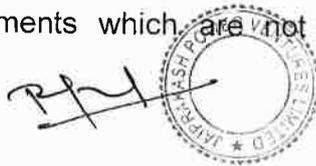
*"ii. The Project proponent shall carry out mining only one meter depth sand **through semi-mechanised/ manually** and no underwater mining is undertaken"*

64. That this deliberate suppression on part of the Applicant should not be countenanced by this Hon'ble Tribunal. That the Applicant has attempted to play an eye-wash on this Hon'ble Tribunal by deliberately suppressing the amended EC whereby the answering Respondent has been permitted to use semi-mechanised machinery along with manual extraction. That on account of such suppression on part of the Applicant the O.A ought to be dismissed by this Hon'ble Tribunal.



65. I state and submit that with respect to paragraphs no.9 of the Original Application, 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 it is denied that the answering Respondents have carried out any violation of the Tender Conditions, or any other such conditions imposed on the answering Respondents.

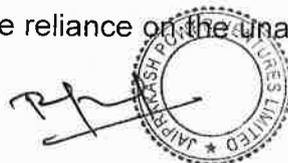
66. I state that it is pertinent to note that yet again the Applicant has placed reliance on wrong documents in furtherance of its malafide design. I state that the so called pre-requisite conditions annexed by the Applicant at Page 688 of Volume 4 does not pertain to the answering Respondents herein and the said document titled as "*Invitation of application for empanelment of contractors for excavation, stocking and loading of sand in open sand reaches, De-Siltation in SPSR Nellore District*" is a document issued by APMDC to carry out the mining operation by inviting contractors. However, in so far as the Answering Respondents are concerned, its not APMDC but MSTC which invited the E-Tender on behalf of the Director of Mines and Geology, Govt. of Andhra Pradesh. That the Applicant has cited and placed reliance on documents which are not at all



applicable to the answering Respondents and therefore the contentions therein are denied in toto as being false and misleading.

67. I state that likewise in so far as the Tender document relied on by the Applicant at page 538 of Volume 3, and referred to at para 9 of the O.A, the same is not applicable to the Answering Respondents and it pertains to an earlier tender on part of APMDC which does not concern the answering Respondents. The present work as is being carried out by the Answering Respondents pursuant to a Tender issued by the MSTC on behalf of the Director of Mines and Geology, Govt. of Andhra Pradesh. Thus, said averments as contained in para 9 are denied as false and misleading.

68. I state and submit that with respect to paragraphs no.10 of the Original Application, 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 it is denied that the answering Respondents have violated any of the EC conditions as has been alleged by the Applicant. I state that the Applicant has deliberately chosen to place reliance on the unamended



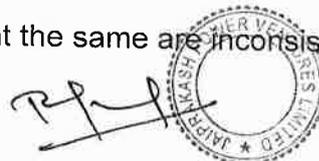
EC and purposefully suppress the amended EC which acts shows the oblique, malicious and malafide intentions of the Applicant. I state that Applicant has strictly and wholly complied with the Mining Plan and all such conditions as has been imposed on the answering Respondents, and the contents of para 10 are therefore denied. I further state that the Applicant has made vague and bald allegations without any specifics about the same and therefore the averments made by the Applicant are devoid of any merit.

69. I state and submit that with respect to paragraphs no.11 of the Original Application, 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 again made vague and bald allegations without any specifics. In any event of the matter the same has been sufficiently dealt herein above and the Answering respondents craves leave to refer and rely on what has been said in the preceding paragraphs herein above. I state that it is emphatically denied that the answering Respondents have carried out any violation in the 13 districts in the State of Andhra Pradesh..



70. I state and submit that with respect to paragraphs no.12 of the Original Application, 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 it is denied that the river bed situation at Guntur District shows violations committed by the Answering Respondents. At the outset I state that the Answering Respondents doubt the very authenticity of the photographs so annexed. In any case, I state that the photographs annexed by the Applicant do not make out any violations as has been alleged by the Applicant. I state that what the Applicant is attempting to portray is infact, machinery used for lifting and loading of the already extracted sand lying at the depot onto the trucks. I state that such deceitful linkage of the photographs is evident from the very fact that the Applicant has not substantiated the alleged photograph with a single pleading, and merely made a vague allegation. I state that the answering Respondent craves leave to deal with the same during the course of arguments.

71. I state and submit that with respect to paragraphs no.13 of the Original Application, 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 it is denied that the answering Respondents have failed to adhere to the mandatory requirement of the Act, Rules and it is further denied that the answering Respondents have acted in contravention to the various guidelines in relation to sand mining.

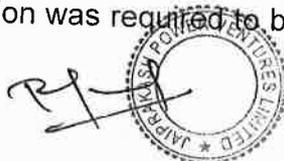
72. I state and submit that with respect to the contents of paragraph 14 and the grounds(A) to (H) of the Original Application, the contents of the same are denied to the extent the same are inconsistent and/or are contrary to what has been stated herein.

73. I state that with respect to ground A of the O.A, the contents thereof are denied. I state that it is denied that the mining activity carried out by the answering Respondents have caused any destruction in the 13 districts and respective reaches/ river beds where excavation and sand mining is taking place. I state that the answering Respondents have been carrying out the excavation activity in a scientific manner, by strictly adhering to the conditions of the EC, and further also strictly in compliance of all applicable Rules, regulations and Guidelines.



74. I state that with respect to ground B of the O.A, the contents thereof are denied. I state that it is denied that the answering Respondents have carried out mining activity during the monsoon period. I state that the said allegation is false made casually without any material to substantiate the same. I state that during the monsoon period, all that has been undertaken or done was de-siltation activity which is environmentally friendly, by the Boatsman society and in pursuance of all such necessary permissions and approvals from the concerned State authority. I state that the same has been sufficiently dealt with herein above.

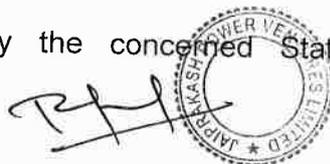
75. I state that with respect to ground C of the O.A, the contents thereof are denied. I state that it is denied that the answering Respondents have carried out in-stream mining in contravention of the prevailing sand mining guidelines as has been alleged. I state that the Applicant has made an incorrect statement about the answering Respondents carrying out instream mining in Rajamundhry, Karnool, and Kastala for the last 2 months, this statements have been made in a most causal manner, as what was undertaken in Karnool and Rajamundhry by the boatsman society was de-siltation. That this was done since de-siltation was required to be



done during this period in order to enhance the flow of water so as to prevent flooding in the river, de-siltation which is an environmentally friendly act is required to be undertaken periodically and carried out. It is further submitted that in so far as Kastala is concerned, the Respondents have not undertaken any mining in the said reach as no permissions has been obtained as yet for the said reach. Indeed, the tender conditions and tender notice specifically require de-siltation to be carried out, and wherever the same has been undertaken, it has only been done with requisite permissions and in terms of the Tender Conditions / Lease Agreement.

76. I state that with respect to ground D of the O.A, the contents thereof are denied. I state that the answering Respondents submit its monthly report to the Respondent DMG and all such production details are available as enumerated herein above. I state that the Applicant has attempted to raise baseless grounds which are without any merit.

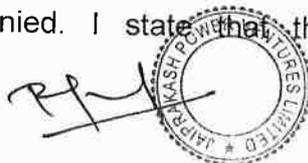
77. I state that with respect to ground E of the O.A, the contents thereof are denied. I state that the answering Respondents submit all excavation and production details qua the mineral excavated, and the same is duly monitored by the concerned State



Authorities through the Department of Mines and Geology of the State of Andhra Pradesh. I state that all necessary steps are being taken and the answering Respondents are complying with the same.

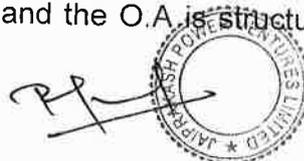
78. I state that with respect to ground F of the O.A, the contents thereof are denied. I state that it is denied that the answering Respondents have violated any mandatory prescription of excavation as has been alleged by the Applicant. It is infact the Applicant that has deliberately suppressed the fact that the amended EC referred to herein above, permits the answering Respondents to carry out semi-mechanised / manual extraction, and therefore the contention of the Applicant is highly misplaced. In any event of the matter, it is denied that the Applicant uses highly mechanised vehicles which are prohibited. I state that what the Applicant is attempting to portray is infact, machinery used for loading of the extracted sand already extracted and lying at the depot onto the trucks and therefore the averments of the Applicant are denied as false and misleading.

79. I state that with respect to ground G of the O.A, the contents thereof are denied. I state that the



answering Respondents state that the Tender conditions qua the present work categorically mentions that the Answering Respondents are required to have and utilize dumpers and tippers for the transportation of the excavated sand from the depot and the answering Respondents are not violating any of the conditions or norms.

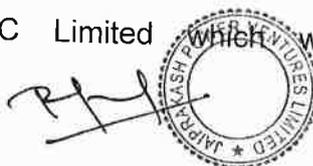
80. I state that with respect to ground H of the O.A, the contents thereof are denied. I state that it is denied that the answering Respondents have not adhered to the installation of GPS in their vehicles whereas the vehicles have been installed with GPS devises, it is denied that boundaries are not set up and marked to prevent encroachments. I state that boundaries have been marked and there are no instances of encroachments taking place. I state that it is denied that the answering Respondents are only interested in resource depletion rather than preservation, whereas, the Answering Respondents have been carrying out the sand mining activity in a scientific manner taking all necessary precautions and maintaining all environmental safeguards in terms of the mining Plan and the EC granted. I state that the Applicant has simply made bald allegations and the O.A. is structured



in a manner so as to carry out a rowing and fishing enquiry which ought not to be countenanced. Furthermore, I state that the Applicant has deliberately relied on a wrong tender document to imply that tractors are the only vehicles to be used. The answering Respondents state that the Tender conditions qua the present work categorically mentions that the Answering Respondents are required to have and utilize dumpers and tippers for the transportation of the excavated sand.

**RESPONSE OF THE ANSWERING RESPONDENT TO  
THE FINDINGS OF THE JOINT COMMITTEE  
REPORT:**

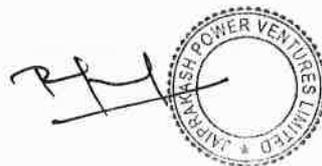
81. With reference to findings at 5.0(i), The Committee has observed that all the sand reaches which are in operation have obtained EC's. I state that the Respondents No. 19 and 20 have necessary Environmental Clearances which are valid, and all mining activity is taking place only at such areas where there is a Valid EC. The answering Respondents No. 19 and 20 have after securing the said contract from the DMG, all EC's and CFE and CFO's were obtained by the Asst. Director of Mines and Geology concerned and operated by M/s. APMDC Limited which were



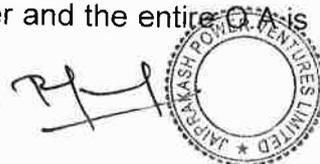
subsequently handed over to M/s. Jaiprakash Power Ventures Limited to continue the i.e Respondent No. 19 and 20, which commenced operations from 14.05.2021.

82. With reference to findings at 5.0(ii) The Committee has duly noted that there are no violations found during the inspections. The Answering Respondent states that it is carrying out and conducting the said mining operations in terms of the conditions of EC. All recommendations of the Joint Committee are also borne in mind and compliance of the same is being done.

83. With reference to the findings at 5.0(iii) I state that there is no unscientific or indiscriminate sand mining being carried out. I state that even the Joint committee did not find any indiscriminate or unscientific mining being carried out. However, the committee has stated that certain gravel and boulders which were used for construction of road ramp were left, and this cannot be said to be unscientific mining. Be that as it may, the answering Respondent would clear any such obstruction if any, thus ensuring that the flow of river water will not be affected.



84. With reference to findings at para 5.0(iv) The answering Respondent states that there is no excess mining being done, and therefore no violation has been reported pursuant the field inspections by the Joint Committee.
85. With reference to findings at para 5.0 (v) The answering Respondent states that there is no excess mining being done, and therefore no violation has been reported pursuant the field inspections by the Joint Committee.
86. With reference to findings at para 5.0 (vi) I state that the answering Respondent No. 19 and 20, duly submit all data as regards production to the Mining Department of the State, on a monthly basis. Furthermore, there are video cameras with solar power panels near the ramp point meant for monitoring the transport of sand. Thus, there are adequate checks and monitoring in place and the question of any illegal mining being done does not arise.
87. I state and submit that the Applicant herein is in no right and has no locus standi to seek any of the prayers so being prayed for. I state that the Applicant has made out no case whatsoever and the entire O.A. is



premised on false and fabricated statements and documents and also by suppressing material facts and documents with the sole motive of deceiving and defrauding this Hon'ble Tribunal. That the Applicant has attempted to mislead this Hon'ble Tribunal and thereby the Original Application must be dismissed with exemplary cost.

88. I state that the contents of the paragraphs 1 to \_\_\_ are true to my knowledge and belief.

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



Solemnly affirmed at New Delhi

\_\_\_\_\_ on this the 19 day of  
May, 2022 and signed his name  
in presence

**BEFORE ME**

S. Ram Kumar  
3752/15  
[Signature]

9360734765

**ADVOCATE,**



**ATTESTED**  
**NOTARY PUBLIC**

**19 MAY 2022**

Noted & Registered  
Sr. No. 709/2022

EC Approved Qty and Production Details as on 30-04-2022								
S.No	District	APMDC Approved EC Qty in MTS (A)	Handed-Over EC Quantity By APMDC as on 14-05- 2021 in MTS (B)	New EC Qty Received By JPVL (C)	Production in MTS		EC Qty Laps/Expired (B-D)	EC Balance Qty in MT (C-E)
					APMDC Handed Over Qty (D)	JPVL (E)		
1	Srikakulam	26,79,531	13,16,797	13,13,662	585764	5,37,205	7,31,033	7,76,457
2	East Godavari	49,78,950	22,73,131	29,59,750	18,84,319	5,24,504	3,88,812	24,35,246
3	Vizianagaram	-	-	-	-	-	-	-
4	Vishakapatnam	-	-	-	-	-	-	-
5	West Godavari	83,76,700	60,09,044	24,39,450	15,07,192	5,80,544	45,01,852	18,58,906
6	Krishna	67,40,039	37,15,176	31,16,663	15,13,965	6,58,665	22,01,211	24,57,998
7	Guntur	44,72,450	31,68,928	30,22,212	9,54,127	10,52,205	22,14,801	19,70,007
8	Prakasam	-	-	-	-	-	-	-
9	Nellore	73,35,597	62,67,991	35,93,366	20,54,554	9,14,317	42,13,437	26,79,050
10	Chittoor	12,83,958	5,02,388	10,57,136	4,64,544	3,44,543	37,844	7,12,593
11	YSR Kadapa	11,98,140	5,32,075	13,08,868	5,20,855	4,30,511	11,220	8,78,358
12	Anantapur	25,44,925	8,80,886	20,10,030	6,54,920	7,91,961	2,25,966	12,18,069
13	Kurnool	31,76,595	23,13,710	12,12,606	8,84,099	1,46,943	14,29,612	10,65,663
	<b>Total</b>	<b>4,27,86,885</b>	<b>2,69,80,126</b>	<b>2,20,33,743</b>	<b>1,10,24,337</b>	<b>59,81,397</b>	<b>1,59,55,789</b>	<b>1,60,52,346</b>