

IN THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE BENCH, CHENNAI

APPLICATION No. 189 of 2020

IN THE MATTER OF:-

Anumula Revanthi Reddy

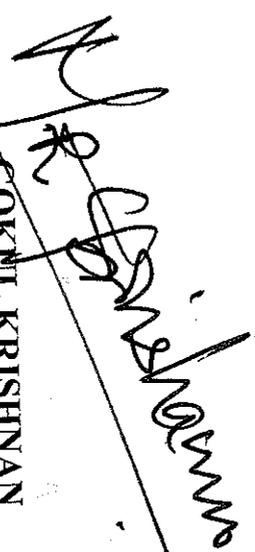
....Applicant

-VS-

Union of India & others

....Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE, RESPONDENT NO.1


GOKUL KRISHNAN

Counsel For MoEF&CC

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

Original Application No. 189 of 2020 (SZ)

IN THE MATTER OF:-

Anumula Revanth Reddy

....Applicant

-VS-

Union of India & Ors.

....Respondents

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.1, MINISTRY
OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

MOST RESPECTFULLY SHOWETH:

I, M.T.Karuppiah s/o Shri. Masilamani aged about 49 years, presently working as Scientist "E" in the Ministry of Environment, Forest & Climate Change (hereinafter referred to as MOEFCC) do hereby, in my official capacity, solemnly affirm and state on oath as follows-

1. At the outset, I say and submit that I have gone through the record pertaining to the present case and I have read the contents of the present application, and therefore, I am competent to depose what is stated herein below.
2. That the contents of the application, unless specifically admitted, are denied to the extent that they are inconsistent with submissions made hereinafter.
3. It is submitted that under the Environment (Protection) Act, 1986 read with Environment (Protection) Rules, 1986, the Respondent No. 1 herein has issued


Dr. M.T. KARUPPIAH,

Scientist
Ministry of Environment Forests and Climate Change
Government of India
Regional Office - Chennai

a Notification number S.O. 1533(E) dated 14.09.2006, (herein after referred to as the (EIA Notification, 2006) with its subsequent amendments.

4. It is submitted that under the provision of the EIA Notification, 2006, construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the schedule annexed to the said notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India, as applicable, only after receipt of the prior environment clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority ("SEIAA"). It is submitted that, the Central Government under sub Section (3) of section 3 of the Environment Protection Act, 1986 in accordance with the procedures specified in the EIA Notification, 2006, duly constitutes SEIAA.

5. It is submitted that the EIA Notification, 2006 in Paragraph 7, stipulates four stages in the process of obtaining Environmental Clearance. Stage (1) is screening wherein the Expert Appraisal Committee (EAC) or the State Expert Appraisal Committee (SEAC) takes the decision whether or not Environmental Impact Assessment Report has to be prepared for the proposed projects. Stage (2) is Scoping wherein the Expert Appraisal Committee for category 'A' projects and the State Expert Appraisal Committee for category 'B' projects determines detailed and comprehensive Terms of Reference addressing all relevant environmental concern for the preparation of an EIA Report in respect of the proposed project or activity for which the prior environmental clearance is sought. Stage 3 relates to Public Consultation and has two components- 1) a public hearing, which is conducted by the concerned State Pollution Control Board at the project site or in its close proximity, explaining all possible environment impacts and measures proposed in EMP and 2) obtaining written responses from other concerned persons who have a plausible stake in the environment aspects of the project or activity. Lastly, Stage (4) relates to Appraisal of the Project wherein the detailed scrutiny by the EAC or the SEAC of the application and other documents like the Final EIA Report and outcome of public consultations relating including public hearing proceedings, submitted by the Project Proponent to regulatory authority concerned for grant of environment clearance is conducted.


Dr. M.T. KAKKAR

Scientist E

Ministry of Environment, Forests and Climate Change
Government of India
Regional Office - Chennai

6. It is submitted that under the provisions of the EIA Notification, 2006, Environment Clearance for Building and Construction Projects & Township and Area Development Projects are covered under entry 8 (a) & (b) of the Schedule to the EIA Notification, 2006. The entry 8(a) and 8(b) of the Schedule of EIA Notification 2006 provides as follows;
- i. **8(a): Building and Construction projects - ≥ 20000 sq. mtrs and < 150000 sq. mtrs of built-up area - (built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)**
 - ii. **8(b): Townships and Area Development projects - Covering an area ≥ 50 ha. and or built up area > 150000 sq. mtrs - (All projects under Item 8(b) shall be appraised as Category B1)."**

7. That the aforementioned entries 8(a) and 8(b) are qualified as category 'B' projects under the EIA Notification, 2006 and the said projects are required to be appraised by the State Level Expert Appraisal Committees (SEACs) and approved by the State Environmental Impact Assessment Authorities (SEIAAs). It is further submitted that the Environmental Clearance was granted by the SEIAA Telangana vide letter No. SEIAA/TA/RRD-71/20152242, dated 31.12.2015 to the residential complex.

8. It is submitted that the Applicant made a representation with this Answering Respondent on 22.05.2020 and alleged that the Environmental Clearance was obtained by M/s. DLF Home Developers Limited, for construction/development at land piece at Sy.no. 217(P), 218--225 of Narsingi Village and 263 - 267 of Puppalaguda Village, Rajendranagar Mandal, Rangareddy District, the construction activity is carried out by M/s. My homes Builders without obtaining any name change or Amendment from the all competent authorities i.e. SEIAA/SEAC, HMDA, DTCP along with the approved plans there by violating the Environmental Clearance norms. The applicant further alleged in his presentation dated 22.05.2020 that the project proponent is continuously violating the Environmental norms and not meeting State guidelines contained in States' Government Order (GO.MS.111).


Dr. M.T. Karim, Scientist E,

9. It is submitted that in pursuant to above said presentation, this Answering Respondent vide its letter dated 30.06.2020 requested SEIAA, Telangana to take necessary action in the matter under intimation of the Answering Respondent. It is further submitted that the copy of the aforesaid letter dated 30.06.20 was also sent to RO, MOEFCC and applicant was also informed on 16.07.2020 with respect to his presentation. A Copy of letter dated 30.06.2020 is annexed herewith as **Annexure - I.**

10. It is submitted that the Applicant made another representation with this Answering Respondent on 15.09.2020 and wherein referred his previous representation. This Answering Respondent in pursuant the representation dated 15.09.2020, sent a reminder on 08. 10. 2020 and 11.11.2020 to SEIAA under intimation to RO, MOEFCC at Chennai and also to the State Pollution Control Board, Telangana to expedite the action. It is further submitted that the status report is still awaited. A copy of letter dated 08.10.2020 and 11.11.2020 is annexed herewith as **Annexure - II.**

11. It is submitted that this Hon'ble Tribunal vide its order dated 30.09.2020, has appointed a joint committee comprising District Collector, Rangareddy, a Senior Officer from Ministry of Environment Forests and Climate and Change (MOEF & CC), Regional Office, Chennai, a Senior Officer from Lake Protection Committee to look into the issues raised in the present matter. It is further submitted that this Hon'ble Tribunal has directed the committee to inspect the area in question in the case as well and submit a factual and action taken report and in case of violation what is the proposed action to be recommended including imposition of environmental compensation with remedial measures to Hon'ble Tribunal.

12. It is humbly prayed that the present counter reply may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case which the Answering Respondent shall duly comply with.



DR. M.T. KARUPPIAH,
Scientist 'E'

13. That other/ancillary issues raised in the application under reply do not pertain to the Answering Respondent. The Answering Respondent seeks leave to make additional submissions, if required, during the course of the proceedings.



DEPONENT
DR. M.T. KARUPPIAH,
Scientist 'C'
Ministry of Environment, Forests and Climate Change
Government of India
Regional Office - Chennai

VERIFICATION

Verified at Chennai on 19th this day of January, 2021 that the contents of the above affidavit are correct to my knowledge and belief based on official records and nothing material has been concealed therefrom.



DEPONENT
DR. M.T. KARUPPIAH,
Scientist 'C'
Ministry of Environment, Forests and Climate Change
Government of India
Regional Office - Chennai

F.No.02.08/2020-IA.III

Government of India
Ministry of Environment, Forest & Climate Change
(IA.III - Division)

Indira Paryavaran Bhavan
Jor Bagh Road, New Delhi-110003

30 June 2020

To,
The Chairman
SEIAA, Telengana State
A-3, Industrial Estate,
Santnagar, Hyderabad - 500018

Subject: Representation received from Shri Anumula Revanth Reddy, Hon'ble MP, Malkajgiri & Member Parliamentary Standing Committee on Defence letter dated 22.05.2020 regarding Cancelling Building permission or Development permission to stop further construction and also the EC order.

Sir,
Please find attached herewith representation/letter number nil dated 22.05.2020 from Shri Anumula Revanth Reddy, Hon'ble Member of Parliament, Malkajgiri & Member Parliamentary Standing Committee on Defence on the subject cited above (Copy enclosed), which is self-explanatory.

2. The Environmental Clearance (EC) for 'Residential Complex' of M/s DLF Home Developers Limited, Sy No. 217(P). 218, 219, 220, 221, 222, 223, 224, 225 of Narsingi (V) & 623, 264, 265, 266, 267(P) of Puppalguda (V), Rajendranagar (M), Rangareddy District has been granted on 31.12.2015 by the SEIAA vide their letter No. SEIAA/TS/RR-D-71/2015-2242.

3. It is therefore, the above cited reference is being forwarded for your taking necessary action, as appropriate and under intimation to this Ministry.

Yours faithfully,

Encls: As above

(Dr. Rajendra Kumar)
Deputy Director/Scientist 'C'

Copy to:
Addl. Principal Chief Conservator of Forests (C)
(Kind Attention: Dr. M.R.G. REDDY, IFS
Ministry of Env., Forest & Climate Change
Regional Office (SEZ), 1st & 2nd Floor,
Handloom Export Promotion Council
34, Cathedral Garden Road, Nungambakkam, Chennai - 34

AK
T/Anumula
8/9/2020

Indira Paryavaran Bhavan
Jor Bagh Road, New Delhi-110003

Dated 8th October, 2020

To,
1. Chairman,
SEIAA, Telangana State
A-3, Industrial, Estate, Sanath Nagar, Hyderabad - 500018

2. Chairman,
Telangana State Pollution Control Board,
A-3, Industrial Estate, Sanath Nagar, Hyderabad-500018.

Subject: Representation received from Shri Anumula Revanth Reddy, Hon'ble MP, Malkajgiri & Member Parliamentary Standing Committee on Defence letter dated 22.05.2020 regarding Cancelling Building permission or Development permission to stop further construction and also the EC order-reg.

Sir,

Please find attached herewith representations/letters number nil dated 22.05.2020 and 15th September, 2020 from Shri Anumula Revanth Reddy, Hon'ble Member of Parliament, Malkajgiri & Member Parliamentary Standing Committee on Defence on the subject cited above (Copies enclosed), which is self-explanatory.

2. The Environmental Clearance (EC) for 'Residential Complex' of M/ s DLF Home Developers Limited, Sy No. 217(P), 218, 219, 220, 221, 222, 223, 224, 225 of Narsingi (V) & 623, 264, 265, 266, 267(P) of Puppalguda (V), Rajendranagar (M), Rangareddy District has been granted on 31.12.2015 by the SEIAA vide their letter No. SEIAA /TS/ RR-D-71/ 2015
3. The above cited reference dated 22.05.2020 was also forwarded for your necessary action vide this Ministry's communication dated 30.06.2020. However, the status report is still awaited. You are, therefore, once again requested to take an early action, as appropriate and under intimation to this Ministry.

Encls: As above

Yours faithfully,

(Shard Sapra)
Additional Director (S)

Copy to: Addl. Principal Chief Conservator of Forests (C), (Kind Attention: Dr. M.R.G. REDDY, IFS, Ministry of Environment, Forest & Climate Change Regional Office (SEZ), 1st & 2nd Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai - 34- May please coordinate with SEIAA, Telangana and Telangana SPCB to expedite action, as appropriate.

Shard Sapra
8/10/20

By Speed Post

F. No. 02-08/2020-IA.III

Government of India
Ministry of Environment, Forests and Climate Change
(I.A. Division)

Indira Paryavaran Bhavan
Jor Bagh Road, Aliganj
New Delhi-110 003

Dated: 1st November, 2020

To,

Addl. Principal Chief Conservator of Forests (SEZ)

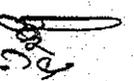
Ministry of Environment, Forests and Climate Change
1st and 11nd Floor, Handloom Export Promotion Council
34, Cathedral Garden Road, Nungambakkam
Chennai-34
E-mail: roefccc@gmail.com

Subject: Complaint related to project of M/s/ DLF Home Developers Limited, situated at Sy. No. 217(P), 218, 219, 220, 221, 222, 223, 224, 225 of Narsingi (V) and 263, 264, 265, 266, 267 (P) of Puppalaguda (V), Rajendranagar (M), Rangareddy District -reg.

Please find attached herewith letter-cum complaint dated 15.09.2020 received from Shri Anumula Revanth Reddy, Hon'ble Member of Parliament, wherein, it has been requested to cancel Environment Clearance order and all other permissions granted to the project of M/s/ DLF Home Developers Limited, situated at Sy. No. 217(P), 218, 219, 220, 221, 222, 223, 224, 225 of Narsingi (V) and 263, 264, 265, 266, 267 (P) of Puppalaguda (V), Rajendranagar (M), Rangareddy District (Copy enclosed).

2. The matter has been examined in the Ministry. The Competent Authority has desired that the concerned Integrated Regional Office (IRO) of the Ministry at Chennai should visit the project site and submit a report w.r.t. allegations made in the above mentioned letter dated 15.09.2020. The Ministry has also requested the concerned authorities in the State on these lines vide its letter dated 30.06.2020 and 08.10.020 under the intimation of your good offices. However, the report is still awaited.
3. In this regard, I have been directed to request IRO, MOEFCC, Chennai to schedule a visit to project the site and submit the detailed factual report to the Ministry within 15 days from the date of receipt of this letter.
4. This issue with the approval of the competent authority.

Encls.: as above


(Shard)
Scientist-E

Q14
T. Jeyaraj
12/11/2020

IN THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE BENCH, CHENNAI
APPLICATION No. 189 of 2020

COUNTER AFFIDAVIT ON BEHALF OF THE
MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE,
RESPONDENT NO.1

GOKUL KRISHNAN
Counsel FOR MoEF&CC

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