

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE AT CHENNAI

APPEAL .No.19 of 2020

IN THE MATTER OF:

B. Madan Kumar Reddy,
S/o. Chandra Reddy
Aged about 41 years,
R/o. Momidi Village, Chillakur Mandal,
SPSR Nellore District
Ph: 9440271261,
Email: madanreddy79@gmail.com.

.....

Applicant

-Vs-

The Government of India,
Represented by its Director,
Ministry of Environment,
Forest and Climate Change IA Division,
3rd Floor, Vayu Wing Indira Paryavaran Bhavan,
Jorbagh Road Aliganj, New Delhi - 110 003
Ph No. 011-24695132, Email: mefcc@gov.in
and 6 others.

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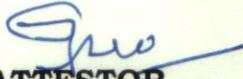
Respondents

INDEX

Sl. No.	Date	Description of the Document	Page No.
1.	23.01.2017	Annexure -I - Government of Andhra Pradesh Memo No. 8610/MI-(1)/2016-1, dated 23.01.2017	4 to 11
2.	31.08.2021	Annexure -II - Letter No. 1785/M2/1995, dated 31.08.2021 of the Assistant Director of Mines & Geology, Nellore addressed to the Tahsildar, Chillakur Mandal	12
3.	25.03.2014	Annexure -III -Challan No.19310, dt. 25.03.2014 for Rs. 10,00,000/- paid at Sub Treasury Office, Nellore	13
4.	11.01.2019	Annexure -IV -Demand Draft No. 000868, dated 11.01.2019 of IDBI Bank, Gudur for Rs. 19,81,664/-	14

It is certified that all the documents contained in the above annexure are true copies.

Date: 04.10.2021


ATTESTOR
Assistant Geologist
O/o the Asst. Director of Mines & Geology
Nellore


DEPONENT
Asst. Director of Mines & Geology
SPSR Nellore Dist. (A.F.)

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

Appeal.No.19 of 2020

Between:

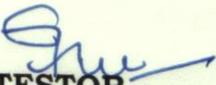
B.Madhan Kumar Reddy,
S/o. Chandra Reddy,
R/o. Momidi Village,
Chillakur Mandal,
SPS Nellore District.
Ph: 9440271261,
Email: madanreddy79@gmail.com.

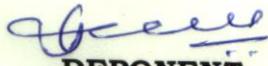
.... Appellant

-VS-

1. The Government of India,
Rep. by its Director, Ministry of Environment,
Forest and Climate Change,
1A Division, 3rd floor, Vayu Wing,
Indira Paryavaran Bhavan, Jorbagh Road,
Aliganj, New Delhi-110 003.
Ph No. 011-24695132, Email: mefcc@gov.in
2. The Central Expert Appraisal Committee
for the Proposal involving Violation of EIA Notification,2006
Rep. by its Member Secretary
Ministry Of Environment,
Forest and Climate Change,
Indira Paryavaran Bhavan, Jorbagh Road,
Aliganj, New Delhi-110 003.
3. The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Industries and Commerce Department,
Secretariat, Amaravati,
Guntur District.
Andhra Pradesh, Ph No.0863-2442113,
Email: prisecy_inde@ap.gov.in
4. The Director of Mine & Geology,
Sri Anjaneya Towers, D.No.7-104, B-Block,
5th & 6th Floors, Vijayawada,
Ibrahimpattam, Andhra Pradesh-521 456.
Ph No. 0863-2442113, Email: sectiond78@gmail.com
5. The Deputy Director of Mines & Geology,
D.No. 11/28, Lakshmi Villa, Talapagiri Colony,
Buja Buja Nellore, SPSR Nellore District-524 004.
Ph No: 72073 17855, Email: ddmgnellore@gmail.com
6. The Assistant Director of Mines & Geology,
Door.No. 26-4-11, Opp.LIC Scanning Center,
2nd Street, Vikram Nagar, Nellore-524 004.
Ph No: 91006 88837, Email: admgnlr1@gmail.com
7. M/s. Sri Kumaraswamy Silica Mines,
Rep. by its Managing Partner, Mr.Vemireddy Kumara Swamy,
Momidi Village, Chillakur Mandal,
SPSR Nellore District,
Andhra Pradesh-524 412.
Ph No: 08624-251012, Email: silica@sksmine.com

..... Respondents


ATTESTOR
Assistant Geologist
O/o the Asst. Director of Mines & Geology
Nellore


DEPONENT
Asst. Director of Mines & Geology
SPSR Nellore Dist. (A.P)

ADDITIONAL COUNTER AFFIDAVIT FILED BY 6TH RESPONDENT

I, K.Srinivasa Rao, Son of K.Brahmaiah, aged about 55 years, Occ: Asst. Director of Mines and Geology Nellore, do hereby solemnly affirm and sincerely state as follows:-

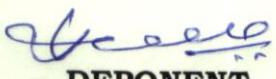
1. I am the deponent herein and as such I am well acquainted with the facts of the case.

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. It is submitted that, the Government of Andhra Pradesh vide Memo No. 8610/MI-(1)/2016-1, dated 23.01.2017 has disposed the Revision Application filed by M/s Kumara Swamy Silica Mines herein after called "the proponent" duly set-side the Demand Notice dated 24.06.2016 issued by the Deputy Director of Mines and Geology, Guntur and remitted back the case to the Deputy Director of Mines and Geology, Guntur with a direction to arrive at the illegally excavated quantity correctly with proper documentary evidence in the deleted area, in the existing leased area and also in the encroached area by taking the measurements in each area and raise a fresh demand notice after giving reasonable opportunity to the lessee i.e., proponent. In this connection it is submitted that, the Re-Survey and Inspection of the alleged area is not taken up. However, this office vide Letter No. 1785/M2/1995, dated 31.08.2021 requested the Tahsildar, Chillakur Mandal for deploy the Mandal Surveyor for take up the joint survey to the subject area. But, due to resurvey work of total land holds entrusted by the Government of Andhra Pradesh the Mandal Surveyor is not deputed for this work. However, it is submitted that, the re-survey work / inspection is completed as directed by the Government and action will be initiated as per the findings thereon.

4. It is submitted that the directions of the Hon'ble High Court dated 20.03.2014 in W.P.No. 8352 of 2014, the proponent have paid an amount of Rs. 10,00,000/- vide Challan No.19310, dt. 25.03.2014 of Sub Treasury Office, Nellore and an amount of Rs. 19,81,664/- vide Demand Draft No. 000868, dated 11.01.2019 of IDBI Bank, Gudur on the name of Assistant Director of Mines & Geology, Nellore. As such, the proponent has paid the total demanded amount in this case. But, the Writ Petition No. 8352 of 2014 is still pending before the Hon'ble High Court of Andhra Pradesh.


ATTESTOR
Assistant Geologist
O/o the Asst. Director of Mines & Geology
Nellore


DEPONENT
Asst. Director of Mines & Geology
SPSR Nellore Dist. (A.P)

5. It is submitted that this office does not have any jurisdiction for the fixing the compensation on cutting of the Cashew trees and hence the remarks offered by the proponent may take into consideration if the Hon'ble Green Tribunal Pleases.

6. It is submitted that, as per the EC order the permitted quantity per Annum is 3,40,000 MTs and the method of mining is open cast mining using excavators and hand tools. As the Silica Sand is the soft and easy for excavation, the targeted production of 3,40,000 MTs per Annum can be achieved with manual excavation with the help of excavators and hand tools. However, the remarks offered by the proponent and the EC Department is also consider into account in this aspect.

7. 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 circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above APPEAL 19 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.

Solemnly affirmed at Nellore
District Andhra Pradesh on
this the 4th day of October, 2021
and signed his name in
my presence

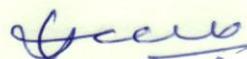
BEFORE ME

ADVOCATE, SPSR Nellore District

VERIFICATION

I, K.Srinivasa Rao, Son of K.Brahmaiah, aged about 55 years, Occ: Asst. Director of Mines and Geology Nellore, do hereby verify that the contents of Paras of Counter Affidavit are based on record and information are true to the best of my knowledge and belief.

Hence, verified on the 4th day of October 2021 at SPSR Nellore District



DEPONENT

**Asst. Director of Mines & Geology
SPSR Nellore Dist. (A.P.)**