

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN
ZONE AT CHENNAI

Appeal No.19 of 2020

B. Madhan Kumar Reddy
SPSR Nellore District

...Appellant

Versus

The Government of India,
Rep. by its Director,
Ministry of Environment, Forest
and Climate Change,
New Delhi and others

...Respondents

**ADDITIONAL WRITTEN SUBMISSIONS FILED ON BEHALF OF
RESPONDENT NO.7**

**In response to the explanation sought for by order dated
21.09.2021.**

1. **POINT NO. 1:-**

After orders were passed by the Revisional Authority on 23.01.2017 setting aside the demand of Rs.55,28,293/-, no fresh demand notice has been issued as against the 7th Respondent. Therefore, the 7th Respondent had represented before the EAC that no fresh demand has been issued.

2. **POINT NO. 2:-**

It is true that in W.P.No.8352 of 2014 the 7th Respondent challenged the demand of Rs.29,81,664/- raised by the Mining

Department. During the pendency of the Writ Petition, the 7th Respondent initially deposited Rs.10 lakhs and later the remaining amount was also deposited without prejudice to the contentions of the Writ Petitioner (7th Respondent) in the Writ Petition. This was done in order to enable processing of application for EC. The Writ Petition is still pending. The Mining Department certified that there are no dues payable by the 7th Respondent. Based on the same, the Application for EC was processed.

3. **POINT NO. 3:-**

As far as the assessed amount of Rs.42,52,122/- for cutting off 1607 cashew trees, the same is shown in the report submitted to the along with estimated cost towards the remediation plan, community augmentation plan, etc., by the 7th respondent. But the EAC assessed and enhanced it to Rs.63,64,000/- towards the said plans. Accordingly, the EAC directed the project proponent to furnish bank guarantee for the said sum. In pursuance of the said direction, the PP furnished the bank guarantee. Therefore, the EAC considered all the above said aspects and the same is evident from the Revised damage assessment report submitted to the EAC in March 2019.

Moreover, as stated already in the reply statement as well as the written submissions, the 7th Respondent stated that they have not encroached upon forest land at all. This is evident from the report of the Regional Director, MoEF enclosed as Annexure A9 in page 67-76 of the reply statement filed by the

7th Respondent and also the report of the RDO, Gudur dated 24.01.2017. As regards S.No.696, the same has been classified as Jungle Poramboke only after the year 2019 and that no point of time it was considered as a forest land which is the reason the 7th Respondent has granted mining lease at the first instance over S.No. 696 also. Only in order to clear any doubts and since the lands in S.No. 696 were not in any way required by the 7th Respondent, the same was surrendered prior to making an application for EC.

4. POINT NO. 4:-

While submitting the report to the EAC one mechanized machine will be used for mining and the same was informed to the EAC. In approved mining plan the method of mining will be open cast mechanized without drilling and blasting. P.P. informed to the EAC about obtaining approval for using machinery from Director General of Mine Safety in the year, 2012. In fact the P.P. again obtained permission from the Director General of Mines Safety to use the same on 16.12.2020 and the P.P. will be carried on mining manually as well as mechanically. By engaging 45 employees and mechanically, the target can be reached and if necessity arises, more people can be engaged.

As regards the question as to whether non-mentioning of proceedings initiated by the mining department in Form-I will amount to suppression of material facts, it is submitted that the project proponent applied for grant of EC in Form-I on 23.11.2013. The mining department issued proceedings on

19.02.2014 which was challenged in W.P.No.8352 of 2014. Another demand notice was issued on 18.08.2016 and the same was challenged in revision and the same was set aside on 23.01.2017. The new proposal under the violation category was submitted on 11.04.2018 under Form -I. All the proceedings relating to the demands raised by the mining department were brought to the notice of EAC and MoEF and CC on various occasions including by way of Additional information furnished to the EAC. Further in Form-I is the relevant column is referring only whether any cases that are pending against the P.P. since there are no cases are pending against P.P. So the P.P. did not furnish the same. Therefore the suppression of material fact in Form-I does not arise.

The above information is submitted for the kind consideration of this Hon'ble Tribunal while passing final orders in Appeal No. 19 of 2020.

Dated at Chennai on this the 4th day of October 2021



7th Respondent



Counsel for 7th Respondent