

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE AT CHENNAI**

ORIGINAL APPLICATION No.6 OF 2022

In the Matter of:

Sri P.V. Subramanya Varma

... Applicant

And

The State of Telangana & 32 others

... Respondents

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M/S. UNNAM LAW FIRM

Rep by its Partners

MR. UNNAM MURALIDHAR RAO

UNNAM RAVI

UNNAM SRAVAN KUMAR

MANISHA MEHRA

Counsel for Respondent No.21

6-73, Canara Nagar, Near Uppal Depot,

Uppal, Hyderabad, State of Telangana – 500 098.

14/02/2022. But the Committee did not issue any notice to me, on the date of its visit. I was also not informed about the purpose of such visit. When I insisted the *locus* of the Committee's power to enter into our, yet to be started unit, they informed me that the said Committee is appointed by this Tribunal in O.A.No.6 of 2022.

3. Thereafter I visited this Tribunal's website to find out as to who filed this application. Then I came to know about the details of the Counsel on record in this case. I contacted him and procured the papers filed in this case from him. That is how I came to know that I am arrayed as 21st Respondent in this case.
4. From the reading of the application filed by the applicant Mr. P.V Subramanya Varma it is understood that he is seeking an omnibus prayer to close all the stone crushing units situated in Rangareddy & Sangareddy Districts.
5. The Applicant Mr. P. V. Subramanya Varma pleaded on oath before this Tribunal that he is a journalist, but not even a single paper is filed to establish his credentials. He also pleaded on oath that he runs a NGO but the details and documents pertaining to his alleged philanthropic work are also not appended to the application. He also pleaded that he has done lot of

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//Notary//

For AADESHWAR AGGREGATES PVT. LTD.
Deponent
D.S.K.Reddy
DIRECTOR

environmental activities but this pleading is also not substantiated by any cogent evidence or by any other form of evidence. Therefore it is apparently clear that the Applicant's so-called projection about himself to be an environmentalist is false. He also went on to plead by making an omnibus pleading that the citizens of Rangareddy & Sangareddy Districts approached him complaining about the Air Pollution being caused by stone crushing units. This pleading is also not substantiated by stating who those citizens are and what their particulars are. When such proof is not coming forth, it is evident that all these false pleadings are made only for the purpose of this frivolous litigation.

6. The applicant appended documents numbered as Annexure 1 to 3 and 10 along with this Application. The first document is an order in W.P (PIL) .No. 233/2020. The Applicant is not a party to the said writ petition. Similarly he is also not a party to document number Annexure - X which is also an order in WP No: 15471/2019 and WP No: 20561/2019. All these writ petitions are on the file of the High Court for the State of Telangana at Hyderabad. How did the Applicant come to know about those writ petitions and orders which are not disclosed in the application. It may be pertinent to note that those three order copies filed along with this application are not certified copies obtained by the Applicant. He also went on to file the closure orders passed by the 4th Respondent against several Respondents and

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For AADESHWAR AGGREGATES PVT. LTI

D.S.K. Reddy

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units. Who gave him these order copies and how he obtained copies is not explained in this application. When they are not obtained by the Applicant and the said order copies are not downloaded from the High Court Website, how did those copies land into his hands is not a million dollar question. Obviously this establishes that this is a sponsored litigation. The Applicant's *bonafides* and *locus* are seriously disputed by me. The agenda and purpose behind this litigation is also seriously questionable. The special inquisitorial jurisdiction of this Tribunal cannot be allowed to be misused and abused by people with adversarial background. This Tribunal's jurisdiction cannot be used for taking revenge against an adversarial rival businessman. On all the above stated grounds the present O.A is liable to be dismissed only on lack of bonafides. Therefore this Applicant's *locus* and presence before this Hon'ble Tribunal will pollute the stream of justice. Therefore, the applicant with such questionable background, shall be booted out from this Tribunal, as he is apparently a busy body.

7. One more interesting aspect that emerges out of this busy body's Application is that he confines to the stone crushing units situated in Rangareddy & Sangareddy Districts, leaving stone crushing units in other districts in the State of Telangana. One more interesting part is, the High Court order which he filed also refers to Ready Mix Plants, but this busy

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body applicant conveniently puts a *Nelson's eye* against them. May be these Ready Mix Plants are catering his needs or once stone crushing units are squeezed for booty, Ready Mix Plants may be next in the line, setting this as an example. Therefore I directly assert that this busy body applicant is misusing and abusing this Judicial Fora's jurisdiction to appease his sponsors and also to have pecuniary gain for himself.

8. To substantiate the above nexus between the sponsors and this busy body applicant, the order passed by this Tribunal on 17/01/2022 was sought to be implemented by the rival stone crushing unit owners (Sponsors) coming in a mob in 26 cars along with electronic media and social media channels and they themselves taking law unto their hands and by using force they put locks to our non-operating unit for which we are awaiting CFE and CFO pursuant to the directions of the High Court in W.P No: 8522/2022. From this it is apparently clear that this busy body applicant is a stooge in the hands of rival stone crushing unit owners.

9. We got the entire illegal trespassing activity recorded on video. The statements given to the press by them appeared in all the news channels, from the bare perusal and hearing of the said audio and video statement made by the rival crusher owners is filed before this Hon'ble Tribunal to

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establish the nexus between the applicant herein and the rival stone crushing unit owners. This also clearly establishes that the present O.A to be a sponsored litigation and that most of the averments made in this application are exaggerated and far from truth.

10. By asking the busy body applicant to be booted out, I am not trying to interdict the judicial process of this Hon'ble Tribunal. I am also a responsible citizen, I welcome this Tribunal adjudicating pollution aspects more particularly in regards to the alleged Air Pollution and determine those issues in the interest of justice.

11. The basis of filing the present O.A. No. 6 of 2022 is on the basis of an order passed by the Division Bench by the High Court for the State of Telangana at Hyderabad in W.P (PIL). No. 233 of 2020, where under an *Ex-parte* Order was passed by the Division Bench of the High Court based on the submissions of the Learned Standing Counsel appearing for The Telangana State Pollution Control Board (TSPCB). In the said W.P (PIL). No. 233 of 2020 the Petitioner unit has been arrayed as the 20th Respondent and the operative portion of the Public Interest Litigation (PIL) is as follows:

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For AADESHWAR AGGREGATES PVT. LTD.

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D. S. K. Reddy
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“liberty is granted to the Petitioner to move an application in the event, it is noticed that any other illegal stone crushing unit is operating in the two districts in question and if such application is filed the same shall be considered in accordance with law”.

12.The present O.A is filed alleging that despite the above order in the above said Public Interest Litigation, again the stone crushing units are illegally operating and causing Air and Water Pollution and also affecting the health of the people of that locality.

13.This Tribunal passed an Interim order on 17/01/2022 appointing a Joint Committee to visit both Sangareddy and Rangareddy Districts, and submit a report. I understand that the Committee appointed by this Tribunal had submitted its report in another similar O.A No.09/2022 (SZ) before this Tribunal. According to the said report Dt.11/03/2022 our unit is shown to be a non-operating unit and that TSPCB passed closure order against our unit, the same is shown at page No. 32 at serial No. 2

14.All the material averments made in Paragraph III (i) to (x) are hereby specifically denied and the applicant is put to strict proof of the same.

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//Notary//

For AADESHWAR AGGREGATES PVT. LTD.

D. S. K. Reddy

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DIRECTOR

15. The entire application pleadings are general in nature and no specific averment is made against our unit. Therefore I am not rebutting each and every general and omnibus allegations. I reserve my right to file an additional affidavit if necessary as and when such situation arises.
16. The 'Grounds' for filing the present application at page 19 of the present application, from 'A' to 'H' are also general pleading in regards to laws which regulate Air Pollution. Therefore, no specific denial is required, as such the general existing laws need not be denied.
17. In regards to the pleadings made in 'Limitation' paragraph that the Respondents 15 to 33 are running stone crushing units which are categorized as 'Red' category, is a misnomer. The stone crushing units are categorized under 'Orange' category. Without even knowing these basic facts the present application is came to be filed by the so called busy body environmentalist. From this we can understand the applicant's intention in filing this frivolous application.
18. The interim prayer and main prayers in the application are also omnibus in nature and such reliefs cannot be granted. By seeking such type of reliefs at the behest of rival business stone crushing units the applicant intention is to obstruct the process of consideration of our CFE and CFO applications on

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For AADESHWAR AGGREGATES PVT. LTD.
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the ground that the matter is *sub-judice* or pending before this Tribunal. The main intention of the applicant is to obstruct the TSPCB from considering fresh grant of CFE and CFO to the units like us. By doing so the applicant will be aiding the business interest and purposes of the rival stone crushing units. In view of all the above stated the present application is devoid of any merits and same is filed with oblique motive. Therefore the same is liable to be dismissed with exemplary costs.

Sworn and signed before me

On this 25th day of March 2022 at Hyderabad

For AADESHWAR AGGREGATES PVT. LTD.
D.S.K. Reddy,
Deponent
DIRECTOR

Notary

VERIFICATION

I, D. Sumanth, S/o. D. Subrahmanyam Reddy, aged about 30 years, Occupation: Business, R/o. Villa No. 21, Vessella Villas, Sri Ram Nagar, Block C, Kondapur Kothaguda Post, Hyderabad -500084, do hereby verify that the contents of the above Paragraphs are true and correct to my personal knowledge and are believed to be true on legal advice and hence verified on 25th day of March 2022 at Hyderabad.



Counsel for Respondent No.21

For AADESHWAR AGGREGATES PVT. LTD.
Deponent
D.S.K. Reddy,
DIRECTOR



ATTESTED
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Commission Exp. On: 24/6/2022

ENTERED IN REGISTER PAGE No: 2
Serial: 47/22 Dt: 26/3/22

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...Respondents

**COUNTER AFFIDAVIT FILED
ON BEHALF OF RESPONDENT
NO.21**

Filed on : 28/03/2022

Filed by:

M/S. UNNAM LAW FIRM

Rep by its Partners

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