

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

**IN**

**Appeal No. 18 of 2020(SZ)**

**IN THE MATTER OF:-**

**SRIDEVI DATLA**

**...APPELLANT**

**VERSUS**

**UNION OF INDIA& Ors.**

**...RESPONDENTS**

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

**MOST RESPECTFULLY SHOWETH:**

I, Dr. Suresh Babu Pasupuleti, working as Scientist 'C', in the Integrated Regional Office of the Ministry of Environment, Forest & Climate Change at Green House Complex, Gopalreddy Road, Vijayawada, 520010, the deponent herein, do hereby solemnly affirm and state on oath as under:-

1. That I am familiar with the facts and circumstances of the case and am competent and authorized to swear this affidavit in my official capacity. It is submitted that the Ministry of Environment, Forest and Climate Change is Respondent No. 1 in the matter.
2. It is submitted that the contents of the application, unless specifically admitted, are denied to the extent that they are inconsistent with submissions made hereinafter.
3. 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 has constituted SEIAA in different States/Union Territories.

4. It is submitted that the Airport is covered under entry 7(a) of the Schedule to the EIA Notification, 2006 with details as under:

	Project or Activity	Category with threshold limit		Conditions if any
		A	B	
(1)	(2)	(3)	(4)	(5)
<b>7</b>		<b>Physical Infrastructure including Environmental Services</b>		
<b>7(a)</b>	Air Port	All projects		

It is submitted that the aforementioned entry 7(a) is qualified as category 'A' projects under the EIA Notification, 2006 and the said projects are required to be appraised by the Expert Appraisal Committee (EAC) at the Central Level and approved by the Answering Respondent.

5. 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 or the State Expert Appraisal Committee 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 is conducted by the EAC or the SEAC of the



- application and other documents like the Final EIA Report and outcome of public consultations including public hearing proceedings, submitted by the Project Proponent for grant of prior Environmental Clearance.
6. It is submitted that the project proponent i.e. M/s Bhogapuram International Airport Corporation Ltd, through the Managing Director, 1<sup>st</sup> Floor, FDC Complex, AC Gaurds, Hyderabad-500028 had applied for Terms of Reference with the Answering Respondent vide proposal No. IA/AP/MIS/50659/2016 dated 27 Feb 2016 for Development of Green Field International Airport at Bhogapuram, District- Vizianagaram, Andhra Pradesh. The Expert Appraisal Committee (EAC) (Infrastructure – II) in its 4<sup>th</sup> EAC meeting held on 28<sup>th</sup> –29<sup>th</sup> March, 2016 appraised the project and recommended the ‘TOR’ along with Public Hearing for preparation of EIA / EMP report for the above mentioned project in addition to all the relevant information as per the ‘Generic Structure of EIA’ given in Appendix III and IIIA in the EIA Notification, 2006. The draft EIA/EMP report shall be submitted to the State Pollution Control Board for public hearing. The issues emerged and response to the issues shall be incorporated in the EIA report. A copy of TOR letter dated 04.05.2016 is annexed herewith as **Annexure – R1**.
  7. As per the Notification, 2006 as amended from time to time the public hearing was conducted on 11<sup>th</sup> January 2017 at 11:00 AM at the project site in, Bhogapuram Mandal, Viziangram District, wherein all issue raised by the concerned person has been addressed. As per EIA report submitted by the project the issued raised during the public hearing, the response thereto by the concerned persons and necessary action to be taken, if any, pursuant to the issue raised. Further, in respect of the issue which were not satisfactorily addressed according to the EAC by the project proponent, was directed to submit a revised response. The revised response was accordingly submitted by the project proponent vide letter dated 14.04.2017 which was duly appraised by the EAC.
  8. It is submitted that the project proponent vide online proposal no. IA/AP/MIS/50659/2016 had applied on 20<sup>th</sup> Feb, 2017 for grant of EC with Answering Respondent. The proposal has been discussed and appraised by the Expert Appraisal Committee (Infrastructure – II) in its 15<sup>th</sup> meeting held on 12 - 14 April, 2017.



The EAC after detailed deliberations, during the 4th meeting, recommended the project for grant of Environment Clearance with specific and general conditions. **A copy of the Minutes of EAC Meeting is attached as Annexure- R/2**

9. During the Public Hearing many issues were raised by the concerned persons like such as Social Economy regarding to employment etc. The same has been mentioned in the EIA Report and has been duly considered by the EAC.
10. It is submitted that the Answering Respondent upon recommendation of EAC, has granted the Environmental Clearance vide letter dated 14.08.2017 to M/s Bhogapuram International Airport corporation ltd, through the Managing Director, 1<sup>st</sup> Floor, FDC Complex, AC Gaurds, Hyderabad-500028 subject to stipulation of various environmental safeguards, which inter-alia included the following.
  1. The Environment Clearance is subject to final order of the Hon'ble High Court of Judicature at Hyderabad in W.P. Nos. 34090, 32879, 32956 and 33034 of 2015.
  2. PP shall obtain clearance from DGCA and AAI for safety and project facilities.
  3. The Land acquisition /purchase shall be in conformity to the LARR Act, 2013 and any other laws and regulations governing land acquisition.
  4. Soil and other construction materials should be sprayed with water prior to any loading, unloading or transfer operation so as to maintain the dusty material wet.
  5. The soil/construction materials carried by the vehicle should be covered by impervious sheeting to ensure that the dusty materials do not leak from the vehicle.
  6. The excavation working area should be sprayed with water after operation so as to maintain the entire surface wet.
  7. A detailed drainage plan for rain water shall be drawn up and implemented.
  8. Ground water shall not be abstracted during the construction and operation phases. Drinking water shall be obtained from Municipal sources. Water conservation measures such as rain

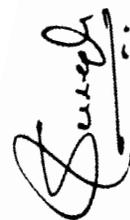


water harvesting and using treated water from the STP will be applied to minimize the use of fresh water.

9. Ground water abstraction and rain water recharge shall be as may be prescribed by the CGWA. A clearance of the CGWA shall be obtained in this regards.
10. Noise from vehicles and power machinery and equipment on-site should not exceed the prescribed limit. Equipment should be regularly serviced. Attention should also be given to muffler maintenance and enclosure of noisy equipments.
11. Where construction activity is likely to cause noise nuisance to nearby residents, restrict operation hours between 7 am to 6 pm.
12. Solid inert waste found on construction sites consists of building rubble, demolition material, concrete; bricks, timber, plastic, glass, metals, bitumen etc shall be reused/recycled or disposed off as per Solid Waste Management Rule, 2016 and Construction and Demolition Waste Rules, 2016.
13. Diesel power generating sets proposed as source of backup power for elevators and common area illumination during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use of low sulphur diesel. The location of the DG sets may be decided with in consultation with State Pollution Control Board.
14. Aircraft maintenance, sensitivity of the location where activities are undertaken, and control of runoff of potential contaminants, chemicals etc shall be properly implemented and reported.
15. Proper drainage systems, emergency containment in the event of a major spill during monsoon season etc shall be provided.
16. The runoff from paved structures like Runways, Taxiways, can be routed through drains to oil separation tanks and sedimentation basins before being discharged into rainwater harvesting structures.



17. Storm water drains are to be built for discharging storm water from the air-field to avoid flooding/water logging in project area during monsoon season / cloud bursts.
18. Rainwater harvesting for roof run-off and surface run-off, as plan submitted should be implemented. Before recharging the surface run off, pre-treatment must be done to remove suspended matter, oil and grease.
19. Total fresh water requirement from Vizianagaram Municipal Corporation shall not exceed 872.5 KLD.
20. Wastewater generation shall not exceed 1,152.3 KLD and treated in the STP. Treated sewage shall be recycled/reused for cooling tower make up, flushing and horticulture.
21. Acoustic enclosures for DG sets, noise barriers for ground-run bays, ear plugs for operating personnel shall be implemented as mitigation measures for noise impact due to ground sources.
22. During airport operation period, noise should be controlled to ensure that it does not exceed the prescribed standards. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations. A monitoring station for ambient air and noise levels shall be provided in the village nearest to the airport.
23. The solid wastes shall be segregated as per the norms of the Solid Waste Management Rules, 2016. Recycling of wastes such as paper, glass (produced from terminals and aircraft caterers), metal (at aircraft maintenance site), plastics (from aircrafts, terminals and offices), wood, waste oil and solvents (from maintenance and engineering operations), kitchen wastes and vegetable oils (from caterers) shall be carried out.
24. Traffic congestion near the entry and exit points from the roads adjoining the Airport shall be avoided. Parking should be fully internalized and no public space should be utilized.
25. Compliance with conditions stipulated at Annexure XIV of the amended EIA notification of 09.12.2016 and seek the approval of the CGWA before any dewatering for basements.



26. An onsite disaster management plan shall be drawn up to account for risks and accidents. This onsite plan shall be dovetailed with the onsite management plan for the district.
27. The concerns of the Public hearing panel shall be suitably addressed to and the recommendations adopted as part of the Environmental Management Plan and in the plan for C.S.R. as applicable.
28. A water security plan to the satisfaction of the CGWA shall be drawn up to include augmenting water supply and sanitation facilities and recharge of ground water in at least two villages and schools, as part of the C.S.R. activities.

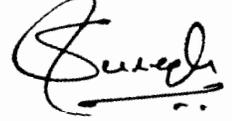
A copy of Environmental Clearance dated 14.08.2017 is annexed herewith as **Annexure – R/3**.

11. It is submitted that the project proponent is obligated to comply with the specific condition. The compliance of these conditions is strictly assessed/ evaluated/ monitored by the concerned authorities at the State and Central level. The project proponent has to submit status of compliance report every six months which will be published on the website and monitored by the Ministry. If there is any non – compliance of the Environmental Clearance conditions, effective action in accordance with law is taken by the competent authorities against the project proponent.
12. It is submitted that the Environmental Clearance dated 14.08.2017 for the projects in question has been granted by the Ministry in accordance with law and this Answering Respondent has followed the due procedure for appraisal of the Project as prescribed under the EIA Notification, 2006 and subsequent amendments and subject to stipulation of various environmental safeguards.
13. It is further submitted that projects are examined and considered and appraised by the EAC after judicious application of mind, dealing with all the relevant and material aspects of the projects.
14. That the Ministry has issued an Office Memorandum No. J-11013/41/2006-IA.II(I) dated 05.10.2011 in respect of **Ownership of EIA report and other documents by the project proponent**



wherein it has been clarified that the wherein the EIA reports prepared by the Environmental Consultants contains information/ data copied from other reports. As it may be time consuming for the Ministry and or the EACs to compare the contents of the one report with the other to check for copied data/ information, **the onus of submitting the correct and factual information/ data contained in the EIA Report lies with the project proponent.** A copy of Office Memorandum dated 05.10.2011 is annexed herewith as **Annexure – R/4.**

15. 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.
16. That other/ancillary issues raised in the application under reply do not pertain to the Answering Respondent. The Answering Respondent seeks crave leave to make additional submissions, if required, during the course of the proceedings.



**DEPONENT**

(डॉ. सुरेश बाबु पसुपुलेटी)  
(Dr. SURESH BABU PASUPULETI)  
वैज्ञानिक 'सी' / SCIENTIST 'C'  
भारत, सरकार / Govt. of India  
जलवायु परिवर्तन मंत्रालय / Min. of Env. Forest & CC  
एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office  
विजयवाडा / VIJAYAWADA.

#### **VERIFICATION**

Verified at Vijayawada on 07 this day of June, 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**

(डॉ. सुरेश बाबु पसुपुलेटी)  
(Dr. SURESH BABU PASUPULETI)  
वैज्ञानिक 'सी' / SCIENTIST 'C'  
भारत, सरकार / Govt. of India  
जलवायु परिवर्तन मंत्रालय / Min. of Env. Forest & CC  
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विजयवाडा / VIJAYAWADA.