

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

ORIGINAL APPLICATION No. 20 OF 2023 (SZ)

Burra Ravitheja
S/o. Parsharmulu
Residing at E1, Hostel Room No.89,
University College of Law
Osmania University
Hyderabad-500 007
Telangana State

... Applicant

Versus

Union of India
Through the Secretary
Ministry of Environment
Forest and Climate Change
& Others

... Respondents

REPLY FILED ON BEHALF OF THE 6TH RESPONDENT

The 6th respondent above named respectfully submits as follows:

- 1) The above Original Application has been filed complaining of Environmental Violation in the matter of excavation of sand from a place called Eddugutta in RajannaSiricilla of Telangana.
- 2) At the outset this respondent denies all the allegations contained in the application except those that are specifically admitted herein and put the applicant to strict proof of the same.
- 3) It is submitted that work in Sircilla Bypass road that was sanctioned by Road and Building Department, Government of Telangana under the work name "Construction of four lane By-pass road from 0/0km 11/0 in Karimnagar District" now known as Rajanna (Siricilla District) was awarded to the 6th respondent vide Agreement No. AB/No/2016-17/08.02.2017.

//ATTESTED//
ANJALIA ANJALIA
M.A., LL.B
ADVOCATE & NOTARY
G.O. MS. No. 741/2011
H. No. 8-1-165, Kattarampur,



- 4) As per the routine practice any contractor undertaking Government work have to pay seigniorage fee - in respect of the excavation of earth for the project to the roads and Buildings Department. In turn, the Road and Buildings Department have paid the seigniorage fee to the government as per the government order in force. Therefore based on the utilization of ordinary earth to a quantity of 499466 cubic meters this respondent has paid the required fees for extracting earth for the purpose of the contract. Royalty as required has been paid to the Government of Telangana by the Road and Buildings Department, who in turn, has collected the same from the contractor viz., this respondent.
- 5) This respondent states that therefore there is no question of illegal mining because all the minerals extracted are royalty paid minerals. In other words royalty has been deducted before making payment to the contractor by the government. Thus there is no question of evading payment of royalty or any other charges due to the government. Under these circumstances there is no illegal mining or any loss to the government as alleged in the application.
- 6) In the instant case, road work was carried on only up to 06.06.2022 and this respondent has not undertaken any earth work thereafter. Therefore, without ascertaining the factual position the applicant has come before this Hon'ble Tribunal which is sheer abuse of process of law.
- 7) This respondent apprehends that this could clearly be a case of a litigation brought forth in private interest and there is absolutely no substantial question of law relating to environment that has been raised in the case. In other words by filing an application before this Tribunal without understanding the nature of contract and payment made by

//ATTESTED//

RENDYALA ANJANA

M.A., LL.B

ADVOCATE & NOTARY

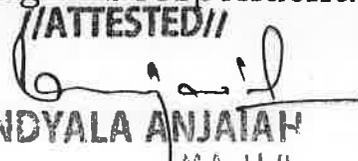
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H.No. 8-1-165 Kattaram



the 6th respondent to the government the applicant has approached this Hon'ble Tribunal with an ulterior motive to harass and scare the 6th respondent and similarly placed contractors.

- 8) This respondent has also gone through the counter affidavit filed by 4th and 5th respondent wherein the relevant factual details regarding construction of four lane by pass road in Rajanna Siricilla District and award of worth to this respondent is set out. The fourth and fifth respondents have also pointed out that after 06.06.2022, no earth was excavated by the contractor and that no unauthorized extraction of earth is taking place in Eddugutta. Hence the application is liable to be dismissed.
- 9) It is necessary to submit that the 6th respondent has not excavated any earth from Survey No.408 Peddur Village, Sircilla Mandal with a total extent of about 295 acres. While this land may be a Government land, in so far as this respondent is concerned no excavation has been done from any government land. On the other hand this respondent has taken earth and thereafter leveled the same only in Survey No.406/6 belonging to private land owner. In respect of this extraction the government has already collected Rs.1,49,89,980/- in respect of a volume of 499466 cubic meters. Therefore there is no evation of any payment to the government. It is also not out of place to mention that 80% of Survey No.408 Peddur Village is hillock and there is no question of excavating the earth therefrom. The applicant has made bald allegation without ascertaining the true factual position regarding this respondent.

//ATTESTED//

PENDYALA ANJIAH
 M.A., LL.B
 ADVOCATE & NOTARY
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- 10) Considering all the above aspects this Hon'ble Tribunal may be pleased to take into account the reply of the 6th respondent and dismiss the application viz., O.A.No.20/2023 filed by the applicant and pass suitable orders in the application to enable the industry to re-start its operations and thus render justice.

Dated at karimnagar on this the 19th day of September 2023


6th Respondent

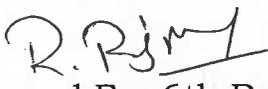
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PENDYALA ANJIAH 19/9/2023
M.A., LL.B
ADVOCATE & NOTARY
G.O. MS. No. 741/2011
H. No. 8-1-165, Kattarampur,
KARIMNAGAR-505 001 (T.S)

VERIFICATION

I, K Venkateshwar Rao S/o. Satyanarayana Rao of M/s KSR Construction, the 6th Respondent herein do hereby verify that what are all stated above are true and correct to the best of my knowledge, information and belief.

Verified at Karimnagar on this the 19th day of September 2023


Counsel For 6th Respondent


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PENDYALA ANJIAH
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