

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI**

**Application No. 242 of 2021 (SZ)**

Tejah & Ors

... Applicant

Versus

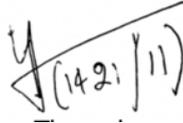
MoEF &CC & anr

...Respondent

INDEX

S.No.	Date	Description	Page No.
1.	24.05.2023	Memo filed on behalf of the Applicant	1
2.	27.09.2022 & 11.10.2022	NHAI letter to Commissioner of Police, Hyderabad and their reply to the letter	6

//The above are certified as true copies of their respective originals//



Yogeshwaran. A

Counsel for the Applicants

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI****Application No. 242 of 2021 (SZ)**

Tejah & Ors  
Applicant

...

Versus

MoEF &amp;CC &amp; anr

...Respondent

**Memo filed on behalf of the Applicant**

The applicant respectfully submits as follows:

1. This Hon'ble Tribunal vide order dated 11.04.2023 had noted the need to conduct a special study to understand the impact of uprooting the old Banyans on NH-163 and directed NHAI to conduct a detailed study such that clusters of Banyans can be avoided and where alternative access routes can be provided to minimise the cutting of the trees. In fact, the Hon'ble Tribunal's vide order dated 14.09.2022 had already directed NHAI to consider alternatives to the present proposal which involves felling of a huge number of old banyan trees. NHAI filed a report dated 14.05.2023 enclosing a report from L. N. Malviya Infra Projects PVT LTD, their project consultant.
2. This memo is filed to address certain justifications and submissions made in the reports filed by NHAI.
3. **Firstly**, it is submitted that there is a gross discrepancy in the statement made by the Project Director in his submission to Hon'ble Tribunal and the terms of reference mentioned in the letter dated 29.04.2023 as provided by the team leader of L.N. Malviya Infra Projects Pvt Ltd.
  - a. According to the report filed by respondent no.2, point 5, L.N. Malviya Infra Projects Pvt Ltd was asked "...to reconsider the alignment to save Banyan trees, which are in large clusters in the alignment."

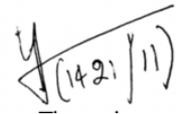
- b. In the report from the Team Leader, L.N. Malviya Infra Project PVT LTD., the terms of reference they note is "to conduct a detailed study to consider whether the proposed underpasses can be avoided where the cluster of Banyans trees are to be cut...". However, this is different from the terms referred to by the Project Director and is not as directed by Hon'ble Tribunal.
  - c. It is clear that the L.N. Malviya Infra Project PVT LTD. has only checked the underpasses from an engineering perspective alone.
  - d. They were not tasked with altering the road alignment. Without any change to alignment, their report notes that the stated underpasses are correct.
  - e. It is to be noted that the report does not at any point consider a different alignment for the road; it only quotes Indian Road Congress (IRC) guidelines to justify the presence of existing underpasses and notes that in the present alignment the underpasses cannot be changed.
4. **Secondly**, the report makes an undue and excessive emphasis on underpasses alone and ignores any issues with alignment, especially where grounds of changing the alignment are presented by the Banyan clusters.
- a. The total of five underpasses covered in the report add up ONLY to a few hundred meters in total—a miniscule portion of the 46km project plan.
  - b. By looking at only underpasses, and not the original alignment, the report reiterates their position in connection to the existing alignment. Only when the alignment is changed to save the Banyan clusters, will there be a need to re-consider the position of underpasses as relevant.

5. **Thirdly**, right from the original DPR, NHAI has not considered any other alignment except the present one. The original feasibility report was produced by a different agency, Feedback Infra Pvt. Ltd.
  - a. The Executive Summary of the Feasibility report notes that “After carrying out the field investigation, reconnaissance survey of the existing alignment, consultant has made the proposal of the Project alignment. The existing 2/4 lane highway will be widened to 4/6 lane with 12m median...” (Page 6, Feasibility report Executive summary).
  - b. It is clear that the NHAI and the various agencies they have employed have never looked beyond the original alignment of the existing/old road.
  - c. Despite the Hon’ble Tribunal’s multiple directions to do the same, NHAI has not looked at alternative alignments. In fact, they have never looked to find if the present alignment is the best choice or if there is a better route.
  - d. All changes to the present road have only considered human settlements, but have not considered the special status of the Banyan clusters on this road, as noted by the Hon’ble Tribunal.
  - e. In fact, the Banyan trees that are not earmarked for felling falls predominantly on and near curves in the existing road – which are being straightened for the proposed 4 lane highway and hence are left alone. These trees were not excluded by the NHAI for the purpose of saving these trees, they are left out by default.
6. NHAI’s decision to widen the existing road
  - a. Was taken without an environment impact assessment study
  - b. Was taken without any assessment of the ecological significance of the banyans on this stretch

- c. The pre-feasibility report clearly states that a detailed EIA study will be undertaken. However, no such study was done. The PRF acknowledges the fact that NHAI does not intend to subject the project for clearance under the EIA Notification, 2006 and still prescribed an EIA study.
- d. During the pendency of these proceedings, NHAI produced an "EMP report" dated January 2023, which is not an EMP report and does not even contain a mention of the impact of the proposed felling of banyans.
- e. The entire decision making matrix has been turned on its head in the present matter – the decision to widen the existing two lane road was taken without any assessment of impact or even a characterisation of the subject ecosystem and thereafter justifications are being invented.
- f. For example, it is only on 27.09.2022, NHAI even sought the accident black spot data for the subject stretch of road, which was then produced in these proceedings as a justification for the project.
- g. Fact remains that admittedly no alternatives were considered. The objective of a road is to connect two points – it is not and cannot be reduced to contending that it has to be by widening a certain road, irrespective of its impact. Alternatives have to be studied and considered and the least ecologically destructive option has to be adopted. The contents of the earlier memos filed are not reiterated.
- h. Further, they include a news article dated 03.05.2023 stating that 85% is the survival rate of banyans transplanted in Maharashtra. It is to be noted that no formal report has been submitted detailing either the translocation process or the actual data on survival—

surely, NHAI has better access to their own translocation data when compared to general public? Also, the photos in the article itself is proof that all that it shows are stunted stumps with some regeneration. The subject Banyans represent an ecosystem and a precious heritage and cannot be destroyed under the guise of "transplantation", especially when NHAI can adopt any other alternative to save these trees in the approximately 15 km stretch where the Banyans are in clusters.

Dated this the 24<sup>th</sup> day of May, 2023 at Chennai

A handwritten signature in black ink, appearing to be 'Y. (1421/11)', is written over a horizontal line. The signature is slanted and includes a date in parentheses.

Counsel for the Applicants



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण  
(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)  
**NATIONAL HIGHWAYS AUTHORITY OF INDIA**  
(Ministry of Road Transport & Highways, Government of India)



सत्यमेव जयते

परियोजना कार्यान्वयन इकाई - हैदराबाद  
आवास नं : 25A & 28A, भारत का प्रशासनिक स्टाफ कॉलेज, कॉलेज पार्क कैम्पस, सड़क सं : 3, बंजारा हिल्स, हैदराबाद - 500 034, तेलंगाना

**PROJECT IMPLEMENTATION UNIT - HYDERABAD**

Qtr.No. 25A & 28A, Administrative Staff College of India (ASCI), College Park Campus, Road No.3, Banjara Hills, Hyderabad- 500 034, Telangana

Land Mark : Near TV9 Bus Stop

टेली / Tele : 040-29550558 ई-मेल / Email : hyd@nhai.org / nhaihyd@gmail.com

NHAI/PIU-HYD/HYD-MNG/NH-163/Road Safety/2022/1418

Date: 27.09.2022

To

**Dy. Commissioner of Police,**  
Traffic, O/o. The Commissioner of Police,  
Cyberabad, Telecom Nagar, Gachibowli,  
Hyderabad - 500 032.

Email: dcp-trf-cyb@tspolice.gov.in

**Sub: NHAI, PIU-Hyderabad - Four laning of NH-163 from Hyderabad [ORR near Appa Junction at design Km.14+000 (existing Km.14+000)] to Manneguda [design Km.60+405 (existing Km.59+500)] in the State of Telangana under NH(O) on Hybrid Annuity Mode - Accident data - Requested - Reg.**

\* \* \* \*

Sir,

It is to inform that, National Highways Authority of India is taking-up the "Four laning of NH-163 from Hyderabad [ORR near Appa Junction at design Km.14+000 to Manneguda [design Km.60+405] in the State of Telangana. The work was awarded to M/s. MEIL Appa Junction Manneguda Roadways Pvt. Ltd.

2. In this regard, it is requested to provide the accident data of the past 10 years (i.e. from 2012-2022) and Black Spot locations from Appa junction to Manneguda, so as to propose safety measures in view of the safety of the road users.

Yours faithfully,

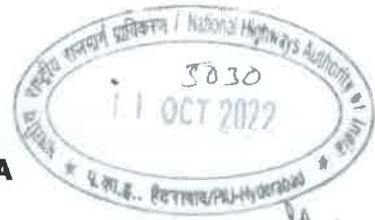
*P. Nageswara Rao*  
27/9/22

(P. Nageswara Rao)

GM (T) & Project Director



**GOVERNMENT OF TELANGANA  
POLICE DEPARTMENT**



From  
Dy. Commissioner of Police,  
Traffic, Cyberabad.  
O/o. Cyberabad Police Commissionerate,  
Hyderabad, Telangana,  
Pin Code-500032,  
Email-dcp.trfcyb@gmail.com  
Tel. No. 040-27853422.

To  
Sri. P. Nageswara Rao,  
General Manager (T) & Project Director,  
NHAI, Govt. of India,  
Project Implementation Unit,  
ASCI College Campus, Qtr.No.25A,  
Road No.3, Banjara hills,  
Hyderabad - 500034

*la*  
*n/10/22*  
*DGM(T)-4*  
*SE-Savak*

No. 203/T2/DCP-Tr/CYB/2022, Date: 04-10-2022.

Sir,

Sub: Furnishing of accident data for the years 2018 to 2022 and also Black spot locations from Appa Junction to Manneguda on the same stretch on NH-163. – Reg.

Ref: NHAI/PIU-HYD/HYD-MNG/NH-163/Road Safety/2022/1418,  
Dated: 27.09.2022 of NHAI, Government of India:

\*\*\*\*\*

Through the above subject, it is to inform that a letter has been received to this office vide reference above, with a request to furnish the accident data of the past 10 years (i.e., from 2012 to 2022) and also Black spot locations from Appa Junction to Manneguda on the same stretch on NH-163, so as to propose safety measures in view of the safety of the road users.

In this regard, I am herewith furnishing the accident data from the available records for the years 2018 to 2022 and also Black spot locations (from 2016 to 2019) from Appa Junction to Manneguda on the same stretch on NH-163 as desired by the officers. The above data is enclosed in a separate sheet for information and necessary action.

**Yours faithfully,**

*P. sh*  
**Dy. Commissioner of Police,  
Traffic, Cyberabad.**

Dy. Commissioner of Police  
Traffic, Cyberabad

Encl: As above.

Copy:

The Commissioner of Police, Cyberabad for favour of information.

<b>Accidents data occurred on NH- 163 Chevella in the limits of Cyberabad Commissionerate</b>						
<b>S.No.</b>	<b>Road</b>	<b>No. of accidents</b>	<b>Fatal accidents</b>	<b>Deaths</b>	<b>Non-Fatal accidents</b>	<b>injured</b>
1	2018	140	38	102	41	151
2	2019	130	35	95	38	129
3	2020	141	35	11	106	162
4	2021	240	38	46	202	239
5	2022 (August)	151	30	34	121	151

BLACKSPOTS DETAILS OF CYBERABAD (Based on the 2016, 2017, 2018 data)

Sl. No	Unit	Name of Jurisdiction Police station	NH.No./ SH.No./ MDR/ Other roads	Name of the Location/Place	Limits of High Accident Prone Location		Number of Accidents					Number of Fatalities			Stake Holder
					Starting KM	Ending KM	2016	2017	2018	Total of all three years	2016	2017	2018	Total of all three years	
1	Cyberabad	Moinabad	NH-163	Sun paper board industry on NH-163 to kethireddy pally gate	31 ✓	30.5	3	0	2	5	3	0	1	4	NHAI
2	Cyberabad	Moinabad	NH-163	Gayathri mata Temple, / Sujatha school, Moinabad to MAC collage, Moinabad	22	21.5	4	2	1	7	3	2	0	5	NHAI
3	Cyberabad	Moinabad	NH-163	Masjid, Aziznagar on NH-163 to Sunshine Dhaba, Aziznagar	19	18.5	1	5	2	8	1	5	1	7	NHAI
4	Cyberabad	Moinabad	NH-163	Moolikavanam, Aziznagar road to Mrugavani park	16	15.5	1	3	2	6	0	3	1	4	NHAI

BLACK SPOTS IDENTIFIED FOR THE CALENDER YEARS 2017-2018-2019

4. NH-163 (KM STONE TOWARDS HYDERABAD)

Sl. No	Unit	Name of Jurisdiction Police station	NH.No./SH.No./MDR/Other roads	Name of the Location/Place	Limits of High Accident Prone Location		Number of Accidents				Number of Fatalities				Stake Holder
					Starting KM	Ending KM	2017	2018	2019	Total of all three years	2017	2018	2019	Total of all three years	
1	Cyberabad	Chevella	NH-163	Nyalata (17.322479, 78.105592) /Emcor packoings pvt. ltd on NH-163 to All Habeeb Engineering College	45 KM	44.5 KM	1	2	3	6	0	1	3	4	NHAI
2	Cyberabad	Moinabad	NH-163	Golkonda cricket club on NH-163 to Shapur village gate on NH-163	29 KM	28.5 KM	2	1	2	5	2	1	1	4	NHAI
3	Cyberabad	Moinabad	NH-163	Syndicate bank Y Junction / JB Engeneering collage on NH-163 to Gayathri temple x road on NH-163	22 KM	21.5 KM	2	2	1	5	2	1	1	4	NHAI
4	Cyberabad	Moinabad	NH-163	Aziznagar road - Opp. SSR Cricket Ground to Chai chaska / New Star Hotle on NH-163	19 KM	18.5 KM	5	2	5	12	4	2	3	9	NHAI
5	Cyberabad	Moinabad	NH-163	Moolikavanam -X road on NH-163 to Hyderabad Polo and Riding club on NH-163	17 KM	16.5 KM	3	2	0	5	3	1	0	4	NHAI

**BLACK SPOTS IDENTIFIED FOR THE CALENDER YEARS 2018-2019-2020 (As per MoRTH Definition)**
**NH-163 (KM STONE TOWARDS HYDERABAD) (NHAI)**

Sl. No	Unit	Name of Jurisdiction Police station	NH.No./ SH.No./ MDR/ Other roads	Name of the Location/Place	Limits of High Accident Prone Location		Number of Accidents				Number of Fatalities			Stake Holder		
					Starting KM	Ending KM	2018	2019	2020	Total of all three years	2018	2019	2020		Total of all three years	
1	Cyberabad	Moinabad	NH-163	Swami Narayana Gurukul school to Holy spirit center , church	20.4 KM	19.9 KM	0	4	1		5	0	2	0	2	NHAI
2	Cyberabad	Moinabad	NH-163	Chandini Garden Function hall to New Manasa family Dhaba	18.8 KM	18.3 KM	2	4	1		7	2	0	0	2	NHAI

**BLACK SPOTS IDENTIFIED FOR THE CALENDER YEARS 2019-2020-2021 (As per MoRTH Definition)**
**NH-163 (KM STONE TOWARDS HYDERABAD) (NHAI)**

1	Cyberabad	Moinabad	NH-163	(Chevella Himayath sagar road) New star hotel (Frozen bites Ice cream) To SSA Bakery	18.9	18.4	4	3	0		7	1	0	0	1	NHAI
---	-----------	----------	--------	--	------	------	---	---	---	--	---	---	---	---	---	------