

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

Application No 33 of 2016

Vakkanti Koteswar Rao

...Applicant

Versus

1. Ministry of Environment Forest and Climate
Change And 7 others

...Respondents

**BRIEF WRITTEN NOTES SUBMITTED BY THE 8TH
RESPONDENT/Deccan Cements**

1. **Preliminary Objection:** The Applicant/Complainant is a regular transport contractor and has even worked as a transport contractor with Deccan Cements (DCL) for quite some duration in earlier years. In fact the Applicant was entrusted with the work order for supply of 20 mm granite metal for civil construction works. However Deccan Cements faced lot of problems with him while supplying the material including, delay in supply, lack of vehicles and failed to transport the material in time which ultimately caused heavy production loss to the company. However later, on repeated requests from him and keeping in view to maintain good relations with the surrounding villagers and to support economic development, DCL has with a good intention and agreed to take Iron Rich Laterite on trail basis in the year 2012-13. He transported material but the same was rejected due to quality issues. Even after rejection of material the applicant raised invoice on 16.01.2016 asking for payment against rejected

material. After repeated requests from the Applicant/Complainant, Deccan Cements took lenient steps and cleared the bills for the rejected material sympathetically. Thereafter Deccan Cements completely stopped all relationships with the Applicant/Complainant. However, the Applicant/Complainant with sheer vengeance in order to wreck the company, has approached the Tribunal with unclean hands and has come with ulterior motives and malafide intentions. This has been specifically raised our Counter statement. Till date, the Applicant/Complainant has not denied or disputed the same.

2. Initially the grievance of the Applicant in OA No 33 of 2016 was made regarding the presence of Dargah within the premises and certain pollution due to the manufacturing activities at the Factory. In this regard it is stated as follows:

- a. The Archaeological Department, Telangana state, has clarified that the Janpahad Dargah is not a protected monument and hence the claim is invalid.
- b. As regards, pollution, TSPCB has imposed a fine of Rs. 28 lakhs for deviation in pollution norms over a certain period which has been duly paid by Deccan Cements. (Proof of the same is filed as **Annexure 1**)
- c. Further, Deccan has undertaken and is taking all necessary steps to maintain the pollution norms in future.

Reference in this regard be had to **Annexure 2** hereto (already part of records)

3. Later, the Applicant/Complainant made an oral statement that there was excess mining and evasion of revenue to Government. (*not part of any pleadings*)

- a. After thorough verification, the Mines and Geology Department has

clarified that there is neither excess mining nor evasion of royalty. The claim is hence,invalid.

4. On another hearing, the Applicant/Complainant stated orally that Deccan Cementsdid not develop 33% area of green belt. *(not part of any pleadings)*

a. The Hon'ble NGT directed the Department Officials to inspect. It was foundthat, Deccan Cements has developed greenbelt of 33% of total extent. There was a deficit in the 10 m wide peripheral greenery which the Company has undertaken to fulfill in a phased manner and has initiated necessary activities.

5. The Applicant/Complainant on another hearing orally stated that w.r.t old mine ML-1 Deccan did not comply with the re-grassing guidelines issued by MoEF in the year2020. *(not part of any pleadings)*

a. The Hon'ble NGT directed the Department Officials to inspect. It was found,that the old mine was closed as per the IBM approved mining plan and handed over to the forest department in the year 2000 itself.

6. The Applicant/Complainant on a later date stated that Deccan Cements has encroached upon the forest lands to an extent of 31.63 ha. *(not part of any pleadings)*

a. The Hon'ble NGT directed the State and the Central Govt to form a Joint committee , inspect and file a report before this Hon'ble Tribunal.

b. The State Government, through the Forest department formed a Joint committee and made an inspection. A thorough joint DGPS survey was conducted by forest and revenue officials and it was found in February 2021, that there is an extent of 8.02 hectares of forest land under the

utilisation of DCL railway line.

- c. It is also reported that there is a technical error in the village maps and also the ambiguity of boundary line (DFO, Nalgonda part 2 report) the above mistake has happened.
- d. It is important to note that Deccan Cements has already taken 5 forest land diversions for its mining leases, railway line, water pipeline & CC road and 132 KV power line.
- e. However since the report of the Forest Department stated that there was an encroachment of 8.02 hectares, Deccan Cements has without prejudice to its rights has applied for regularization.
- f. It is to be seen that in the construction of Railway siding, main intention is to comply with EC condition and reduce the pollution load on environment by utilising the railway line for all its material movement.
- g. In the meantime, Stage – I clearance was accorded vide letter No. 4-TSC182/2021-HYD/116 dated 30.07.2021.
- h. The DFO, Suryapet has issued a demand notice vide letter No. Rc. No. 846/2021/S5 dated 11.08.2021.
- i. Deccan Cements in compliance has paid an amount of Rs. 5,75,89,921 /- towards various compensatory levies. **(proof filed as Annexure 3)**. Further Deccan Cements has also paid an amount of RS. 1,20,00,000/-, **(proof filed as Annexure 4)** towards the cost of erection of the boundary pillar throughout the entire length of Saidulnama RF and under also Deccan cements has been asked to identify Compensatory Afforestation (CA) Land and other Mitigation plans. In this regard, the Deccan Cements has identified the said CA lands to an extent of 22 acres (.i.e equivalent to 8.02 ha) and this is being done *Forest Conservation Act 1980*. Apart from this as a mitigation plan Deccan Cements has paid Rs 7.5 Lakhs under the prevalent rules and regulations.

- j. It is also stated that the Applicant/Complainant in each of the meetings would simply make objections and state that the encroachment is to the extent of 31.63 hectares and in this regard he relied on Forest Divisional Officer's report. However it was Deccan Cement's contention that FDO's report was not scientific and not properly done. The Joint Committee assessed the entire situation and rejected the FDO's letter on the ground FDO's report is not based on any field survey and without any verification of any documents. Thereafter the Forest and Revenue departments jointly surveyed using latest technology including DGPS and concluded that the encroachment was 8.02 Ha only. The Saidulnama forest block boundary is properly marked as per the gazette. As per the report of the Assistant Director of Survey and Land Records, the encroachment has occurred due the technical error in the village maps of Mahankaligudem and Ravipahad. The Joint committee also submitted that this was not a willful encroachment at all. The relevant portion of the Joint Committee report alone is filed as **Annexure 5**. This report is already part of the Court records as it was filed earlier.
- k. It is stated that Deccan Cements in no manner encroached upon the Reserve forest lands at any point in time. Deccan Cements is a law abiding company who is doing mining at the leasehold lands to an extent of $(73.93 + 183.11 = 257.04 \text{ Ha})$ situated within the Nalgonda District. All these lands are leased lands from the Forest department exclusively by the Company and properly documented. Until now, there has not been any allegation of encroachment into the Reserve forest on the part of Deccan Cements.
- l. ETS & DGPS survey was conducted for both the leases and the report was submitted to PCCF in 2014. The same was approved and up loaded in their web site.

- m. Further, ETS survey was conducted for both the leases by TRAC in 2019 and the report of the same reiterated that there was no encroachment in to the adjacent forest area.
- n. Subsequently, a joint inspection was also carried out by Revenue department and forest officials and vide their letter dated on 18.3.2020 confirmed that mining activity is within the granted area and there is no encroachment into the reserve forest area.
- o. Thereafter once again, between 11.5.2020 and 28.05.2020, a DGPS survey was conducted by the District Forest Officer. The company clearly and categorically states that there is no encroachment whatsoever and the mining is only done on the lands allotted to the company and as per the terms and conditions stipulated in the Environment Clearance and there are no violations whatsoever.
- p. It is submitted that regularization and the penalties levied are all under the Forest Conservation Act 1980 and other applicable laws.

Under such circumstances it is therefore prayed that this Hon'ble court be pleased to take the above Facts into consideration and Dismiss the Application with exemplary costs and thus render Justice.

Dated at Chennai on this 1st day of October 2021


Counsel for 8th R.
8th Respondent

Annexure - 1

आंध्र बैंक Andhra Bank

Not Over
534-सोमजीगुडा शाखा: हैदराबाद - 500 082
IFS CODE : ANDB 000 6534

11-11-2020
D D M M Y Y Y Y

MEMBER SECRETARY, T.S. POLLUTION CONTROL

Pay BOARD

या धारक को Or. Order

रुपये Rupees

Twenty eight Lakh Twenty thousand

only 28,20,000.00
₹

अदा करें

PURCHASER: DECCAN CEMENTS LIMITED



कृते आंध्र बैंक For ANDHRA BANK

& CO.

SMJ
AB/PO/CTS/2012/E

342851

प्रबंधक Manager
ओम प्रकाश OM PRAKASH

342851 500011047*

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17

Annexure-2

Government of Telangana

From
The Director,
Archaeology and Museums Dept.,
Govt. of Telangana,
Gunfoundry,
Hyderabad.
Tel/Fax 040-23234942

To
The Member Secretary,
Telangana State Pollution
Control Board,
Paryavarna Bhavan,
A-3 Industrial Estate,
Sanathnagar,
Hyderabad - 500018.

Sir,

Lr.Re.No. S1/609/2017, dated. 30.06.2017

Sub:- Archaeology and Museums - Deccan Cements Limited -
Information on Protection Monuments Regarding.

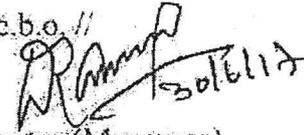
Ref:- 1) M/s Deccan Cements Limited letter from Sr. Vice President
Deccan Cements dated 20.05.2017.
2) Member Secretary, Telangana State, State Pollution Control
Board, Hyderabad Vide Lr.No.TSPCB-RCP-NLG-CI-O/HO/2017
- 238, dated 30.03.2017.

With reference to the subject and reference cited. It is to inform
that Janpahad Dargah, located at Bhavanipuram, Ravi Pahad (Village),
Palakeedu (Mandal), Suryapet District is not a protected monument of
this Department.

Yours Faithfully
Sd/- N.R.Visalatchy, I.Po.S.
Director

Copy to:
The Director, Mines Department,
Government of Telangana, Hyderabad.
Copy to: The Vice President, M/s Deccan Cements Ltd.,
Hyderabad for information.

//t.c.b.o.//


Assistant Director (Museums)

AGENCY COPY

यूनियन बैंक  **Union Bank**
of India

NEFT / RTGS CHALLAN for CAMPA Funds

Date : 11-08-2021

Agency Name.	DECCAN CEMENTS LIMITED
Application No.	59138554094
MoEF/SG File No.	4-TSC182/2021-HYD
Location.	Telangana
Address.	6-3-666/B SOMAJIGUDANalgonda
Amount(in Rs)	57589921/-

Amount in Words :Five Crore Seventy-Five Lakh Eighty-Nine Thousand Nine Hundred and Twenty-One Rupees Only

NEFT/RTGS to be made as per following details;

Beneficiary Name:	Telangana CAMPA
IFSC Code:	UBIN0903710
Pay to Account No.	1557059138554094 Valid only for this challan amount.
Bank Name & Address:	Union Bank Of India Lodhi Complex Branch, Block 11,CGO Complex, Phase I, Lodhi Road, New Delhi -110003

• This Challan is strictly to be used for making payment to CAMPA by NEFT/RTGS only

BANK COPY

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• This Challan is strictly to be used for making payment to CAMPA by NEFT/RTGS only

After making successful payment, User Agencies may send a line of confirmation through
Email: helpdeskcampa@corpbank.co.in

Note:After making the required payment through challan, if the payment status has not been updated even after 7 working days, then kindly mail a copy of your challan with transaction date to
Email: cb0371@unionbankofindia.com

Print

Annexure -4



हैदराबाद - सोमजीमन शाखा, हैदराबाद - 500482
HYDERABAD - SOMJI MANUJ GUDA BRANCH,
HYDERABAD - 500482
IFS Code : UBIN0805343

VALID FOR 3 MONTHS FROM THE DATE OF ISSUE
DATE 12/08/2021
D D M M Y Y Y Y

PAY CA PD ACCOUNT OF DFO, SURYAPET

1BN53
या धारक को OR BEARER

रुपये RUPEES One Crore Twenty Lakh Only

अदा करें। ₹ **1,20,00,000.00

खाता सं. A/c No. 053413046005475

चेक क्र. Cheque No. 02010932

For DECCAN CEMENTS LIMITED

[Signature]
Managing Director Managing Director

भारत की हमारी सभी शाखाओं में सममूल्य पर देय
PAYABLE AT PAR AT ALL OUR BRANCHES IN INDIA

PLEASE SIGN ABOVE THIS LINE

⑈010932⑈ 500026226⑈ 053410⑈ 29

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION No. 33 OF 2016 (SZ)

Annexure -5.

IN THE MATTER OF:

Vakkanti Koteswar Rao

....

Applicant(s)

Versus

Ministry of Environment Forest & Climate Change
 Government of India, New Delhi
 & 7 Others

....

Respondent(s)

JOINT COMMITTEE REPORT

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Place: Hyderabad

Date: 19-02-2021.

Encroachment of Reserve Forest to an extent of 31.63 Ha by 8th respondent

Reply:- It is submitted that, the Divisional Forest Officer, Flying Squad Party has entirely upon satellite images & confirmed in her report that vast extent of Forest Land is encroached. It is submitted that the DFO, Flying Squad has not done any field survey, not verified any records & not sought any clarification from the District Forest Officer, Suryapet to ascertain the satellite images. It is submitted that, DGPS survey was conducted for entire Saidulanama Reserve Forest Block from 10.01.2021 to 11.02.2021 duly verified & ground truthed the entire Forest Block to ascertain the facts along with Survey & Revenue Departments (Maps enclosed) and confirmed that the project proponent (M/s DCL) has not wilfully encroached into Forest Land other than 8.02 Ha that was already mentioned. Hence, it is prayed before the Hon'ble Tribunal to dismiss the plea & the objections filed by the applicant.

Submitted.

[Signature]
District Forest Officer,
Suryapet
District Forest Officer
SURYAPET.

[Signature]
Environmental Scientist,
TSPCB,BO, Hyderabad

ENVIRONMENTAL SCIENTIST
CENTRAL LABORATORY
STATE POLLUTION CONTROL BOARD
HYDRABAD - 500011

[Signature]
Asst. Director,
Mines & Geology,
Suryapet
Asst. Director of Mines and Geology
SURYAPET

[Signature]
Dist. Collector,
Suryapet
DISTRICT COLLECTOR,
SURYAPET

(46)

DGPS SURVEY OF SAIBUL NAMA RE BLOCK



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112:43

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

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RESPONDENT/Deccan Cements**

**P.J. RISHIKESH
P.J. SRI GANESH**

COUNSEL FOR APPLICANT