

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI
IN
ORIGINAL APPLICATION No. 40 of 2022**

IN THE MATTER OF:

P. Eswara Rao

.....APPLICANT

VERSUS

UNION OF INDIA & Ors.

.....RESPONDENT

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT No.1 i.e
(MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE,
NEW DELHI)**

MOST RESPECTFULLY SHOWETH:

I, Dr. Suresh Babu Pasupuleti, aged about 35 years, currently working as Scientist 'D' in the Ministry of Environment, Forest and Climate Change (MoEFCC), Integrated Regional Office, Vijayawada, do hereby solemnly affirm and state as under: -



1. That I, in my official capacity of Scientist 'D' in the Ministry of Environment, Forest and Climate Change, Integrated Regional Office Vijayawada i.e. Respondent No. 1 in the above mentioned matter, am conversant with the facts and circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit.
2. It is submitted at the very outset that the Respondent No. 1 denies each averment and/or submission made in the

application which is contrary to and inconsistent with the averments made and facts stated in the present reply. It is submitted that the nothing stated in the application may be deemed to have been admitted by the Respondent No.1 unless and until the same is expressly admitted in the present reply.

3. That a short affidavit is being filed by the answering respondent at this stage and craves leave and liberty to file a detailed Reply Affidavit to the aforesaid Petition, as and when required.
4. That the applicant is alleging the illegal mining and stone crushing activity at Sy. No. 211 in about 70 to 100 acres near the residential areas are causing pollution Vooderus, Dibbapalem, Darji nagar, Bagulwada and surrounding areas in Anakapalli mandal of Visakhapatnam district for the past 25 years. The private respondents are conducting mining activities beyond the area permitted by State Mines Department. That State/Union territory Environment Impact Assessment Authority (SEIAA) issued Environmental Clearance on 12.01.2022 without verifying the ground situation.
5. That in the present matter Applicant is praying for stopping of illegal mining, restoration of environment and initiation of prosecution against the private respondent for causing unlawful loss to the people, public and private property and damaging the environment and ecosystem.
6. That it is further submitted that respondent Ministry issued Environment Impact Assessments (herein after referred as

"EIA") Notification dated 14th September, 2006 which requires certain projects to obtain prior Environmental Clearance ("EC") before any construction work in case of new projects or expansion and modernization of existing projects or activities. The Schedule to the Notification details the categories or projects or activities which require prior environmental clearance.

7. That it is further submitted that all projects and activities are broadly categorized into two categories - Category "A" and Category "B", based on the potential impacts on spatial extent and human health and natural and man-made resources.
8. That it is further submitted that all projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment, Forest and Climate Change (MoEF&CC) on the recommendations of an Expert Appraisal Committee (hereinafter referred as EAC) to be constituted by the Central Government for the purposes of this notification.
9. That it is further submitted that all projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding



those which fulfill the General Conditions (GC) stipulated in the Schedule, will require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification.

10. That it is respectfully submitted that State Department of Mines and Geology is the nodal authority in the State for dealing with the allotment of mining leases under the Mines and Minerals (Development and Regulation) Act (MMDR Act) and is entrusted with the enforcement and regulation of mining operations in a State including illegal mining and Respondent Ministry has no role to play with regard to the same. Further, the State Government is empowered under Section 23 C of the Mines and Minerals (Development and Regulation) Act 1957 (MMDR Act) to make rules for prevention of illegal mining, transportation and storage of minerals and the State Department of Mines & Geology is the nodal authority in the state for dealing with the allotment of mining leases under the MMDR Act and is entrusted with the enforcement and regulation of mining operations in a state.

11. That is humbly submitted that, the State Pollution Control Board is the nodal authority in the State for dealing with cases related to pollution or environment management coming under the purview of the Water (Prevention and Control of Pollution)

Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment Protection Act 1986.

12. That in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s).


09/05/2022

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

VERIFICATION

Verified at Vijayawada on this day 09th May of 2022 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.


09/05/2022

DEPONENT
डॉ. सुरेश बाबु पसुपुलेटी
(Dr. SURESH BABU PASUPULETI)
वैज्ञानिक 'डी' / SCIENTIST 'D'
भारत सरकार / Govt. of India
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एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office
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