

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

**APPEAL NO. 49 OF 2022**

**IN THE MATTER OF:**

K. Rukmangada Reddy & Ors ...Appellant

Versus

Union of India & Ors ...Respondents

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NDoH: 17.01.2023

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Date: 14.01.2023

Place: Chennai

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**REJOINDER OF THE APPELLANT TO THE REPLY AFFIDAVIT  
DATED 13.11.2022 OF M/S AMARAM COMMODITIES  
(RESPONDENT NO. 7)**

1. That the present Appeal has been filed challenging the Environment Clearance (hereinafter referred as "EC") dated 16.08.2022 of the Respondent No. 7 for mining of granite over an area of 11.583 ha in violation of the Environment Impact Assessment Notification, 2006 (hereinafter referred as „EIA Notification, 2006). The said EC has been granted to Respondent No. 7 in the absence of a proper District Survey Report for minor minerals other than sand as per Appendix X of the EIA Notification, 2006, without conducting public hearing in the stipulated time period of forty five days and without following the appropriate procedure for publication of the Environment Clearance as per para 10 of the EIA Notification, 2006. That further, the said EC also directs withdrawal of groundwater in an area which is critical as per the Dynamic Resource Study of 2017 by the Central Ground Water Authority.
2. That the Appellants herein on 14.11.2022 was granted liberty by this Hon'ble Tribunal to file their Rejoinder to the Reply Affidavit dated 13.11.2022 of Respondent No. 7/ M/s Amaram Commodity Ventures. It is submitted that all those averments in the said Replies that have not been specifically admitted are herewith denied and are not to be construed as having been accepted by the Appellants as if *traversed seriatim*.
3. That before averting to para-wise reply, the Appellants seek to place on record their Preliminary Submissions, which in their humble opinion, are crucial for a holistic adjudication of the present matter.

## I. PRELIMINARY SUBMISSIONS

### A. **The requirement of preparation of the District Survey Report for the new district of Tirupati is a mandatory requirement under law and the EC granted in the absence of the same is in violation of the EIA Notification, 2006.**

1. That the Appellant humbly submits that para 7(iii) of the EIA Notification, 2006, requires preparation of the District Survey Report (hereinafter referred as „DSR“) for sand, river bed or other minor minerals as per the procedure prescribed in Appendix X of the said Notification. That Appendix X, Para II requires that in preparation of the DSR for minor minerals other than sand or river bed mining, the DSR for each minor mineral should be kept separately in the public for comments and should be finalized by SEIAA within six months. Further, the said DSR should include detailed list of mining leases in the District, Letter of Intent that has been granted, land utilization pattern, details of the clusters, impact on environment, risk & Disaster Management Plan, among other parameters.
2. That at the outset, it is pertinent to mention that the requirement of preparation of DSR is a must prior to the processing of the EC and this Hon‘ble Tribunal has cancelled the issue of tender and the EC’s obtained in pursuance of the same where the DSR has been improperly prepared by the requisite regulatory authorities. (Dinesh Kumar Thakur v. Mining Officer, Seoni & Others OA No. 21/2022)
3. That however, the Respondent state authorities, despite being aware of the re-organization of the thirteen districts in the State of Andhra Pradesh vide Government Order dt. 25.01.2022, have processed the application of the EC of Respondent No. 7 and granted him the Terms of Reference on 26.04.2022.
4. That the Appellant places reliance on the communications between the Andhra Pradesh SEIAA and the Director of Mines and Geology annexed in the Affidavit dated 14.10.2022 of SEIAA, which clearly highlight that it is only after the grant of the Terms of Reference, at a belated stage and in violation of the EIA Notification, 2006, that SEIAA requested the Director of Mines and Geology vide Letter dated 13.05.2022 to obtain the revised District Survey Reports for sand and other minor minerals for the twenty six new districts.
5. That subsequently the Director of Mines and Geology vide letter dated 03.06.2022 had informed that the EC applications can be processed based on the previous DSR and the new DSR has not been prepared as the same is a

„time-consuming process“. It is humbly submitted that the Director of Mines and Geology cannot forgo the statutory requirement of preparation of the DSR under the EIA Notification, 2006 without an appropriate Direction/Office Order from the requisite authority or Ministry of Environment, Forest & Climate Change in the present case and allow an illegality merely on the premise that it is a „time consuming process“. It is humbly submitted that the Respondents have also not put on record any communication from the MoEF&CC affirming the action of the Respondents to forgo the mandatory statutory requirement of preparation of DSR for the new district of Tirupati. Further there is no provision in the EIA Notification or the Environment Protection Act, 1986 where such exemption or permission is provided wherein any previous DSR of another District or a different geographical area has been construed to be valid for a new District and a new area. This is a ground alone to set aside the said impugned Environmental Clearance.

6. That further, the District of Tirupati has been carved out of the erstwhile District of Chittoor and SPS Nellore. The carrying capacity of the erstwhile Districts cannot be similar to the carrying capacity of the new District given the change in the land-use pattern, the number of mining leases that have been/will be granted and the environment remediation measures that would be required to be taken for the same. That further, the State Respondents despite accepting the requirement of a new DSR for the newly constituted district, are relying on the DSR of the erstwhile District for clearing ECs and there is no clarity in the timeline for completing preparation and finalization of the said DSR. That this has led to implementation of two DSR's in the same District as the divisions that constitute the District of Tirupati have been carved out of the erstwhile District of Chittoor and Nellore. There can be no justification in law for adoption and implementation of two different DSR's in the same District for processing of EC's. In the absence of the DSR for the new District, no EC can be granted as per the existent EIA Notification, 2006 as amended upto date.
7. That arguendo, assuming but not admitting that the EC's may be processed on the basis of the erstwhile DSR, the DSR of the erstwhile Chittoor also fails to comply with requirements for preparation of the DSR as specified in the EIA Notification, 2006 for minor minerals other than sand and could not have been relied upon for processing the EC of Respondent No. 7. For instance, erstwhile DSR Chittoor fails to provide details of existing clusters which has led to the present failure of Respondent No. 7 and the State Respondents to comply with

the cluster norms of the EIA Notification, 2006. The Respondents, instead of complying the statutory requirement of compliance with EIA Notification, are categorizing the creation of the new District as a political and administrative division to avoid compliance with the rigors of the law. That it is pertinent to highlight that previously in the said area, granite mining by existing mining leases had damaged the nearby Puttur Summer Storage Tank.

8. That it is humbly submitted that preparation of the new DSR would have assessed the cluster of mining leases existing in the said area and the impact of new mining leases on the nearby population, summer storage tank, road capacity, among others which in the present case has been foregone since the preparation of the new DSR is a time consuming process. The Appellant humbly submits that this Hon'ble Tribunal should take strict note of the conduct of the Respondents to blatantly violate the statutory process as envisaged in the EIA Notification, 2006 under the garb of administrative convenience.
9. That the Hon'ble High Court of Madras in the case of Gem Granites Cathedral Road v. The State of Tamil Nadu & Others (2010 SCC OnLine Mad 4387) has categorically noted that unlike in other mining, granite mining/quarrying leads to cropping and mining of the tops of the hillocks and mountains destroying and scarring the landscape forever. Thus, the adverse environmental considerations from granite mining cannot be undermined simply by stating that the formation of new Districts, being a political and administrative move, would not require fresh assessments of the carrying capacity and environmental considerations from mining in the said District.

**B. Consequence of failure to conduct public hearing in 45 days can lead to the cancellation of the Environment Clearance as per the EIA Notification, 2006 and the Judgments of this Hon'ble Tribunal**

10. That the Respondent No. 7 has submitted that the consequence of failure to conduct public hearing in forty five days cannot lead to cancellation of the Environment Clearance under EIA Notification, 2006. It is humbly submitted that Appendix IV, Para III has a statutory mandate to complete the process of public hearing in forty five days . That this Hon'ble Tribunal in the case of *Sreeranganathan KP v. Union of India ( 2014 Online NGT 15)* has quashed the EC of the Project Proponent where the Public Hearing was not completed within the period of forty five days from the date of the receipt of the application of the Project Proponent as per the EIA Notification, 2006.

11. That the Hon'ble High Court of Chhattisgarh in the case of *Ramesh Agarwal v. Union of India (2022 SCC OnLine Chhh 430)* has held that postponement of the public hearing can only be undertaken in case of „untoward emergency situation“ and „exceptional circumstances“ as required by Appendix IV of the EIA Notification, 2006. That in case of the failure of the State Pollution Control Board (hereinafter referred as „SPCB“) to conduct Public Hearing within the stipulated period of 45 days, para 7.2 of Appendix IV provides that the State Government will engage any other agency or authority to complete the process for Category „B“ Projects. In the present case as well, failure of the Andhra Pradesh SPCB to complete the process of Public Hearing within 45 days would require the State Government to engage any other authority to complete the said process.
12. That further, despite the said mining leases existing in a cluster, different public consultations have been carried out by the Regulatory Authorities. It is humbly submitted that this Hon'ble Tribunal in the case of *Satendra Pandey v. MoEF&CC (2018 SCC OnLine 2388)* has held that one Public Consultation for Clusters is essential for ensuring that the impact of the entire cluster on ecology and nearby habitation is clear to the public. That where the requirements of compliance with Appendix XI (Procedure for EC for mining of minor minerals including cluster) have been flouted by the regulatory authorities while processing the Application for EC, this Hon'ble Tribunal has quashed the EC of the Project Proponent. (*Ravi Kumar v. MoEF&CC & ors. 2021 SCC OnLine NGT 244*). In another case of *Jitul Deka v. State of Meghalaya & Others (OA No. 48/2019)*, this Hon'ble Tribunal vide Judgment dated 27.05.2022, *inter alia*, directed the Pollution Control Board to cancel the Consent to Operate of stone crushers operating in violation of the Cluster Norms as given in Appendix XI of the EIA Notification, 2006 and imposition of Environment Compensation on the violators. This Hon'ble Tribunal may take strict note of the non-compliance with Cluster Norms under Appendix XI of the EIA Notification, 2006 by failing to conduct one Public Consultation and preparation of one Cluster EIA/EMP Report by the State Regulatory Authorities and the Project Proponent and may issue appropriate directions.

**C. The consequences or steps to be taken after the grant of Environmental Clearance have not been followed in terms of the EIA Notification, 2006 or Judicial Decisions thereto.**

13. That para 10(i)(b) and para 10(i)(d) of EIA Notification, 2006 states that for Category B Projects, the Project Proponent should prominently advertise in the newspaper the EC granted to the Project, the MOEF&CC/SEIAA is statutorily required to place the EC in the public domain and the copies of the EC is required to be submitted by the Project Proponent to the local bodies, Panchayats, Municipal Bodies in addition to the relevant offices of the government who are required to display the same for a period of 30 days from the date of receipt. All the above conditions have been flouted by the project proponent except uploading of the said clearance by SEIAA.
14. That it is humbly submitted that this Hon'ble Tribunal in the case of *Save Mon Region Federation v. Union of India (MA No. 104/2012 in Appeal No. 39/2012)* has held that the „Communication“ of the EC is complete only when all the methods of communication as per post monitoring mechanism under para 10(i)(b) and para 10(i)(d) of EIA Notification are complete. (*M/s Medha Patkar v. MoEF&CC (2013 SCC Online NGT 63)*). Further, paragraph 16 of the Judgment dated 1403.2013 in *Save Mon Region Federation* states that –
- “Upon analysis of the above, it is clear that ‘communication’ is made by one and received by another. It requires sufficient knowledge of the basic facts constituting the communication. The action of communicating is precisely sharing of knowledge by one with another of the thing communicated. Communication, particularly to the public, has to be by methods of mass communication, like satellite, website, newspapers etc. ‘Communicated’ is a strong word. It requires that sufficient knowledge of basic facts constituting the grounds of the order should be imparted fully and effectively to the person.”*
15. That as stated earlier, in the present case project proponent/ Respondent No. 7 has failed to publish the EC either in the local dailies nor a copy of the same has been given to the heads of the local government bodies in violation of the procedure for post monitoring compliance under the EIA Notification, 2006 and the directions of this Hon'ble Tribunal in *Save Mon Region Federation v. Union of India (MA No. 104/2012 in Appeal No. 39/2012)*. That this Hon'ble Tribunal may take strict note of the lackadaisical attitude of the Project Proponent in failing to ensure compliance with the post environment clearance monitoring procedure and direct strict action to be taken against the project proponent. In fact this is also a strong ground for quashing the EC itself as the communities at large have been prevented to understanding the implications of

such huge scale mining that will change the entire character of their landscape and that have been so harmful in the past because of which the present Appeal has been filed.

**D. The EC allows Respondent No. 7 to extract groundwater despite assessment units in groundwater being semi-critical as per the Dynamic Ground Water Resources Report of India, 2020.**

16. That the Appellant in the Appeal had highlighted that the permission to withdraw groundwater had been granted to Respondent No. 7 despite the critical level of groundwater in the neighbouring assessment units in Pakala and Ramachandrapuram in terms of the groundwater exploitation as per the Dynamic Ground Water Resource Study of 2017.
17. That recently, the Ministry of Jal Shakti has uploaded the Dynamic Ground Water Resource Study of 2020 wherein the District of Puttur has now been included in the Semi-Critical Assessment unit of the said Study. The relevant extracts of the Dynamic Ground Water Resource Study of 2020 is marked and annexed herein as **Annexure A/1**. That this categorically highlights the failure of Respondent No. 7 and SEIAA/Respondent No. 2 to apply their mind in assessing the Environment Impact Assessment and the adverse impact on the groundwater in the region and this alone is a ground to quash the Environment Clearance of Respondent No. 7.
18. That in view of abovementioned facts, it is evident that the Respondent No. 7 along with the State Respondents has failed to comply with the provisions of EIA Notification, 2006 by processing the application of Environment Clearance without a valid District Survey Report, in non-compliance with the Cluster Norms in Appendix XI, violation of the minimum distance criteria as per the Judgment of the Hon'ble Supreme Court in Mohammad Haroon and non-compliance with the post EC monitoring procedure for completing the communication of the EC through all the means of communication. That further, the EC application has been processed without assessing the level of groundwater in the region, which is semi-critical in the District of Puttur. That in view of the abovementioned submissions, it is humbly submitted by the Appellant that the Environment Clearance to Respondent No. 7 has been granted in violation of the EIA Notification, 2006 and the same should be quashed by this Hon'ble Tribunal.

**E. Two Divisional Forest Officer given two contradictory stand on the issues of Gutta Paramboke Land And its use.**

19. That in pursuance of the Standard Terms of Reference No. 12, the Respondent No. 7 had approached the Divisional Forest Officer, Chittoor East Division for obtaining the Forest No-Objection Certificate for undertaking mining on land classified as „Gutta Paramboke“. On 11.04.2022, the then Divisional Forest officer had written to the Assistant Director of Mines & Geology, Chittoor that the quarry lease of Respondent No. 7 is near to the Compt. No. 337 of Karvetinagar Forest Block cairn No, 209 and 284 mts. away from the boundary forest line as per GPS survey plotted on the topo sheet. Further, the applied mining area is classified as “Gutta Paramboke“, therefore the Respondent No. 7 (M/s Amaram Commodity Ventures) was directed to follow the procedure as per the Forest Conservation Act, 1980.
20. That however, the Divisional Forest Officer, Tirupati has now submitted a revised No-Objection Certificate Report with the Assistant Director, Mines and Geology, Chittoor at the behest of the Representation submitted by Respondent No. 7 (Refer Annexure IV and V of the Reply Affidavit dated 12.11.2022 of the Divisional Forest officer, Tirupati). It is pertinent to highlight that the previous Divisional Forest officer had directed the Respondent No. 7 to comply with the Forest Conservation Act, 1980 as the land has been classified as „Gutta Paramboke“, however the subsequent DFO has taken a contrary stand to submit that the land classified as Gutta Paramboke would not require prior Forest Clearance as per Forest Conservation Act, 1980. In view of such contradictory may direct the Principal Chief Conservator of Forest to clarify the applicability of the Forest Conservation Act, 1980 on land classified as „Gutta Paramboke“.

**F. The Hon'ble High Court of Andhra Pradesh has categorically restricted use of land classified as 'Gutta Paramboke', for private profiteering noting that natural resources are the bounty of nature and the same cannot be allotted to any public and no private ownership can be created on such lands.**

21. That it is pertinent to mention that the Hon'ble High Court of Andhra Pradesh in the case of Smt. S. Maheswari v. The State of Andhra Pradesh & Others 2021 SCC OnLine AP 3495, while adjudicating upon the issue of conversion of Gutta paramboke or Yetteri Gutta for assignment of house sites, has

categorically and unequivocally held that land classified as gutta, locally known Yetteramma Gutta, classified as a hillock, cannot be converted into a house site due to the impact on the environment and bio-diversity.

22. That in the present case, land classified as „Gutta Paramboke“ has been granted to Respondent No. 7 to undertake mining activities, not only environmentally adverse for the entire village but which is in abject violation of the letter and spirit of the Judgment of the Hon’ble High Court of Andhra Pradesh which has clearly restricted grant of such land even for housing purposes. The Respondent No. 7 is put to strict proof for acting in violation of the directions of the Hon’ble High Court of Andhra Pradesh. This is ground alone for setting aside the EC granted by the State Respondents.

## II. Para-Wise Reply on Merits

1. The contents to the corresponding para in the Reply Affidavit of Respondent No. 7 merits no response.
2. The contents of the corresponding para is mere reiteration of the ground of challenge in Appeal No. 49/2022 filed by the Appellant and to that extent merits no response.
3. That the contents of the corresponding paragraph are vociferously denied as false and devoid of all merit. The present Appeal has been filed by aggrieved members of the village community belonging to the nearby villages of Eswarapuram, Cherloppali and Puttur. That the said members own agricultural land in the village and are not trade rivals of Respondent No. 7 but aggrieved by the adverse impact of illegal mining on the agricultural land and the summer storage drinking water tank. That despite writing representation to the authorities, the EC of Respondent No. 7 has been granted and having exhausted all other remedies for seeking relief have approached this Hon’ble Tribunal. The said challenge to the EC by way of an Appeal under section 16 of the National Green Tribunal Act, 2010 is in accordance with the National Green Tribunal Act, 2010 and therefore no malice can be imputed. In fact, the facts of the present case suggest that the procedures under the Statute have been given a go-by by conniving with the official Respondents which is evident in the manner in which the environmental issues have been dealt with by the State Respondents.
4. That in response to the contents of the corresponding para, it is submitted that Appellants have filed separate Affidavits with proper notarisation

clarifying which Appellant belongs to which village. It is reiterated that Appellant No. 1, K Rukamangada Reddy belongs to Cherlopalli Village, the Appellant No. 2, B. Venkatarama Raju belongs to Eswarapuram Village and the Appellant No. 3, Manohar Reddy is a resident of Puttur. All of them are well within the meaning of Section 18 of the National Green Tribunal Act, 2010 and the catena of decisions by this Hon'ble Tribunal. That the Adhaar and other documents of the Appellants are available for the perusal of this Hon'ble Tribunal, if it desires so. It is submitted that the Respondent No. 7 is trying to mislead this Hon'ble Tribunal by raising adverse remarks against the members of the village community without any evidence to substantiate their allegations. This Hon'ble Tribunal may take strict note of the conduct of Respondent No. 7.

5. That the contents of the corresponding para are wrong, false and devoid of any merit. The Appellants have been suffering the adverse impacts from mining of granite in their neighbourhood for years, including the damage to the Puttur Summer Storage tank which is their only source for accessing drinking water facilities. That aggrieved by the grant of EC and establishment of another cluster of mines in the same area, the Appellants had written Representation to the State Pollution Control Board, Collector Tirupati and SEIAA and also raised their grievances in the public hearing.(Representation annexed at Annexure A/9, Page 101 of the Appeal). However, no action was taken by the Regulatory Authorities. Aggrieved by the lackadaisical attitude of the Regulatory Authorities, the Appellants thereafter approached this Hon'ble Tribunal to seek appropriate reliefs. Further, as stated earlier, the said challenge to the EC by way of an Appeal under section 16 of the National Green Tribunal Act, 2010 is in accordance with the NGT Act, 2010 and therefore no malice can be imputed.
6. That the Appellants aggrieved by the damage caused due to existing mining activities have approached this Hon'ble Tribunal against grant of new mining leases in the same cluster, which would exacerbate the existing impact of granite mining on the nearby villages. Further, the Respondent No. 7 has been granted EC in violation of the cluster norms, the procedure for conducting public hearing and in the absence of a valid DSR. It is humbly submitted that DSR for minor minerals other than sand was made a statutory mandate after the Amendment dated 15.01.2016 and 25.07.2018. Further the Appellant has always apprehended that his little finger may be crushed for

raising all the past violations but has gathered strength along with others to raise this outright illegality to save his village.

7. That the contents of the corresponding paragraph are denied as false. The Hon'ble Madras High Court in the case of Gem Granites Cathedral Road v. The State of Tamil Nadu & Others (2010 SCC OnLine Mad 4387) has categorically noted that unlike other types of mining, granite mining/quarrying leads to cropping and mining of the tops of the hillocks and mountains destroying and scarring the landscape forever. Thus, irrespective of the method of mining, the damage caused due to granite mining is irreversible. The Photographs annexed in the Appeal at Annexure A/10, Pg 107 clearly highlight the consequences of rampant, unsupervised mining of granite in the said area. The Appellants have raised legal impropriety in granting of the EC and well within their right to do so under the National Green Tribunal Act, 2010.
8. That in response to the contents of the corresponding paragraph, it is submitted that SEIAA/Respondent No. 2 in their Affidavit dated 14.10.2022 have themselves stated that they were aware of the re-organisation of the thirteen districts in the State of Andhra Pradesh vide Office Order dated 25.01.2022. However, despite the said reorganisation, the application for Respondent No. 7 has been processed and granted the Terms of Reference on 26.04.2022. That infact, the Notification constituting the District of Tirupati was issued on 02.04.2022 (Annexure A/3, Pg 54 of the Appeal) and yet the Regulatory Authorities have gone ahead and processed the application of EC without a valid DSR which is bad in law. The gap between the mining approval in July 2021 and the application of EC in March 2022 also need to be explained by the private Respondents as the declaration of reorganisation of District was publicly announced on 25.01.2022 as past miners the Respondents have no excuse of not knowing the law and its amendments with regard to the environmental law developments.
9. That the contents of the corresponding paragraph are wrong, false and devoid of any merit. The new District of Tirupati has been carved out of erstwhile Districts of Chittoor and SPS Nellore. The carrying capacity of the District has changed and accordingly the DSR has to be updated to reflect the new land use patterns, environment remediation plans and existing mining clusters and its impact on land, water and forest environment. That further, there cannot be any administrative convenience in processing

applications of EC based on two DSR's of erstwhile districts of Chittoor and SPS Nellore in the new District of Tirupati. Moreover, even assuming without admitting, that the DSR of Chittoor or SPS Nellore has been considered by the SEIAA, there is no evidence to show either in the Minutes of the SEIAA meeting nor in the impugned EC that the DSR or the cluster approach has been considered while granting the prior EC. Such mechanical manner in which the EC has been granted demonstrates complete lack of application of mind and thus the EC granted deserves to be set aside.

10. That the contents of the corresponding paragraph are wrong, false and devoid of any merit. The lackadaisical and casual attitude of the authorities to ensure compliance with the provisions of the EIA Notification, 2006 is evident from the communication between SEIAA and the Director of Mines and Geology wherein SEIAA after processing the Terms of Reference, vide letter dated 03.06.2022 has requested the Director of Mines and Geology to submit the revised DSR for the new District of Tirupati. Thus, the compliance with EIA Notification, 2006 was being undertaken in hindsight despite numerous Judgments of this Hon'ble Tribunal directing formalisation of DSR before processing the applications of EC. Further, the above paragraphs clearly demonstrate that there has been total non-application of mind by the official Respondents and para 1 to 9 of the Preliminary Submission may be read as a response to the corresponding para and is not being repeated for the sake of brevity.
11. That the contents of the corresponding para are wrong, false and highlight the casual approach of the Respondent No. 7 in ensuring compliance with the rigors of the EIA Notification, 2006. It is humbly submitted that the EIA Notification, 2006 has laid down timeline of forty five days to ensure that the public hearing is conducted within a stipulated time period unless there is an „untoward emergency situation“ and/ or „exceptional circumstances“, leading to the postponement of the public hearing. That postponement of the public hearing for a reason apart from the ones specified in the EIA Notification would require the State Government to engage a third party/agency to complete the process of the hearing. The Appellants alongwith the other members of the village community had submitted their Representation to the Regulatory Authorities and the same has been annexed in the Appeal as Annexure A/9, pg 101. That the contents of para 10 to 12 of the preliminary submissions may also be read as a response to the contents

of the corresponding paragraph in the Reply Affidavit of Respondent No. 7. The public hearing conducted in violation of the EIA Notification has to be rendered illegal and therefore the consequent EC has to be set aside accordingly.

12. That the contents of the corresponding para are wrong, false and devoid of any merit. This Hon'ble Tribunal has in the case of Save Mon Region Federation categorically stated that communication of EC as per para 10 of the EIA Notification, 2006 is complete only when all modes of communication/publication through newspapers, providing copies to the local authorities, Panchayats, among others has been complied with by the Project Proponent. The blatant disregard for the provisions of the law and the directions of this Hon'ble Tribunal is evident from the response of Respondent No. 7 in the corresponding para of his Reply Affidavit and this alone is a ground to set aside his EC dated 16.08.2022. The contents of para 17 to 19 of the Preliminary Submissions may be read in addition to the response herein.
13. That the contents of the corresponding paragraph are wrong, false and contradictory. That the Respondent No. 7 himself has clarified that the mine exists barely .375 km away from the nearest Reserve Forest. Further, the mine exists in a cluster and the entire contiguous cluster is existing in close proximity to the temples, the three villages of Cherlopalli, Eswarapuram and Puttur and the summer storage water tanks. Further there are Gutta Paramboke lands, the conversion of which has been held to be illegal by the High Court of Andhra Pradesh in the case of Smt. S. Maheswari v. The State of Andhra Pradesh & Others 2021 SCC OnLine AP 3495,
14. That the contents of the corresponding para are matters of record and does not merit any response.
15. That the contents of the corresponding para are matters of record and to that extent does not merit any response.
16. That the contents of the corresponding para is wrong, false and devoid of any merit as despite the mining leases existing in one contiguous cluster, separate Public Consultations have been undertaken in violation of the Cluster Norms in Appendix XI of the EIA Notification, 2006. A single consultation assessing the impact of the entire cluster rather than individuals mines impact is required to be considered. This Hon'ble Tribunal in the past

has directed to set aside environmental clearances which have not followed the cluster norms.

17. That the contents of the corresponding para are vociferously denies as wrong, false and devoid of any merit. The contents of para 8 to 10 of the Para-Wise response and Para 1 to 9 of the Preliminary Submissions may be read as a response to the contents of the corresponding para and are not being repeated herein for the sake of brevity.
18. That in response to the contents of the corresponding paragraph, it is humbly submitted that the Respondent No. 7 has misunderstood the directions of this Hon'ble Tribunal dated 13.09.2018 in the case of Satendra Pandey v. Union of India (O.A. No. 186/2016) and Order dated 11.12.2018 in Vikrant Tongad v. Union of India (EA No. 55/2018 in OA No. 520/2016). That vide the said Orders, the Amendments dated 15.01.2016 and 25.07.2018 have not been stayed. The Hon'ble Tribunal had ordered MoEF&CC to treat mining projects for all areas from 5 to 25 ha falling under category B2 be treated at par with Category B1 by SEAC/SEIAA as well as for cluster situation , wherever it is not provided. That the said Judgments have done away with the District Environment Impact Assessment Authority and reinstated the appraisal powers with SEIAA. That MoEF&CC on 12.12.2018 has issued an Office Memorandum implementing the directions of the Hon'ble Tribunal and nowhere has it stayed the operation of the Amendments dated 15.01.2016 and 25.07.2018. The Copy of the Judgment dated 13.09.2018 in Satendra Pandey v. Union of India ( O.A. No. 186/2016) and Order dated 11.12.2018 in Vikrant Tongad v. Union of India (EA No. 55/2018 in OA No. 520/2016) are marked and annexed as **Annexure A/ 2 (Colly)**. The Copy of the OM dated 12.12.2018 of MoEF&CC is marked and annexed as **Annexure A/3**.
19. That the contents of para 19 to 20 to the extent that they are matters of record are not being disputed by the Appellant herein. The contents of para 18 to 22 may be read as a response to this para and is not being repeated for the sake of brevity.
20. That the contents of para 21 do not merit any response, save as what are matters of record.
21. That the contents of para 22 are denied as wrong, false and baseless. The grant of Terms of Reference without preparation of the DSR for the new District is in violation of the EIA Notification, 2006. The contents of para 1

to 9 of the Preliminary Submissions may be read as response to the contents of the corresponding paragraph and are not being repeated for the sake of brevity.

22. That the contents of para 23 are denied as irrelevant as the erstwhile DSR became inapplicable when the new District of Tirupati was constituted. Further, two DSR's cannot be made applicable in the same District for processing applications of EC. The contents of para 1 to 9 of the Preliminary Submissions may be read as response to the contents of the corresponding paragraph and are not being repeated for the sake of brevity. Further, a perusal of both the Minutes of the SEAC meeting as well as the EC of the Respondent No. 7, there is not a whisper on the consideration of the DSR even assuming, arguendo, the DSR of Chittoor based on which the EC has been granted. This clearly shows non-application of mind and is a ground alone to set aside the impugned EC.
23. That the contents of para 24 are denied as wrong, false and devoid of any merit. The Respondent No. 7 has failed to provide information of the public hearing through beating of the drums, among other means of communication as required by the EIA Notification, 2006 as a result of which many members of the village community were unable to be present for the public hearing. Moreover, the public consultation was conducted separately for all the mines instead of one public consultation for the entire cluster as per the EIA Notification, 2006. Even the old DSR was not placed before the public, nor has there been any evidence of the same being approved by the SEIAA as required by law. These are grounds to set aside the impugned EC.
24. It is humbly submitted that in view of the abovementioned position of law and the facts, it is evident that there has been abject non-compliance with the provisions of the EIA Notification, 2006 by Respondent No. 7. That the casual and lackadaisical attitude of the Respondent No. 7 is evident from his failure to comply with the timelines, the modes of communication of EC provided in the Notification and treat them as a technical requirement rather than a mandatory requirement under the EIA Notification, 2006. Moreover, the said Appellant has been allowed to extract groundwater in an area which has been categorised as semi-critical in the latest Dynamic Ground Water Assessment Report of 2020 by the Central Ground Water Authority. The fact that Gutta Paramboke land could not have been granted for mining, the fact that the DSR has not been prepared and even the old DSR has not been

considered by SEAC/SEIAA or while granting EC . In view of the same, it is humbly submitted that the EC granted to Respondent No. 7 should be quashed by this Hon'ble Tribunal for failure to comply with the EIA Notification, 2006 and the Judgments of this Hon'ble Tribunal.

Date: 14.01.2023

Place: Chennai

DRAWN & FILED BY:



**Sanjay Upadhyay, Eisha Krishn  
Mansi Bachani , Sonali Sengupta & Shubham Upadhyay**  
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29, LGF, Presidential Estate, Nizamuddin East  
New Delhi -110013  
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## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

## SOUTHERN BENCH AT CHENNAI

IN

APPEAL NO. OF 2022 (SZ)

IN THE MATTER OF:

K. Rukmangada Reddy &amp; Ors

...Applicant

**-VERSUS-**

Union of India &amp; Ors.

...Respondents

AFFIDAVIT

I, B. Venkataramana Raju, S/o Shri B Chengalraju, resident of Ontimitta, Rachapalam, Puttur Municipality, Tirupati District, aged 63 years, presently at Andhra Pradesh, do hereby solemnly affirm and state as under:

1. That I am the Appellant in the present appeal, familiar with the facts and circumstances of the case and am competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying Rejoinder and they have been drafted by my counsel on my instructions and nothing material has been concealed therefrom.

*B. Venkata Ramana Raju*  
DEPONENT

VERIFICATION:

I, the above-named deponent do hereby verify that all the facts mentioned in the affidavit are true to my knowledge and no part thereof is false and nothing material has been concealed therefrom.

Verified at PUTTUR On this 09TH day of December, 2022.

*U.S. Rayudu*  
U.S. RAYUDU, M.Sc., B.L.  
ADVOCATE / NOTARY  
11/108, NGO's Colony  
PUTTUR. Ph.No: 9000875394

*B. Venkata Ramana Raju*  
DEPONENT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN BENCH AT CHENNAI

IN

APPEAL NO. OF 2022 (SZ)

IN THE MATTER OF:

K. Rukmangada Reddy & Ors. ...Applicant

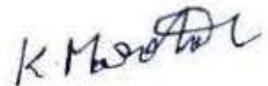
-VERSUS-

Union of India & Ors. ....Respondents

AFFIDAVIT

I, K. Manohar Reddy, S/o Shri Narasimha Reddy, resident of 17-193 Beedi Colony, Puttur, aged about 63 years, presently at Andhra Pradesh, do hereby solemnly affirm and state as under:

1. That I am the Appellant in the present appeal, familiar with the facts and circumstances of the case and am competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying Rejoinder and they have been drafted by my counsel on my instructions and nothing material has been concealed therefrom.

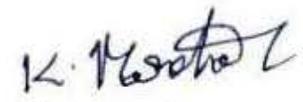
  
DEPONENT

VERIFICATION:

I, the above-named deponent do hereby verify that all the facts mentioned in the affidavit are true to my knowledge and no part thereof is false and nothing material has been concealed therefrom.

Verified at PUTTUR..... On this 9<sup>th</sup>..... day of December, 2022.

  
U.S. RAYUDU, M.Sc., B.L.  
ADVOCATE / NOTARY  
11/106, NGO's Colony  
PUTTUR. Ph.No: 9000875394

  
DEPONENT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN BENCH AT CHENNAI

IN

APPEAL NO. OF 2022 (SZ)

IN THE MATTER OF:

K. Rukmangada Reddy & Ors

...Applicant

-VERSUS-

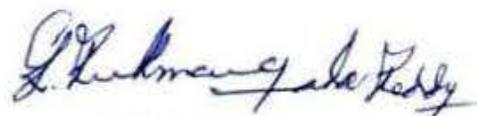
Union of India & Ors.

....Respondents

AFFIDAVIT

I, K. Rukmangada Reddy, S/o Shri K Munnuswamy Reddy, resident of Kapu Veedhi, Puttur, aged about 66 years, presently at Andhra Pradesh, do hereby solemnly affirm and state as under:

1. That I am the Appellant in the present appeal, familiar with the facts and circumstances of the case and am competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying Rejoinder and they have been drafted by my counsel on my instructions and nothing material has been concealed therefrom.

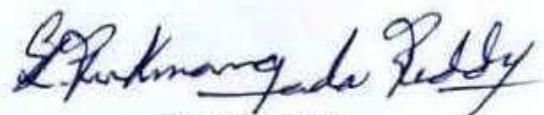


DEPONENT

VERIFICATION:

I, the above-named deponent do hereby verify that all the facts mentioned in the affidavit are true to my knowledge and no part thereof is false and nothing material has been concealed therefrom.

Verified at ..PUTTUR..... On this .....9<sup>th</sup>..... day of December, 2022.



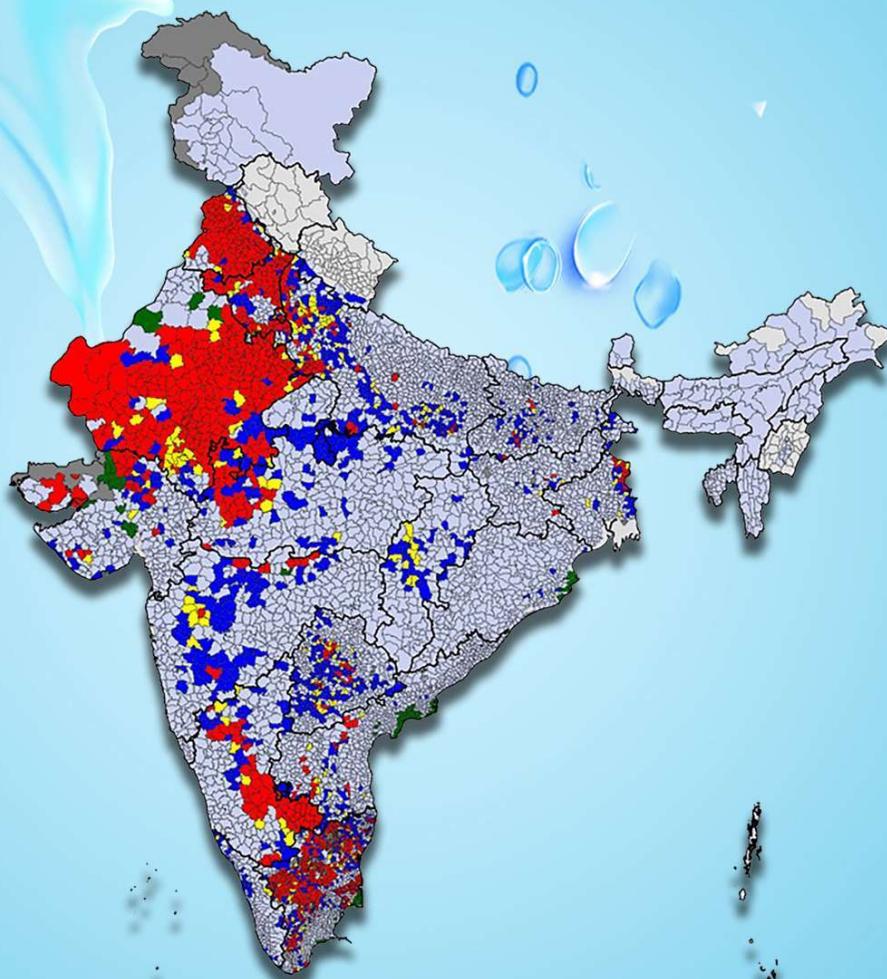
DEPONENT

U.S. RAYUDU, M.Sc., B.L.  
ADVOCATE / NOTARY  
11/106, NGO's Colony  
PUTTUR. Ph.No: 9000875394

U.S. RAYUDU  
09/12/22



**National Compilation on  
DYNAMIC GROUND WATER RESOURCES OF INDIA, 2020**



Central Ground Water Board  
Department of Water Resources,  
River Development & Ganga Rejuvenation  
Ministry of Jal Shakti  
Government of India

**National Compilation on  
DYNAMIC GROUND WATER RESOURCES OF INDIA, 2020**



**Central Ground Water Board  
Department of Water Resources,  
River Development & Ganga Rejuvenation  
Ministry of Jal Shakti  
Government of India**

**Faridabad  
June, 2021**

## Dynamic Ground Water Resources Assessment of India - 2020

CATEGORIZATION of ASSESSMENT UNITS, 2020							
ANDHRA PRADESH							
S. No	Name of District	S. No	Name of Semi-Critical Assessment Units	S. No	Name of Critical Assessment Units	S. No	Name of Over-Exploited Assessment Units
1	Ananthapur	1	Chilamathur	1	Nambulipulikunta	1	Somandepalle
		2	Amadagur			2	Tanakal
		3	Madakasira			3	Puttur
		4	Roddam			4	Yadiki
						5	Hindupur
						6	Yellanur
						7	Rolla
						8	Amarapuram
						9	Gandlapenta
						10	Gudibanda
						11	Agali
						12	Lepakshi
						13	Kothacheruvu
						14	Nallacheruvu
						15	Talupula
2	Chittoor	1	Chandragiri	1	Srirangarajapuram		
		2	Kurabalakota			2	Nindra
		3	Palasamudram			3	Tirupati
		4	Santhi Puram			4	Gudi Palle
		5	Rama Kuppam			5	Ramasamudram
		6	Thavanampalle			6	Puthalapattu
		7	Gurramkonda				
		8	Pakala				
		9	Baireddi Palle				
		10	Pedda Panjani				
		11	Ramachandrapuram-17				
		12	Nimmanapalle				
		13	Venkatagiri Kota				
		14	Chowdepalle				
		15	Nagari				
		16	Penumuru				
		17	Gangavaram				
		18	Pulicherla				
		19	Puttur				
3	East Godavari	1	Rangampeta				
		2	Rajahmundry (Urban)				
4	Guntur			1	Piduguralla	1	Bollapalle
						2	Veldurthi
5	Kadapa	1	Chennur	1	Vemula	1	Chitvel
		2	Proddutur			2	Pulivendla
		3	Royachoti			3	Kamalapuram
		4	Brahmangarimattam			4	Sambepalle
		5	Obulavaripalle			5	Chapad
		6	Duvvur				
		7	Chinnamandem				
6	Krishna	1	Musunuru				
7	Kurnool	1	Kosigi	1	Bethamcherla		
		2	Chagalamarri				
8	Nellore	1	Gudur	1	Naidupeta		
9	Prakasam	1	Cumbum			1	Racherla
		2	Tarlapadu			2	Pedaaraveedu
		3	Giddaluru			3	Pullalacheruvu
		4	Komarolu			4	Markapur
<b>ABSTRACT</b>							
<b>Total No. of Assessed Units</b>		<b>Number of Semicritical Assessment Units</b>		<b>Number of Critical Assessment Units</b>		<b>Number of Over Exploited Assessment Units</b>	
667		40		15		23	

## Dynamic Ground Water Resources Assessment of India - 2020

COMPARISON OF CATEGORIZATION OF ASSESSMENT UNITS (2020 AND 2017)									
ANDHRA PRADESH									
S. No	Name of District	Name of Assessment Unit	Stage of Ground Water Extraction (%) 2017	Categorization 2017	Name of District	Name of Assessment Unit	Stage of Ground Water Extraction (%) in 2020	Categorization 2020	Remark
				Deteriorated					
1	Anantapur	Nallacheruvu	97.25	Critical	Anantapur	Nallacheruvu	111.85	Over-Exploited	Deteriorated
2	Anantapur	Nambupulukunta	67.14	Safe	Anantapur	Nambupulukunta	97.55	Critical	Deteriorated
3	Anantapur	Lepakshi	82.90	Semi-Critical	Anantapur	Lepakshi	114.56	Over-Exploited	Deteriorated
4	Anantapur	Somandepalle	86.08	Semi-Critical	Anantapur	Somandepalle	102.76	Over-Exploited	Deteriorated
5	Chittoor	Chandraiari	22.98	Safe	Chittoor	Chandraiari	80.39	Semi-Critical	Deteriorated
6	Chittoor	Chowdepalle	67.54	Safe	Chittoor	Chowdepalle	75.30	Semi-Critical	Deteriorated
7	Chittoor	Gangavaram	44.16	Safe	Chittoor	Gangavaram	82.60	Semi-Critical	Deteriorated
8	Chittoor	Kurabalakota	59.91	Safe	Chittoor	Kurabalakota	73.62	Semi-Critical	Deteriorated
9	Chittoor	Nagari	50.62	Safe	Chittoor	Nagari	88.77	Semi-Critical	Deteriorated
10	Chittoor	Nimmanapalle	57.84	Safe	Chittoor	Nimmanapalle	78.52	Semi-Critical	Deteriorated
11	Chittoor	Puttur	55.00	Safe	Chittoor	Puttur	87.37	Semi-Critical	Deteriorated
12	East Godavari	Rajahmundry (Urban)	41.12	Safe	East Godavari	Rajahmundry (Urban)	75.80	Semi-Critical	Deteriorated
13	Guntur	Piduguralla	55.75	Safe	Guntur	Piduguralla	90.89	Critical	Deteriorated
14	Kadapa	Pulivendla	64.15	Safe	Kadapa	Pulivendla	112.20	Over-Exploited	Deteriorated
15	Kadapa	Chennur	65.00	Safe	Kadapa	Chennur	80.33	Semi-Critical	Deteriorated
16	Kadapa	Proddutur	57.01	Safe	Kadapa	Proddutur	84.99	Semi-Critical	Deteriorated
17	Kadapa	Chapad	79.26	Semi-Critical	Kadapa	Chapad	96.70	Critical	Deteriorated
18	Kadapa	Chitvel	76.97	Semi-Critical	Kadapa	Chitvel	183.44	Over-Exploited	Deteriorated
19	Kurnool	Kosigi	61.08	Safe	Kurnool	Kosigi	73.06	Semi-Critical	Deteriorated
20	Kurnool	Bethamcherla	76.31	Semi-Critical	Kurnool	Bethamcherla	95.14	Critical	Deteriorated
21	Nellore	Gudur	61.71	Safe	Nellore	Gudur	72.59	Semi-Critical	Deteriorated
22	Nellore	Naidupeta	83.35	Semi-Critical	Nellore	Naidupeta	92.36	Critical	Deteriorated
23	Prakasam	Pullalacheruvu	60.14	Safe	Prakasam	Pullalacheruvu	161.72	Over-Exploited	Deteriorated

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 186/2016  
(M.A. No. 350/2016)  
And  
Original Application No. 200/2016  
And  
Original Application No. 580/2016  
(M.A. No. 1182/2016)  
And  
Original Application No. 102/2017  
And  
Original Application No. 404/2016  
(M.A. No. 758/2016, M.A. No. 920/2016,  
M.A. No. 1122/2016, M.A. No. 12/2017 & M.A. No. 843/2017)  
And  
Original Application No. 405/2016  
And  
Original Application No. 520 of 2016  
(M.A. No. 981/2016, M.A. No. 982/2016 & M.A. No. 384/2017)

**IN THE MATTERS OF:**

**Satendra Pandey  
Vs.  
Ministry of Environment, Forest & Climate Change & Anr.  
And  
Rajeev Suri Vs. Union of India  
And  
Badal Singh Vs. Union of India & Ors.  
And  
Nature Club of Rajasthan (NGO) Vs. Union of India & Ors.  
And  
Naresh Zargar Vs. Ministry of Environment & Forest and Anr.  
And  
Rajeev Suri Vs. Union of India & Anr.  
And  
Vikrant Tongad Vs. Union of India**

**CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

<b>Present: Applicant:</b>	<b>Mr. Rahul Choudhary and Ms. Meera Gopal, Advs. in Original Application No. 388/2018</b>
<b>Respondents</b>	<b>Mr. Divya Prakash Pande, Adv. for Ministry of Environment, Forest and Climate Change Dr. Abhishek Atrey, Adv. for Ministry of Environment, Forest and Climate Change Mr. Amit Tiwari, Adv. for State of Uttar Pradesh Mr. Ashok Kumar Sharma and Mr. Kshitij Mudgal, Advs. Mr. V.K. Shukla, and Ms. Vijay Lakshmi, Advs. for State of MP, State Environment Impact Assessment Authority &amp; Mining Corporation Mr. Rahul Pratap, Adv. for Ministry of Environment, Forest and Climate Change Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal and Mr. Vikramjeet Singh, Advs. for State of Rajasthan</b>

Date and Remarks	Orders of the Tribunal
<p><b>Item Nos. 07 to 14</b></p> <p><b>September 13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p>1. By this application, the applicant has sought to assail Notifications dated 15.01.2016, 20.01.2016 and 01.07.2016 amending the EIA Notification dated 14.09.2006 on the ground that the procedure for obtaining Environmental Clearance in respect of mining of minor minerals for areas from 0 to 25 ha has been diluted by bringing it within B-2 category projects and exempting such category from Public Consultation, Environment Impact Assessment (EIA) and Environment Management Plan (EMP) which was in contravention of the judgment of the Hon'ble Supreme Court in <i>Deepak Kumar Vs. State of Haryana &amp; Ors.: (2012) 4SCC 629</i> and also of this Tribunal in <i>Original Application No. 123 of 2014</i> dated 13.01.2015.</p> <p>2. The crux of the case of the applicant is that while in <i>Deepak Kumar</i> case (supra) it had been held that all mining leases in respect of its size would require to obtain Environmental Clearance and be subjected to strict regulatory framework as that of all major minerals, the impugned Notifications, more particularly 15.01.2016, exempts the necessity of having EIA and Public Consultation for areas upto 25 ha.</p> <p>3. According to the applicant the impugned Notification dated 15.01.2016 provided exemption of the rigors of the necessity of EIA and EMP even for areas ranging from 5 to 25 ha when in the earlier Notifications it was necessary from 5 to 50 ha. It was contended that the Hon'ble Supreme Court had expressed its concern on</p>

	<p><b>Item Nos. 07 to 14</b></p> <p><b>September 13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p>dispensing with the necessity of obtaining Environmental Clearance and the other requirements cognate thereto for areas less than 5 ha in the case of <i>Deepak Kumar</i> (supra).</p> <p>4. Further contention was that B-category as it stood originally, was broken to B-1 and B-2 categories by bringing areas of mining of minerals from 25 ha to 50 ha within B-1 category and 0 to 25 ha as B-2 category. For B-2 category, the authority prescribed for grant of Environmental Clearance is now the District Environment Impact Assessment Authority (DEIAA) which would base its decision on the recommendations of District Expert Appraisal Committee (DEAC).</p> <p>5. Further contentions of the applicant in assailing the Notification dated 15.01.2016 are as follows:</p> <p>a) Form-1M prescribed in the impugned Notification dated 15.01.2016, required to be submitted for mining of minor minerals upto 5 ha under Category B-2 projects provided in Appendix-VII, is generic seeking only basic details pertaining to the lease holder and the mine with perfunctory information on the environmental effect of the project which was in contrast to Form-1 which is required to be filled up for all other categories which is comprehensive seeking detailed information on environmental implications of the project.</p> <p>b) B-2 projects of 0 – 5 ha under individual and cluster category are exempted from requirements of preparing an Environment Impact Assessment</p>
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	<p><b>Item Nos. 07 to 14</b></p> <p><b>September 13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p>Report (EIA) and Environment Management Plan (EMP) and those greater than 5 ha and less than or equal to 25 ha are exempted from preparing Environment Impact Assessment Report (EIA) both with respect to individual Mine Lease and cluster situation. No such exemption has been provided in para 7 (i) of the EIA Notification, 2006 under Stage (2) - Scoping which stipulates such requirement, but it has been done away with now at Appendix-XI of Notification dated 15.01.2016.</p> <p>c) EIA/EMP is an integral and most critical component of Environmental Clearance as it is only through the EIA that the potential impacts and risks of a project can be assessed and mitigation measures formulated and adopted in the EMP. By exempting EIA/EMP, critical environmental aspects like anticipated environmental impacts, mitigation measures and additional studies involving public consultation, risk assessment, social impact assessment and rehabilitation and resettlement action plans, stand exempted. These requirements provided under Appendix-III, defeats the very purpose of the Notification and the Environment (Protection) Act, 1986.</p> <p>d) The District Level Environment Impact Assessment Authority (DEIAA) and District Level Expert Appraisal Committee (DEAC) comprises mostly of officers/bureaucrats who have no</p>
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	<p><b>Item Nos. 07 to 14</b></p> <p><b>September 13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p>expertise and scientific knowledge to assess environmental implications, and have been conferred with excessive and uncanalized power devoid of any guidelines. Even the power to appoint the Expert Members vested upon the authorities in the DEIAA and DEAC are unguided whereas there is an extensive elaborations with regard to qualifications, skill sets and competencies for the members of SEAC and SEIAA.</p> <p>6. Based, <i>inter-alia</i>, upon the aforesaid grounds, the applicant seeks a direction for quashing the impugned Notifications.</p> <p>7. Mr. Divya Prakash Pande, Ld. Counsel for MoEF&amp;CC in his arguments, at the outset, raised objection as to the maintainability of the application on the ground of jurisdiction of the Tribunal to grant relief for quashing the impugned notifications. It is contended that the decision of this Court in the case of <i>S.P. Muthuraman v. Union of India</i>, in O.A. No. 676 of 2017 (Earlier O.A. No. 37/2015) whereby the Tribunal has held that it had the jurisdiction to pass such orders has since been challenged before the Hon'ble Supreme Court in Civil Appeal No. 7191-7192 of 2015 and is yet to be decided and, by implication of the orders passed by the Hon'ble Supreme Court, operation of the impugned judgement stands stayed.</p> <p>8. On the merits of the application, it is submitted that Notification dated 15<sup>th</sup> January, 2016 which is sought to</p>
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	<p><b>Item Nos. 07 to 14</b></p> <p><b>September 13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p>be assailed, had been passed by the MoEF&amp;CC in exercise of its powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986. The notification was issued after due deliberations with various stakeholders and the State Governments over the draft notification in respect thereof issued on 22<sup>nd</sup> September, 2015 and, after a committee constituted <i>vide</i> letter dated 3<sup>rd</sup> December, 2015 to examine the comments/suggestions submitted by them, had submitted its report. The impugned Notification provides for DIEAA/DEAC in the districts which also includes appointment of Officers/bureaucrats as experts in the two bodies. The impugned Notification is further justified by the Learned Counsel contending that as the Executive Engineer, Irrigation Department has been made part of the DEAC as he deals with the rivers and canals in the district and, therefore, has the best information and knowledge about sand and gravel deposits in the districts. The Forest Department officials are also part of these committees who have the ability to do value addition in forest areas or areas adjoining the forest having deposits of minor minerals.</p> <p>9. Upon consideration of the fact and circumstances set out in the original application and upon hearing the Ld. Counsel for parties, we find that the impugned Notification dated 15<sup>th</sup> January, 2016 is not consistent with the decision of the Hon'ble Supreme Court in the case of <i>Deepak Kumar (supra)</i>. We find substance in the</p>
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<p><b>Item Nos. 07 to 14</b></p> <p><b>September 13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p>submissions of the Ld. Counsel for the applicant that while breaking category B of the mines to B-1 &amp; B-2 may not <i>per se</i> be bad, it certainly dilutes the stringent requirement of lease areas upto 25 ha being exempted from the necessity of submitting EIA and EMP for grant of Environmental Clearance. It is undisputed that the impugned Notification is issued with the object to comply with the directions passed in the case of <i>Deepak Kumar (supra)</i>. This case had arisen as the EIA Notification dated 14<sup>th</sup> September, 2006 was being flouted by breaking homogenous areas into pieces of less than 5 ha in the States of Uttar Pradesh, Rajasthan and Haryana, as the notification then did not require Environmental Clearance for areas less than 5 ha. The Hon'ble Supreme Court after noting the serious deleterious effect of quarrying, mining and removal of sand in-stream and up-stream of rivers to the environment, in paragraphs 9 and 10 (of SCC), held as follows:</p> <p><i>“9. Extraction of alluvial material from within or near a streambed has a direct impact on the stream's physical habitat characteristics. These characteristics include bed elevation, substrate composition and stability, in-stream roughness elements, depth, velocity, turbidity, sediment transport, stream discharge and temperature. Altering these habitat characteristics can have deleterious impacts on both in-stream biota and the associated riparian habitat. The demand for sand continues to increase day by day as building and construction of new infrastructures and expansion of existing ones is continuous thereby placing immense pressure on the supply of the sand resource and hence mining activities are going on legally and illegally without any restrictions. Lack of proper planning and sand management cause disturbance of marine ecosystem and also upset the ability of natural marine processes to replenish the sand.</i></p> <p><i>10. We are expressing our deep concern since we are faced with a situation where the</i></p>
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	<p><b>Item Nos. 07 to 14</b></p> <p><b>September 13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p><i>auction notices dated 3-6-2011 and 8-8-2011 have permitted quarrying mining and removal of sand from in-stream and upstream of several rivers, which may have serious environmental impact on ephemeral, seasonal and perennial rivers and river beds and sand extraction may have an adverse effect on bio-diversity as well. Further it may also lead to bed degradation and sedimentation having a negative effect on the aquatic life. The rivers mentioned in the auction notices are on the foothills of the fragile Shivalik hills. Shivalik hills are the source of rivers like Ghaggar, Tangri, Markanda etc. River Ghaggar is a seasonal river which rises up in the outer Himalayas between Yamuna and Satluj and enters Haryana near Pinjore, District Panchkula, which passes through Ambala and Hissar and reaches Bikaner in Rajasthan. River Markanda is also a seasonal river like Ghaggar, which also originates from the lower Shivalik hills and enters Haryana near Ambala. During monsoon, this stream swells up into a raging torrent, notorious for its devastating power, as also, river Yamuna.</i></p> <p><i>11. We find that it is without conducting any study on the possible environmental impact on/in the river beds and elsewhere the auction notices have been issued. We are of the considered view that when we are faced with a situation where extraction of alluvial material within or near a riverbed has an impact on the rivers physical habitat characteristics, like river stability, flood risk, environmental degradation, loss of habitat, decline in biodiversity, it is not an answer to say that the extraction is in blocks of less than 5 hectares, separated by 1 km, because their collective impact may be significant, hence the necessity of a proper environmental assessment plan.”</i></p> <p>10. The Hon’ble Supreme Court also took note of the fact that the MoEF&amp;CC had constituted a Core Group under the Chairmanship of the Secretary (Environment &amp; Forest) to look into the environment aspects associated with mining of the minor minerals <i>vide</i> order dated 24<sup>th</sup> March, 2009 with specific terms and conditions. The Core Group after consideration of various issues including cluster of mine approach for addressing and implementing EMP in case of small mines, submitted a report on 29<sup>th</sup></p>
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	<p><b>Item Nos. 07 to 14</b></p> <p><b>September 13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p>January, 2010 with the recommendation to permit mining of minor minerals under strict regulatory regime and carried out only under an approved framework of mining plan which should provide for reclamation and rehabilitation of mine areas. For smaller mine lease areas a cluster approach was recommended. It was directed that the States should adopt the recommendations and the model guidelines framed by the Ministry of Mines, namely the Model Rules, 2010.</p> <p>11. In pursuance of the directions, the impugned Notification dated 15<sup>th</sup> January, 2016 was ultimately issued. The MoEF&amp;CC Notification dated 14<sup>th</sup> December, 2006 as it stood earlier prescribed for two categories of projects and activities as Category A and Category B based on the spatial extent of potential impacts, potential impacts on human health and natural and man-made resources. Stage (1)-Screening that provides for Category 'B' projects or activities, entail scrutiny of an application seeking prior Environment Clearance made in Form 1 by the concerned State Level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of EIA for appraisal prior to grant of Environment Clearance depending upon the nature and location specificity of the project. It further provides that the project requiring EIA report would be termed as Category 'B-1' and remaining projects as Category 'B-2' that would not require EIA report. Discretion to make such categorization was left upon the MoEF&amp;CC and to issue appropriate guidelines from time to time. This</p>
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	<p><b>Item Nos. 07 to 14</b></p> <p><b>September 13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p>provision was a subject matter of challenge in the case of <i>Himmat Singh Shekhawat v. State of Rajasthan</i>, 2015 ALL (I) NGT Reporter (1) DEL 44 by which it was upheld as having been issued by the Ministry as a Subordinate Legislation. However, the office memorandums dated 24<sup>th</sup> June, 2013 and 24<sup>th</sup> December, 2013 prohibiting grant of Environment Clearance to the mine areas of less than 5 ha was quashed as being in conflict with the aforesaid provision.</p> <p>12. The only contention that require for us to consider in this case is as to whether the Notification dated 15<sup>th</sup> January, 2016 would satisfy the spirit of the directions issued in the case of <i>Deepak Kumar (supra)</i>. As already noted, EIA Notification dated 14<sup>th</sup> September, 2006 under the Schedule provided thereto require all mining lease area of equal to and up to 50 ha to seek Environment Clearance requiring to submit EIA for appraisal from the SEIAA.</p> <p>13. The impugned Notification dated 15<sup>th</sup> January, 2016, however, would clearly indicate that Category B has been split into category B1 and B2 and again, category B2 has been further split into areas of 0-5 ha and 5-25 ha. While 0-5 ha has been exempted from the requirement of EIA/Public Consultation, such exemption has also been provided even for mining areas of 5 ha to 25 ha with the DEAC and the DEIAA as the prescribed authority for evaluation and grant of Environmental Clearance. Category B-1 being mining areas of 25 ha to 50 ha, the authorities prescribed are the SEAC and SEIAA. For falling in excess of 50 ha being Category-A, it is the EAC and the</p>
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	<p><b>Item Nos. 07 to 14</b></p> <p><b>September 13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p>MoEF&amp;CC.</p> <p>14. The procedure for grant of the Environment Clearance by the DEIAA for areas between 0 to 5 ha falling under Category 'B-2' is found prescribed in paragraphs 6, 7(iii) (a) and 7(iii) (b) of the impugned Notification read with appendices VIII, X and XI. The Schematic Presentation of Requirement of Environment Clearance of Minor Minerals including cluster situation provided in a table to Appendix XI would substantiate indubitably that even for areas between 5 to 25 ha, no EIA and Public Hearing is required and in cluster situation also, the requirement of EIA and Public Hearing have been exempted.</p> <p>15. Introduction of such procedure, in our view, is clearly not consistent with the directions contained in the case of <i>Deepak Kumar (supra)</i> and the spirit behind such direction. By the provision, mining area upto from 5 ha to 25 ha has been completely exempted from the EIA and Public Consultation. For areas of 5 ha and below, apart from the exemption, it has been made only subject to a separate procedure of preparing a District Survey Report (DSR). These provisions quite apparently are more mine-centric rather than striving a balance between mining and environment especially with regard to Form-1M which needs to be made more elaborate incorporating environment related aspects.</p> <p>16. The Sustainable Sand Mining Management Guidelines, 2016 prepared by the MoEF&amp;CC has also deprecated the procedure as will appear from below which</p>
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	<p><b>Item Nos. 07 to 14</b></p> <p><b>September 13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p>is contained in the chapter on “The Issues and Management of Mining in Cluster”:-</p> <p>“It is seen that the categorization of mines into 'B1' and 'B2' category in which Category 'B2' leases are being exempted from the requirement of Environment Impact Assessment, Environment Management Plan, and Public Consultation for grant of EC, in many cases now the mining leases are being given for 25 hectares or less. This defeats the purpose and intent of Hon'ble Supreme Court Judgment which orders environment clearance for all mining leases irrespective of size. The environment clearance without Environment Impact Assessment, Environment Management Plan, and Public Consultation does not serve the purpose of environment clearance which is to ensure environmentally sustainable and socially responsible mining. So if a cluster or individual lease size exceeds 5 hectare, the EIA/ EMP should be completed in the process of grant of prior environment clearance.”</p> <p>17. Thus, even according to the Sustainable Sand Mining Management Policy issued by the MoEF&amp;CC by dispensing with Public Hearing, the judgment of the Hon'ble Supreme Court in the case of <i>Deepak Kumar (supra)</i> will stand defeated.</p> <p>18. We also find that parameters for consideration while preparing District Mining Plan (DMP) and District Survey Report (DSR) are only for the purpose of ascertaining whether an area is fit for mining which are quite different from the parameters laid down for EIA. The consideration of the view point of the public by keeping DSR in public domain is not a substitute of Public Hearing for consideration of the view point of the public for EIA.</p> <p>19. With specific reference to mining in cluster, the Report of the Committee of Secretaries, Ministry of Environment, Forest and Climate Change, 2010 recommended as follows:</p>
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	<p><b>Item Nos. 07 to 14</b></p> <p><b>September 13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p><i>“Considering the nature of occurrence of minor mineral, economic condition of the lessee and the likely difficulties to be faced by Regulatory Authorities in monitoring the environmental impacts and implementation of necessary mitigation measures, it may be desirable to adopt cluster approach in case of smaller mine leases being operated presently.”</i></p> <p>20. This report which is a part of the Sustainable Sand Mining Management Guidelines, 2016 finds reinforcement in the Chapter “The Issues and Management of Mining in Cluster” referred to earlier where it has inter-alia been recommended as under:</p> <p><i>“The Hon'ble Supreme Court, NGT, SEAC/EAC and the Project Proponents have raised issue of cluster in mine lease allotment and environment clearance for the same, so following conditions need to be ensured for cluster of mines:</i></p> <ol style="list-style-type: none"> <li><i>1. To address the concern of adverse impact of minor mineral mining on environment it is proposed that all mining activity including river sand mining (above 5 hectare individual or cluster) will need to prepare Environment Impact Assessment Report and Environment Management Plan before grant of environment clearance. These reports (EIA /EMP) can be prepared by the State or State nominated Agency / the Project Proponent (s).</i></li> <li><i>2. As can be seen from the data provided by the States most of the mining leases for minor minerals are of lease area less than 5 hectare. It is also reported that in hill states getting a stretch in river with area more than 5 hectare is very uncommon. So the size of lease for minor minerals including river sand mining will be determined by the States as per their circumstances.</i></li> <li><i>3. The EIA Notification, 2006 does not provide for cluster EC, it provides for issuance of EC to individual project proponents and the same has also been upheld in the judgment of Hon'ble Supreme Court in Vijay Bansal vs. State of Haryana case. So EC will have to be applied for and issued to the individual project proponent.</i></li> <li><i>4. A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area.</i></li> <li><i>5. The mining of minor minerals is mostly in clusters. The Environment Impact Assessment or Environment Management</i></li> </ol>
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**Item Nos.  
07 to 14**

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13, 2018**

**DV & AT**

*Plan are required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The Environment Impact Assessment or Environment Management Plan shall be prepared by the State or State nominated Agency or group of project proponents in the Cluster or the project proponent in the cluster.*

*6. The individual lease holders in cluster can use the same Environment Impact Assessment or Environment Management Plan for application for environmental clearance. The cluster Environment Impact Assessment or Environment Management Plan shall be updated as per need keeping in view any significant change.*

*7. There shall be one public consultation for entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.*

*8. The details of cluster Environment Impact Assessment or Environment Management Plan shall be reflected in each environmental clearance in that cluster and District Expert Appraisal Committee (DEAC), SEAC, and EAC shall ensure that the mitigative measures emanating from the Environment Impact Assessment or Environment Management Plan study are fully reflected as environmental clearance conditions in the environmental clearance's of individual project proponents in that cluster.*

*9. ....  
10. ....  
11. ....”*

21. Dispensing with the requirement of Public Hearing which forms a part of the Public Consultation under Stage-III of the Environmental Clearance process under EIA Notification, 2006 for areas measuring 0 to 25 ha for individual mine areas and in cluster situation where public hearing has been provided, has resulted in gross dilution of EIA Notification dated 14<sup>th</sup> September, 2006. Such dilution would, in our view, result in its misuse by unscrupulous elements and the situation would revert

	<p><b>Item Nos. 07 to 14</b></p> <p><b>September 13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p>back to the lawless state prevailing prior to the decision in the case of <i>Deepak Kumar (supra)</i>. Stringent measures are, therefore, necessary if the rampant exploitation of the minor minerals is to be curbed. This apparently was also the view of the Hon'ble Supreme Court in the case of <i>Deepak Kumar (supra)</i>.</p> <p>22. For all these reasons, we direct that the procedure laid down in the impugned Notification be brought in consonance and in accord with the directions passed in the case of <i>Deepak Kumar (supra)</i> by (i) providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling under Category B-2 at par with Category B-1 by SEAC/ SIEAA as well as for cluster situation wherever it is not provided; (ii) Form-1M be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SEIAA instead of DEAC/DEIAA; (iii) if a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance; (iv) EIA and/or EMP be prepared for the entire cluster in terms of recommendation 5 (<i>supra</i>) of the Guidelines for the purpose of recommendations 6, 7 and 8 thereof; (v) revise the procedure to also incorporate procedure with respect to annual rate of replenishment and timeframe for replenishment after mining closure in an area; (vi) the MoEF&amp;CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining.</p>
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	<p><b>Item Nos. 07 to 14</b></p> <p><b>September 13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p>23. We have permitted retention of 0-5 ha as a category keeping in view that some States grant isolated single lease of 5 ha and less not falling in cluster situation for which stringent requirements in Form-1M will serve the purpose of providing safeguards for protection of the environment and sustainable mining of minor minerals. This is particularly true in smaller and mountainous States as will also appear from condition no. 2 under “The Issues and Management of Mining in Cluster” referred to earlier in para 20 of this order.</p> <p>24. It is reiterated that any attempt to split the lease area for the purpose of avoiding the applicable regulatory regime shall be viewed seriously. This in our view will be in the interest of the environment as deliberated in detail in the case of <i>Deepak Kumar (supra)</i> and would also satisfy the Precautionary Principle and the Principle of Sustainable Development contemplated under Section 20 of the National Green Tribunal Act, 2010.</p> <p>25. The MoEF&amp;CC shall, therefore, take appropriate steps to revise the procedure laid down in the impugned Notification dated 15<sup>th</sup> January, 2016 in terms of the above directions and observations so that it is conformity with the letter and spirit of the directions passed by the Hon’ble Supreme Court in <i>Deepak Kumar (supra)</i>.</p> <p>The applications stand disposed of.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (Dr. Jawad Rahim)</p>
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	<p><b>Item Nos.</b> <b>07 to 14</b></p> <p><b>September</b> <b>13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p style="text-align: right;">13.09.2018</p>
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Item No. 04

Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

Executive Application No. 55/2018  
IN  
Original Application No. 520/2016

Vikrant Tongad

Applicant(s)

Versus

Union of India

Respondent(s)

Date of hearing: 11.12.2018

**CORAM:** HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Rahul Choudhary, Advocate and Mr. Sany Antony,  
Advocate

**ORDER**

1. Grievance in this application is that there is non-compliance of the judgment of this Tribunal dated 13.09.2018 in *Original Application No. 186/2016, Satendra Pandey Vs. Ministry of Environment, Forest & Climate Change & Anr.* The Hon'ble Supreme Court, vide judgment in *Deepak Kumar Vs. State of Haryana & Ors.: (2012) 4 SCC 629*, required proper Environmental Clearance before grant of lease of minor minerals, including sand mining. Vide Notification dated 15.01.2016 issued by MoEF&CC, environmental clearance was to be given by the District Environment Impact Assessment Authority (DEIAA) which defeat the direction of the Hon'ble Supreme Court.
2. This Tribunal noted that the Notification dated 15.01.2016 issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) was not consistent with the mandate in *Deepak Kumar (supra)*.
3. The District Expert Appraisal Committee (DEAC) comprised officers having no expertise or scientific knowledge to assess environment implications. Permitting DEAC to make assessment

was also not consistent with the Sustainable Sand Mining Management Guidelines, 2016. Accordingly, MoEF&CC was directed to take steps to revise the procedure laid down in the Notification dated 15.01.2016.

4. According to the applicant, the MoEF&CC failed to issue appropriate Notification. Moreover, the State of Uttar Pradesh vide the letter dated 25.10.2018 and State of Kerala vide the letter dated 29.10.2018 directed Environmental Clearance to be given in accordance with the Notification dated 15.01.2016 in violation of the judgment of this tribunal dated 13.09.2018 which in turn is to implement the direction of the Hon'ble Supreme Court in Deepak Kumar (*supra*).
5. Accordingly, we direct the MoEF&CC to comply with the order dated 13.09.2018 forthwith and furnish a report of compliance on or before 31.12.2018 failing which coercive measures may have to be taken. We also make it clear that till a fresh Notification is issued by the MoEF&CC, Notification dated 15.01.2016 will not be acted upon.
6. Since our attention has been drawn to letter dated 29.10.2018 issued by the State Environment Impact Assessment Authority, Kerala addressed to the District Environment Impact Assessment Authorities of various districts in Kerala that Notification dated 15.01.2016 having not being stayed, the same be followed. This interpretation is clearly contrary to the order of this Tribunal disapproving the Notification dated 15.01.2016 and requiring the same to be revised. The direction that 15.01.2016 should still be acted upon is clearly illegal and in violation of judgment of this Tribunal. The same will stand suspended till a fresh Notification is issued by the MoEF&CC as directed hereinabove.
7. This direction will apply to all the State Environment Impact Assessment Authorities/State Governments.

8. List for further consideration along with the report of the MoEF&CC on 14.01.2019.
9. Copy of this order be sent to the MoEF&CC by e-mail.
10. The report may also be furnished to this Tribunal by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

December 11, 2018  
Executive Application No. 55/2018  
in Original Application No. 520/2016  
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-TRUE COPY-

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Email: [rb.lal@nic.in](mailto:rb.lal@nic.in)  
Phone/Fax: 011-24695362

Dated: 12<sup>th</sup> December 2018

**Office Memorandum**

**Sub: Order dated 04<sup>th</sup> September, 2018 & 13<sup>th</sup> September, 2018 passed by the Hon'ble National Green Tribunal, New Delhi in O.A. No. 173 of 2018 & O.A. No. 186 of 2016 in the matters titled "Sudarsan Das Vs State of West Bengal & Ors" & "Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr." respectively- regarding.**

This is with reference to the recent orders of the Hon'ble NGT dated 04<sup>th</sup> September, 2018 in the matter titled *Sudarsan Das Vs State of West Bengal & Ors* & and order dated 13<sup>th</sup> September, 2018 in the matter *Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr.* Copies of the orders are enclosed herewith for ready reference.

2. The Hon'ble NGT *vide* order dated 13<sup>th</sup> September, 2018 in O.A. No. 186 of 2016 (*Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr*) has inter-alia directed as follows:-

*"(i) Providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling member Category B-2 at par with Category B-1 by SEAC/ SIEAA as well as for cluster situation wherever it is not provided;*

*(ii) Form-1M be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SEIAA instead of DEAC/DEIAA;*

*(iii) if a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance;*

*(iv) EIA and/or EMP be prepared for the entire cluster in terms of recommendation 5 (supra) of the Guidelines for the purpose of recommendations 6, 7 and 8 thereof;*

(v) revise the procedure to also incorporate procedure with respect to annual rate of replenishment and timeframe for replenishment after mining closure in an area;

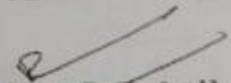
(vi) the MoEF&CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining."

3. In view of the above, the undersigned is directed to forward the copy of the aforementioned order for necessary compliance and inform the Ministry about the action taken.

4. This issues with the approval of the Competent Authority.

Yours faithfully,

**Encl:** As above

  
(Dr. R.B. Lal)  
Scientist 'E'

To,

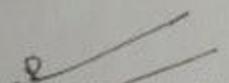
1. The Chief Secretary, 1<sup>st</sup> Block, 1<sup>st</sup> Floor A.P Secretariat Office, Andhra Pradesh, Velagapudi - 522503
2. The Chief Secretary, Government of Arunachal Pradesh, Civil Secretariat, Itanagar - 791111
3. The Chief Secretary, Government of Assam, Block-C, 3<sup>rd</sup> Floor, Assam Sachivalaya, Guwahati-781006
4. The Chief Secretary, Government of Bihar, Main Secretariat Building, Patna-800015
5. The Chief Secretary, Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur-492002
6. The Chief Secretary, Government of Gujarat, Block No.1, 5th Floor, Sardar Bhawan, Sachivalaya, Gandhinagar-382010
7. The Chief Secretary, Government of Goa, Secretariat, Porvrom, Bardez, Goa - 403521
8. The Chief Secretary, 4th Floor, Haryana Civil Secretariat Sector-I, Chandigarh - 160019
9. The Chief Secretary, Government of Himachal Pradesh Secretariat, Shimla - 171002
10. The Chief Secretary, R. No. 2/7, 2nd, Floor Main Building Civil Secretariat, Jammu - 180001 R. No. 307, 3rd Floor Civil Secretariat, Srinagar - 190001
11. The Chief Secretary, Government of Jharkhand 1st Floor, Project Building, Dhurwa, Ranchi-834004
12. The Chief Secretary, Govt of Karnataka, Room No.321, Vidhana Soudha, Bengaluru- 560 001
13. The Chief Secretary, Government of Kerala Secretariat, Thiruvananthapuram - 695001
14. The Chief Secretary, Government of Madhya Pradesh MP Mantralaya, Vallabh Bhavan Bhopal - 462004

15. The Chief Secretary, Government of Maharashtra CS Office Main Building, Mantralaya 6th Floor, Madame Cama Road, Mumbai - 400032
16. The Chief Secretary, Government of Manipur South Block, Old Secretariat Imphal-795001
17. The Chief Secretary, Government of Meghalaya Main Secretariat Building Rilang Building, Room No. 321 Meghalaya Secretariat, Shillong - 793001
18. The Chief Secretary, Government of Mizoram New Secretariat Complex, Aizwal - 796001
19. The Chief Secretary, Government of Nagaland Civil Secretariat, Kohima-797004
20. The Chief Secretary, Government of Odisha General Administration Department, Odisha Secretariat, Bhubaneswar - 751001
21. The Chief Secretary, Government of Punjab, Chandigarh - 160001
22. The Chief Secretary, Government of Rajasthan Secretariat, Jaipur - 302005
23. The Chief Secretary, Government of Sikkim New Secretariat, Gangtok - 737101
24. The Chief Secretary, Government of Tamil Nadu Secretariat, Chennai - 600009
25. The Chief Secretary, Government of Telangana Block C, 3rd Floor, Telangana Secretariat Khairatabad, Hyderabad, Telangana
26. The Chief Secretary, Government of Uttar Pradesh 1st Floor, Room No. 110 LalbahadurSastri Bhawan Uttar Pradesh Secretariat, Lucknow - 226 001
27. The Chief Secretary, Government of Tripura New Secretariat Complex, Secretariat-799010, Agartala West Tripura
28. The Chief Secretary, Government of Uttarakhand 4 Subhash Road, Uttarakhand Secretariat, Dehradun - 248001
29. The Chief Secretary, Government of West Bengal Nabanna, 13th Floor, 325, Sarat Chatterjee Road, MandiritalaShibpur, Howrah - 711102
30. The Chief Secretary, Andaman and Nicobar Administration Secretariat, Port Blair - 744101
31. The Chief Secretary, Secretariat, Moti, Silvassa, Daman - 396220
32. The Chief Secretary, Secretariat, Moti, Daman - 396 220
33. The Chief Secretary, Raj Bhawan, Chandigarh-160019
34. The Chief Secretary, Lakshadweep, Kavaratti - 682555
35. The Chief Secretary, Chief Secretariat, Goubert Avenue, Puducherry - 605001
36. The Chief Secretary, Delhi Secretariat, Ip Estate, Delhi - 110002, Near Indra Gandhi Indoor Stadium

**Copy to:**

1. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (SZ), Kendriya Sadan, 4<sup>th</sup> Floor, E&F Wings, 17<sup>th</sup> Main Road, Koramangala II Block, Bangalore-560034
2. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (WZ), E-5, Kendriya Paryavaran Bhawan, E-5 Area Colony, Link Road-3, Ravishankar Nagar, Bhopal-462016
3. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (EZ), A/3, Chandersekharpur, Bhubaneshwar-751023

4. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (SEZ), 1<sup>st</sup> and 2nd Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai-34
5. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NZ), Bays No. 24-25, Sector 31 A, Dakshin Marg, Chandigarh-160030
6. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NCZ), Pearson Road, P.P. New Forest, Forest Research Institute (FRI) Campus Dehradun-248006
7. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (CZ), Kendriya Bhawan, 5<sup>th</sup> Floor Sector "H", Aliganj, Lucknow-226020
8. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur-440001
9. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (ECZ), Bungalow No. A-2, Shyamali Colony Ranchi-834002
10. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NEZ) Law-U-Sib, Lumbatngen, Near MTC Workshop, Shillong, Meghalaya-793021

  
(Dr. R.B. Lal)  
Scientist 'E'

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-TRUE COPY-



ENVIRO LEGAL DEFENCE FIRM &lt;eldflegal@gmail.com&gt;

**Service in K. Rukmangada Reddy vs. Union of India & Ors. (Appeal No. 49 to 53 of 2022/SZ)**

1 message

ELDF &lt;eldflegal@gmail.com&gt;

Sat, Jan 14, 2023 at 9:27 PM

To: reddymadhuri09@gmail.com

Cc: Mansi Bachani &lt;mansi@eldfindia.com&gt;, Shubham Upadhyay &lt;Shubham@eldfindia.com&gt;, Sonali Sengupta &lt;sonali@eldfindia.com&gt;, "Cc: Sanjay Upadhyay" &lt;sanjay@eldfindia.com&gt;, Admin &lt;admin@eldfindia.com&gt;

Dear Sir/Madam,

Please find the attached Rejoinder of the Appellant to the Reply Affidavit dated 13.11.2022 of the Respondent-6 in Appeal 50, 51, 52, 53 of 2022 and Respondent - 7 M/s Amaram Commodity Ventures in Appeal No. 49 of 2022 Alongwith Affidavit on behalf of Appellants in the matter of captioned matter filed by Mr Sanjay Upadhyay, Advocate for Appellants.

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**Tilak Singh***Enviro Legal Defence Firm**29, Presidential Estate LGF,**Nizamuddin East New Delhi – 110013**Ph. No. 011-40573181***5 attachments****Rejoinder to pvt Appeal 49.pdf**

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