

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN BENCH AT CHENNAI  
APPEAL NO. 49 OF 2021 (SZ)**

**IN THE MATTER OF:**

Rajesh Ghatayath

... Applicant

Versus

Union of India and others

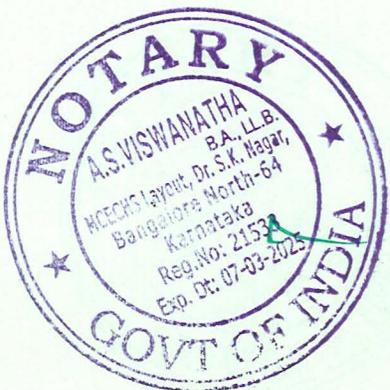
... Respondents

**REPLY FILED BY THE 6TH RESPONDENT**

The Respondent above named respectfully submits as follows:

1. The above Appeal has been filed by the Appellant challenging the Environmental Clearance dated 09.11.2020 issued by the MoEF & CC for setting up of a Integrated TSDF facility at KIADB's Industrial area at Harohalli, Ramanagara District, Karnataka.

2. At the outset, it is submitted that the Appellant, has already filed another application namely O.A.No.104 of 2020 seeking for initiation of action in respect of TSDF that was run by the 6th Respondent. It is submitted that



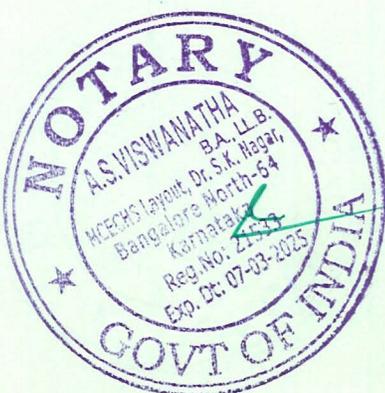
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O.A.No.104 of 2020 is pending before this Hon'ble Tribunal wherein this Respondent has filed a detailed reply along with detailed objections to the report filed by the Joint Committee. Suffice it to state that the TSDF in respect of which O.A. No. 104 of 2020 was filed is no longer in operation.

3. M/ s. MEEPL, was originally operating a Hazardous Waste Treatment, Storage and Disposal Facility (TSDF) at Harohalli II Phase in Karnataka Industrial Area Development Board (KIADB), Harohalli Industrial area, Ramanagara District, Karnataka since 2016 and has valid CFO (Consent No-AW-311640 valid up to 30.06.2021). M/ s. MEEPL now proposes to establish a new integrated common TSDF facility with Landfill and Incineration facility in 8.83 acres of land at Phase III in the same Industrial area.

4. Under the circumstances the MoEF & CC issued Terms of Reference (ToR) on 07.08.2020 for preparation of EIA report in respect of the unit proposed to establish by the 6th Respondent. In pursuance to the ToR the 6th Respondent submitted necessary E.I.A. report and related documents in September 2020 and requested for grant of Environmental Clearance.



5. It is submitted that the project falls under schedule 7(d) under category () as per EIA notification 2006. The project is exempted from public hearing since the project site is located Harohalli KIADB Industrial Area Phase III, District Ramanagara, Karnataka a designated industrial area formed by KIADB Industrial Area Development Board KIADB has also obtained Environmental Clearance from MoEF & CC.

6. It is submitted that by allotment letter dated 13.06.2019 by which KIADB allotted 8.83 acres of land in Plot NO. 667 to 689 of Harohalli III Phase Industrial area. It is in this land the 6th Respondent proposed to establish the project as above for which they made a appropriate application to MoEF and CC.

7. Pursuant to the detailed examination of the EIA report submitted by the project proponent namely the 6th Respondent herein. The MoEF and CC by its order dated 09.11.2020 granted Environmental Clearance to the 6th Respondent for establishment of TSDF at Plot Nos. 667 to



689, Harohalli KIADB Industrial Area Phase III, District Ramanagara, Karnataka.

8. It is to be noted that the 6th Respondent appointed a NABET APPROVED consultant (**NABETNO.NABET/EIA /1922/IA0051**) **SAMRAKSHAN, BANGALORE** to prepare the necessary documents as per statutory requirements in order to process the application for obtaining Environmental Clearance as per EIA Notification 2006. The Consultant has followed all the steps scrupulously to obtain the Environmental clearance as per EIA notification 2006.

9. It is submitted that the Karnataka State Pollution Control Board has inspected the project site on 14.05.2019 and has submitted a compliance report in respect of the location criteria. As per the said compliance report, the project site satisfies the location criteria as prescribed.

10. Therefore, the 6th Respondent has complied with all necessary statutory requirements and only there upon and after due consideration of all the material available on



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record, the MoEF & CC has issued Environmental Clearance to the 6th Respondent on 09.11.2020.

11. While so, the present Appeal has been filed by making baseless allegations without adverting to the statutory requirements already complied with by the 6th Respondent.

12. The Appellant has made general allegations regarding the siting criteria and list of industries permitted within the industrial area of KIADB. It is submitted that as per the list of industries permitted within the KIADB, RED category industries are also permitted as per Phase III /AA report uploaded with MoEF and CC. Therefore, the allegations that the proposed project is not a permissible activity within the KIADB Phase III area is totally false.

13. It is submitted that it is falsely alleged that the project violates the CPCB Rules. It is submitted that there is no such violation of the CPCB rules relating to siting criteria as the same has been affirmed by KSPCB in its inspection report.



14. The 6th Respondent has complied with all specific and general conditions of the Terms of Reference and only after due process of materials available on record the Ministry has accorded Environmental Clearance. The allegations to the contrary contained in the application are mischievous and misconceived.

15. It is submitted that there is no concealment on any facts or any misleading information in Form I submitted by the project proponent. In respect of the EIA report the study period is between December 2019 and February 2020 and therefore it cannot be stated that the data collected and submitted is prior to the issuance of Terms of Reference.

16. The specific features of the project are as follows:

i) M/ s. MEEPL, is operating a Hazardous Waste Treatment, Storage and Disposal Facility (TSDF) at Harohalli II Phase in Karnataka Industrial Area Development Board (KIADB), Harohalli Industrial area, Ramanagara District, Karnataka since 2016 and has valid CFO (Consent No-AW-

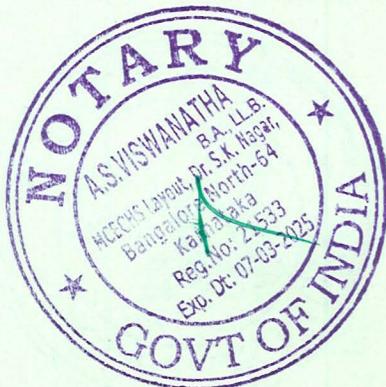


311640 valid up to 30.06.2021). M/ s. MEEPL now proposes to establish a new integrated common TSDF facility with Landfill and Incineration facility in 8.83 acres of land at Phase III in the same Industrial area.

(ii) The proposal is for development of Mother Earth Environ Tech. Pvt Ltd (Unit 2) Integrated Treatment, Storage and Disposal Facility of Hazardous Waste with Incineration and Landfill Facility at Plot no. 667 to 689, Harohalli KIADB Industrial Area Phase III, District Ramanagara, Karnataka by M/s Mother Earth Environ Tech Private Limited (MEEPL).

(iii) The Project is to be located in KIADB's Industrial area. Hence, the present land use of the proposed project site is reported to be Industrial. KIADB has allotted the land vide letter no. IADB/ HO/ Allot/ 20871/3198/ 2019 - 20 dated 13.06.2019. Total extent of the industrial area is 904.86 hectares (Phase II 371.92 ha and Phase III 532.94 ha). Beyond the boundaries of Harohalli Industrial Area, the type of settlements includes Agricultural/Horticulture, Habitation and Other Infrastructures like Educational Institutions, etc.

(iv) The project does not fall within 10 Km of eco-



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sensitive area. Nearest eco sensitive area is Bannerghatta National Park (BNP), which is at a distance of 10.22 km from BNP Eco-sensitive Zone.

(v) The project is not located in Critically Polluted Area.

(vi) The project site does not involve any forest land.

The nearest lake is Bannikuppe lake, which is located in Northern direction from the project site at a distance of 380 m. There is no river or stream within 100m from the proposed site. Nearest river is Swarnamukhi; flowing at a distance 2.5 km in SW direction. The landfill site is not located in flood plain. The National Highway (Bangalore-Kanakapura) is about 880m from the proposed site. The proposed site is about 750m from the nearest village Chujjalagowdana Doddi in SSE direction. The other two villages namely Jakkasandra in SSE direction and Kagalhallidoddi in NE direction are at 950m from the project site. There are no public parks in the vicinity. The proposed site is not classified as critical habitat area. The proposed site is not a wetland. The Bengaluru Airport is located at 66Km from the project site. The site proposed for the project under reference meets the siting guidelines for locating Hazardous Waste Landfills published under HW



Management Series:

HAZWAMS/ 17/2000-01 by CPCB in "Criteria for Hazardous wasteLandfills". No other /alternative site has been considered.

17. As regards the allegations made in Paragraphs 7-9 with respect to KIADB, it is submitted that the EC granted in favour of KIADB is not under challenge in this appeal. Suffice it to state that the industries like that of this respondent are permitted in Phase-III of the project.

18. As regards the allegations made in Paragraphs 10-12 with respect to alleged violation of CPCB guidelines, it has already been submitted that the site does not violate siting criteria.

19. As regards the allegations made in Paragraphs 13-15 with respect to concealment of facts in Form-I, the same are vehemently denied. This respondent has taken utmost care in presenting the correct facts through the EIA report and connected documents and allegations to the contrary are false and misleading.

20. As regards the allegations made in Paragraphs 16



with respect to baselines studies, the same has been conducted well beyond the grant of ToR and the allegations are totally false.

21. As regards the allegations made in Paragraphs 17-21 with respect to requirement of cumulative impact assessment studies, it may be noted that the industry is located in an industrial area with valid EC. therefore, when a number of industries are already permitted to function within KIADB area, no separate cumulative impact assessment is required.

22. As regards the allegations made in Paragraphs 22-31 with respect to violation of ToR conditions, the allegations have been made recklessly without any factual basis and therefore strongly denied. There is absolutely no violation of any ToR conditions.

23. As regards the allegations made in Paragraphs 32-33 with respect to the OM dated 20/06/2013, it is submitted that the official memorandum produced as Annexure-8 does not specify anywhere that there must be a distance

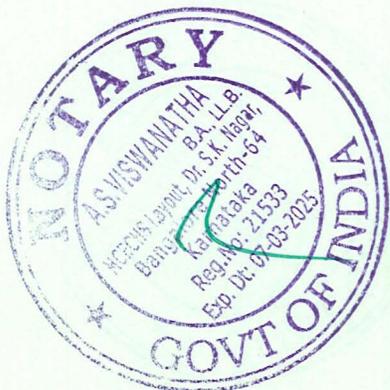


of 400 kms. from one TSDF and another. If any such OM really exists it is for the appellant to produce the same. At any event, a distance of 400 kms can never be contemplated as the requirement for Hazardous waste disposal sites are increasing and in the absence of such sites within a reasonable distance from each other, it will endanger the environment.

24. As regards the allegations made in Paragraphs 34 with respect to the Joint Committee report filed in O.A.No.104/2020, the same is completely on a different perspective. Moreover, the matter is subjudice and this Hon'ble Tribunal is in the process of examining the said report. This respondent has also filed detailed response to the said report. Therefore, it is not proper on the part of the appellant to make references to the said report in the present appeal.

25. As regards the allegations made in Paragraphs 35, the allegations are repetitive and the same has been answered already.

26. As regards the allegations made in Paragraphs 36-39



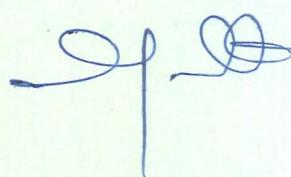

with respect to Public hearing, the project being in an industrial area with a proper EC having been granted for KIADB, there is no statutory requirement of one more public hearing for this project.

27. As regards the allegations made in Paragraphs 40-46 with respect to consideration by the EAC of all relevant factors, it is submitted that only after a detailed evaluation by the EAC, the project has been recommended for grant of EC. It is not open to the appellant to substitute his own opinion for that of the expert committee members by merely making allegations on conjectures and surmises.

28. As regards the grounds raised in the appeal, the same involve a repetition of the issues raised already in the facts of the appeal and have been answered as above by this respondent.

29. It is submitted that the TSDF project of this respondent has been recommended for grant of EC and EC has been granted by the MoEF & CC after due

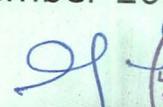



consideration of all relevant factors. The appellant appears to have been set up by the business rivals of this respondent to stall the project of this respondent. The appellant does not have the interest of protection of environment in his mind and is merely a tool in the hands of certain third parties who are keen on stalling the project.

It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss Appeal No.49 of 2021 with costs and thus render justice.

Dated at Bangalore this the \_\_\_\_\_ day of September 2021

  
6TH RESPONDENT



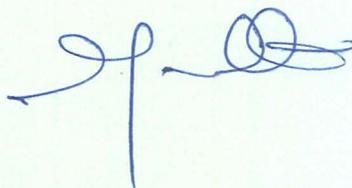
**VERIFICATION**

I, Gurusiddappa Shivanappa Hooli Katti, S/o Shivanappa, aged about 63 years, Managing Director, M/s Mother Earth Environ Tech Pvt. Ltd. Bangalore do hereby verify and declare that what is stated in the above paragraphs are true to the best of my knowledge and belief.

Place:

6th RESPONDENT







NO. OF CORRECTIONS.....

Date:

Date :

Place:

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SWORN TO BEFORE ME

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A.S. VISWANATHA, B.A., LL.B.  
ADVOCATE AND NOTARY  
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