

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
BENCH AT CHENNAI**

APPEAL NO. 49 OF 2022

1. K. RUKMANGADA REDDY

S/o Shri K Mumnuwamy Reddy

R/o KapuVeedhi, Puttur,

Tirupati District, Andhra Pradesh and 2 others**APPELLANTS**

Versus

UNION OF INDIA

Through Secretary, Government of India

Ministry of Environment, Forests and Climate Change

Indira ParyavaranBhawanJorBagh Road,

New Delhi-110003

Secy-moef@gov.nic.in

Contact no. +91 11 20819308, 20819408 and 6 others**RESPONDENTS**

COUNTER AFFIDAVIT FILED BY THE ^{6th} **RESPONDENT**

DATE-11-11-2022

reddymadhuri09

**M/s MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH
A.P. POLLUTION CONTROL BOARD
T.T.D. SUPREME COURT OF INDIA**

#S2, Royal Castle, 26, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.

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Counsel for ^{6th} **Respondent**



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
BENCH AT CHENNAI**

APPEAL NO. 49 OF 2022

I. K. RUKMANGADA REDDY

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It is certified that all the documents contained in the above annexure are true copies.

Date: 12.11.2022

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
BENCH AT CHENNAI

APPEAL NO. 49 OF 2022

1. K. RUKMANGADA REDDY

S/o Shri K Mumnuwamy Reddy
R/o KapuVeedhi, Puttur,
Tirupati District, Andhra Pradesh

2. B. VENKATARAMA RAJU

S/o Shri B. Chengalraju,
R/o Ontimitta, Rachapalam, Puttur,
Tirupati District, Andhra Pradesh

3. K. MANOHAR

S/o Shri Narasimha Reddy,
R/o 17-193 Beedi Colony,
Puttur, Tirupati District,
Andhra Pradesh

..... APPELLANTS

Versus

1. UNION OF INDIA

Through Secretary, Government of India
Ministry of Environment, Forests and Climate Change
Indira Paryavaran Bhawan Jor Bagh Road,
New Delhi-110003
Secy-moef@gov.nic.in.
Contact no. +91 11 20819308, 20819408

**2. STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY,
ANDHRA PRADESH**

Through Member Secretary
Ministry of Environment, Forests & Climate Change
Government of India
apsciaams@gmail.com
Contact no. 9949122144

3. COLLECTOR AND DISTRICT MAGISTRATE,

Tirupati Road, New Balaji Colony,
Tirupati District,
Andhra Pradesh-517501
collectortirupati@gmail.com
Contact No. 0877 227 0984

4. DEPARTMENT OF MINING AND GEOLOGY

Government of Andhra Pradesh,
Through its Secretary,
State government office,
Ibrahimpattanam, Krishna district,
Andhra Pradesh 521456
admin@apmines.gov.in/directormines@yahoo.com.
Contact no. 0866-2882170


ATTESTOR

Sub-Divisional Forest Officer
Tirupati


DEPONENT

District Forest Officer,
Tirupati.

5. ANDHRA PRADESH STATE POLLUTION CONTROL BOARD

Through Member Secretary
1st APSFC Building, Balaji Colony, Tirupati,
Andhra Pradesh 517502
Contact No. 040-23451133

6. DIVISIONAL FOREST OFFICER,

Chittoor East (WL) Division,
Chittoor, Andhra Pradesh - 517001
ctrl@ap.gov.in:
dfoctreast@gmail.com
Contact No. 08572232296; 9440810065

7. M/s AMARAM COMMODITY VENTURES,

Through the Proprietor,
Sy No. 379/2, 380, 381/2, 378/2 & 6
Eswarapuram village, Puttur Municipality,
Tirupati District, Andhra Pradesh-636451
amaram22.494@gmail.com.
Contact No. 9490951922/ 8555952708

...RESPONDENTS

COUNTER AFFIDAVIT FILED BY RESPONDENT NO. 6

I, G.Satish, S/o G. Anantha Reddy, Hindu, aged about 38years, working as District Forest Officer, Tirupati Division, Tirupati, R/o Tirupati, do hereby solemnly affirm and sincerely state as follows:

1. I am the 6th Respondent herein and as such I am well acquainted with the facts of the case. I submit that I have gone through the averments of the Appeal filed by the Appellants herein and deny all the averments of the Appeal except to the extent which are specifically admitted hereunder and the Appellants are put to strict proof of all averments which are denied.

2. In reply to Paras 1 to 6, it is respectfully submitted that there are no remarks as the averments made therein does not pertain to Forest Department.

3. In reply to the averments made in Para No.7 and averments made in point K of the GROUNDS of the Affidavit, it is respectfully submitted that the land comprised in Sy.No.379/2, 380, 381/2, 378/2 (old Survey No.6) of


ATTESTOR

**Sub-Divisional Forest Officer
Tirupati**


DEPONENT

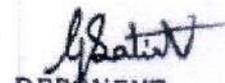
**District Forest Officer,
Tirupati.**

Eswarapuram Village, Puttur Mandal of Chittoor District is classified as "Gutta Poramboke" as per Revenue Records. Based on the available records, it is respectfully submitted that the Respondent No. 7 never approached the Respondent No. 6. However, it is respectfully submitted that the Asst. Director of Mines and Geology, Chittoor addressed Respondent No. 6 seeking No objection Report as per the extent Rules vide Letter No. 5570/Q1/2019, Dt. 28.03.2022. (The copy of the same is appended as **Annexure-I** for kind perusal.) The same was referred to the concerned Forest Range Officer, Karvetinagar vide Divisional Forest Officer, Chittoor East (WL) Division, Chittoor Rc.No. 796/2022/D, Dt. 08.04.2022 (The copy of the same is appended as **Annexure-II** for kind perusal). The Forest Range Officer, Karvetinagar submitted inspection report vide Rc.No. 17/2022/FRO/KNR, Dt. 09.04.2022 and reported that the subject land is classified as "Gutta Poramboke" and situated at a distance of 284 mts. from the boundary of Karvetinagar forest block. Further the Forest Range Officer, Karvetinagar has reported that the proposed mining area is not overlapping with any other mining applications and there are no trees in the proposed mining area. (The copy of the same is appended as **Annexure-III** for kind perusal.)

4. It is respectfully submitted that it is the fact based on the available records that the then Divisional Forest Officer, Chittoor East (WL) Division, Chittoor has furnished a report to the Asst. Director, Mines and Geology, Chittoor vide Rc. No. 796/2022/D, Dt. 11.04.2022.


ATTESTOR

Sub-Divisional Forest Officer
Tirupati


DEPONENT

District Forest Officer,
Tirupati.

5. It is respectfully submitted that the Appellant failed to bring the further correspondence made by the Asst. Director Mines and Geology, Chittoor with the then Divisional Forest Officer, Chittoor East (WL) Division, Chittoor. It is submitted that the Asst. Director of Mines and Geology, Chittoor addressed the then Divisional Forest Officer, Chittoor East (WL) Division, Chittoor to re-examine the report Dt. 11.04.2022 vide Letter No. 5570/Q1/2019, Dt. 06.06.2022. (The copy of the same is appended as **Annexure-IV** for kind perusal.)

6. Accordingly, the then Divisional Forest Officer, Chittoor East examined the matter and issued the revised NOC report to the Asst. Director, Mines and Geology, Chittoor vide Rc.No. 796/2022/D, Dt.16.06.2022. (The copy of the same is appended as **Annexure-V** for kind perusal).

7. It is respectfully submitted that the question of application of the provisions of Forest (Conservation) Act, 1980 does not arise in the light of the revised NOC report Dt. 16.06.2022 issued by the then Divisional Forest Officer, Chittoor East.

8. In reply to Paras 8 to 19 and other GROUNDS, it is respectfully submitted that there are no remarks as the averments made therein does not pertain to the Forest Department.

9. The Answering Respondent craves leave of this Hon'ble Tribunal to file additional counter affidavit along with documents during the course of proceedings, if required.



ATTESTOR

Sub-Divisional Forest Officer
Tirupati

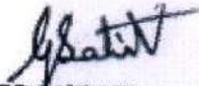


DEPONENT

District Forest Officer,
Tirupati.

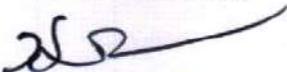
In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above Appeal No.49 of 2022 and pass such further or other orders, as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.

Solemnly affirmed and signed
on this, the 12th day November,2022 and
Signed his name in my presence at Tirupati


DEPONENT

**District Forest Officer,
Tirupati.**

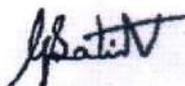
//ATTESTOR//


**Sub-Divisional Forest Officer
Tirupati**

VERIFICATION

I, G. Satish, S/o G. Anantha Reddy, aged about 38 years, working as District Forest Officer, Tirupati do hereby verify and state that the contents of above paragraphs in the Counter Affidavit are true to the best of my knowledge, and based on information and records which are believed to be true and correct.

Verified on this the 12th day of November,2022 at Tirupati


Depnent

**District Forest Officer,
Tirupati.**

GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES & GEOLOGY

From
Sri P.Prakash Kumar, M.Sc.,
Asst. Director of Mines & Geology,
CHITTOOR

To
The Divisional Forest Officer,
Chittoor East Division,
Chittoor District.

Letter No: 5570/Q1/2019, Dt:28-03-2022

Sir,

Sub:- Mines and Quarries - Grant of Quarry Lease applicaiton for Colour Granite over an exent of 11.583 Hectares in Sy.No.379/2, 380, 381/2, 378/2 & 6 (Old Sy.No.06) of Eswarapuram Village, Puttur Mandal, Chittoor Dsitrict filed by M/s.Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy - Representation for processing the Environmental Clearance - Request to issue Forest Clearance - Regarding.

- Ref:- 1. Quarry Lease application Dt.01-11-2019 filed by M/s.Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy. ✓
2. Notice No.1220/D13-1/2021, Dt.21-06-2021 of the Director of Mines and Geology, Ibrahimpatnam
3. G.O.Ms.No.163, Dt. 16-11-2017 of the Industries & Commerce Department, A.P., ✓
4. Representation Dt.28-03-2022 from M/s.Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy.

-oOo-

I invite kind attention to the subject and references cited. Through the reference 1st cited, the quarry lease application for Colour Granite over an extent of 18.988 Hectares in Sy.No.6 of Eswarapuram Village, Puttur Mandal, Chittoor District filed by M/s.Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy with all required documnts.

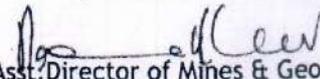
Through the reference 2nd cited, the Director of Mines and Geology, Ibrahimpatnam has issued notice to submit Mining Plan, Environmental Clearance and Consent for Establishment for grant of quarry lease application for Colour Granite over an extent of 11.583 Hectares in Sy.No. 379/2, 380, 381/2, 378/2 & 6 (Old Sy.No.06) of Eswarapuram Village, Puttur Mandal, Chittoor District.

Further vide reference 4th cited, the applicant M/s.Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy has submitted a representation and stated that the officials of SEIAA, Andhra Pradesh has issued instructions for process the Environmental Clearance to obtain Forest Clearance from Forest Department whether the present subject area falls within 500 mts from Reserve Forest or not. Hence, the applicant has requested this office to kindly forward the letter to the Forest Department to obtain Forest Clearance whether the lease boundaries falls within 500 mts radius from Reserve Forest or not for process the Environmental Clearance as soon as possible.

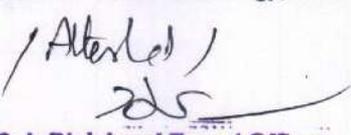
As per G.O.MS.No.163, Ind. & Comm. Department, Dt.16-11-2017 mentioned at reference 3rd cited the revenue lands adjoining or within 500mts distance from the Resreve Forest Boundary, the Tahsildar shall issue NOC after obtaining No Objection report from the Divisional Forest Officer concerned.

In view of the above, I am herewith requesting the Divisional Forest Officer, Chittoor East Division to issue forest clearance whether the subject area falls within radius of 500 mts from Reserve Forest area or not for process the Environmental Clearance and taking further necessary action in the matter.

Yours faithfully,


Asst. Director of Mines & Geology,
CHITTOOR.

Copy submitted to the Director of Mines & Geology, Ibrahimpatnam for favour of information.


Sub-Divisional Forest Officer

Tirupati

GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT

O/o the Divisional Forest Officer,
Chittoor East (WL) Division, Chittoor.

Rc.No.796/2022/D
Dated:08.04.2022.

**Sri Narentheran GG.,IFS.,
Divisional Forest Officer.**

Sub : Mines & Minerals – Puttur Mandal - Eswarapuram Village - Application for grant of Quarry lease for Colour Granite over an extent of 18.988 Ha in Sy.No.6 of Eswarapuram Village, Puttur Mandal – Inspection report called for - Reg.

Ref : A.D., Mines & Minerals, Chittoor Ltr.No.5572/Q1/2019, Dt:28.03.2022.

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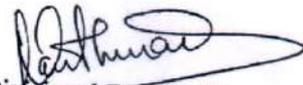
A copy of the reference cited is enclosed herewith. The Forest Range Officer, Karvetinagar is informed that, the Assistant Director of Mines & Geology, Chittoor has requested to issue Forest Clearance Certificate for the area over an extent of 18. 988 Ha in Sy.No.6 of Eswarapuram Village, Puttur Mandal, Chittoor District duly enclosing earn marked sketch.

Therefore, the Forest Range Officer, Karvetinagar Range is hereby instructed to take up the joint inspection and submit detailed report on the following Points:

1. Location details i.e., RF, and Beat along with map of GPS co-ordinates.
2. Whether the proposed mining lease area is overlapping with any other Mining lease applications or not (diversion proposal).
3. Whether the area form part of Wildlife Sanctuary/Elephant Corridor/Tiger Reserve/Biosphere Reserve and presence of sites of historical monuments /archaeological importance etc.,
4. Classification of land in the Gap area allied for mining activity and Distance of mining applied area from forest boundary.
5. Fair adangal copy & Village map from the Revenue authorities showing the details of i.e., Revenue/ Forest/ UAW/Adavi/gap area..etc., for taking further necessary action.
6. Whether forest boundary is clearly established with presence of boundary pillars? If no boundary pillars are present, whether the Range officer is able to clearly distinguish forest lands & non-forest lands. If 'NO' issue of the above should provide detail maps and photographs.
7. Whether any water bodies such as rivers/ streams / nallas/ stagnant water bodies are present near that mining area; if yes they have to give photo graphs, map and watershed boundary.
8. Any medicinal, endangered or rare plants are found in the forest area upto a distance of 200 Mtrs from forest boundary shall be identified & enumerated. Collection of direct or indirect evidences of fauna present i.e., mammals (small, big) reptiles, amphibians, & birds etc., in the applied mining area / 200 Mtrs of forest boundary and usage of habitat by the animals.
9. Tree cover of the proposed mining area & tree enumeration there on. List of Species given in BMC register & their location. If no trees are found then furnish the certificate to that effect.
10. Whether the proposed area is nearby any CA lands/ overlapping CA lands.
11. Mining waste disposal plan of the mining company by FRO to check for any potential pollution, degradation to forest area in the future.
12. Check for clear cut boundary establishment. Presence of cairns / Boundary pillars with no dispute.

Receipt of the reference should be acknowledged.

Encl: As above


Divisional Forest Officer,
Chittoor East (WL) Division.
Chittoor.

To
The Forest Range Officer, Karvetinagar.

Copy to Sri M/s Amaram Commodity Ventures, Prop. Sri T.Prabhas Kumar Reddy, Chittoor (Dist.,) for information.




Sub-Divisional Forest Officer
Tirupati

GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT

From
Sri G. Sivanna,
Forest Range Officer,
Karvetinagar.

To
The Divisional Forest Officer,
Chittoor East (WL) Division,
Chittoor.

Re.No.17/2022/FRO/KNR, Dt. 09.04.2022

Sir,

Sub: Mines and Quarries – Puttur Mandal- Eswarapuram village- Quarry lease Application for color Granite over an extent of 11.583 Ha in Sy Nos 379/2, 380, 381/2, 378/2 & 6 (old Sy.No. 6) of Eswarapuram Village, Puttur Mandal, Chittoor District – Application filed by M/s Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy, Chittoor District- Inspection report submitted – Regarding.

Ref: Divisional Forest Officer, Chittoor East (WL) Division, Chittoor East Ref.No. 796/2022/D, Dt. 08.04.2022

@@@

In obedience to the reference cited, it is submitted that I have inspected the proposed quarry area for Colour Granite over an extent of 11.583 Ha in Sy.No. 379/2, 380, 381/2, 378/2 & 6 (old Sy.No. 6) of Eswarapuram Village, Puttur Mandal, Chittoor District along with Deputy Range Officer, Karvetinagar Section and Forest Beat Officer, Gullur Beat on 08.04.2022 in the presence of the applicant and recorded the following technical observations during the inspection.

1. The proposed mining area of 11.583Ha is located in Sy Nos 379/2, 380, 381/2, 378/2 & 6 (old Sy.No. 6) of Eswarapuram village, Puttur Mandal, Chittoor District is correct as per Revenue records, Location sketch is herewith enclosed for ready reference.
2. The proposed mining area is not overlapping with any other mining lease applications.
3. The proposed area do not form part of National Park/ Wildlife Sanctuary/ Tiger reserve/ Bio-Sphere Reserve/ Elephant corridor etc., and the area is 25.70 Kms aerial distance from Sri Venkateswara Zoological Park, Tirupati and 20.50 Kms of aerial distant from Eco sensitive zone area.
4. The Mining area is near to the Forest Boundary line Compt. No. 337 of Karvetinagar Forest Block cairn No. 209 and it is 284 mts of aerial distance from the boundary line of Karvetinagar Forest Block. The same is indicated in the location sketch for ready reference.
5. The proposed mining area is classified as "Gutta Poramboke" of Eswarapuram Revenue Village, Puttur Mandal, Chittoor District as per Revenue Records.
6. The proposed mining area is near to Karvetinagar Forest Block of Karvetinagar Range. The Forest Boundary is clearly established and identified the cairns on the ground.
7. There are no water bodies near the proposed mining area.
8. There are no medicinal, endangered or rare plants in the Forest area up to a distance of 200 mtrs from Forest boundary.
9. There are no trees in the proposed mining area.
10. There is no CA Lands near to proposed mining area.
11. No work is been carrying in the proposed mining area.

12. The proposed mining area does not form in the scheduled area.

13. The Lat, longs in WGS-84 datum of the mining area are shown below:

Station No.	Longitude	Latitude
A	79.52726	13.45533
B	79.52316	13.45698
C	79.52196	13.45482
D	79.52240	13.45430
E	79.52247	13.45410
F	79.52325	13.45427
G	79.52611	13.45394

14. The Lat, longs in WGS-84 datum of the Karvetinagar Forest Block boundary area as follows:

Station No.	Longitude	Latitude
204	79.51304	13.46552
205	79.51419	13.46458
206	79.51531	13.46210
207	79.51757	13.45737
208	79.51842	13.45593
209	79.52036	13.45264
210	79.52162	13.45022
211	79.52168	13.44842
212	79.52194	13.44699
213	79.52194	13.44591
214	79.52118	13.44477

This is submitted for favour of information and necessary action.

Encls: As above

Yours faithfully,


Forest Range Officer,
Karvetinagar.


Sub-Divisional Forest Officer
Tirupati

-11- Amrapuram/V
GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES & GEOLOGY

From
Sri P. Prakash Kumar, M.Sc.,
Asst. Director of Mines & Geology,
CHITTOOR

To
The Divisional Forest Officer,
Chittoor East Division,
Chittoor District.

Letter No: 5570/Q1/2019, Dt:06-06-2022

Sir,

Sub:- Mines and Quarries - Grant of Quarry Lease applicaiton for Colour Granite over an exent of 11.583 Hectares in Sy.No.379/2, 380, 381/2, 378/2 & 6 (Old Sy.No.06) of Eswarapuram Village, Puttur Mandal, Chittoor Dsitrict filed by M/s.Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy - Issued Forest Clearances - Further clarification - Requested - Regarding.

- Ref:- 1. Quarry Lease application Dt.01-11-2019 filed by M/s.Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy.
2. Notice No.1220/D13-1/2021, Dt.21-06-2021 of the Director of Mines and Geology, Ibrahimpatnam
3. Representation Dt.28-03-2022 from M/s.Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy.
4. This office Lr.No.5570/Q1/2019, Dt.28-03-2022.
5. Rc.No.796/2022/D, Dt.11-04-2022 of the Divisional Forest Officer, Chittoor East (WL) Division, Chittoor.
6. This office Lr.No.5570/Q1/2019, Dt.13-04-2022.
7. Representation Dt.30-05-2022 from M/s.Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy

-oOo-

I invite kind attention to the subject and references cited. Through the reference 1st cited, the quarry lease application for Colour Granite over an extent of 18.988 Hectares in Sy.No.6 of Eswarapuram Village, Puttur Mandal, Chittoor District filed by M/s.Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy with all required docuemnts.

Through the reference 2nd cited, the Director of Mines and Geology, Ibrahimpatnam has issued notice to submit Mining Plan, Environmental Clearance and Consent for Establishment for grant of quarry lease application for Colour Granite over an extent of 11.583 Hectares in Sy.No. 379/2, 380, 381/2, 378/2 & 6 (Old Sy.No.06) of Eswarapuram Village, Puttur Mandal, Chittoor District.

Further vide reference 3rd cited, the applicant M/s.Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy has submitted a representation and stated that the officials of SEIAA, Andhra Pradesh has issued instructions for process the Environmental Clearance to obtain Forest Clearance from Forest Department whether the present subject area falls within 500 mts from Reserve Forest or not. Hence, the applicant has requested this office to kindly forward the letter to the Forest Department to obtain Forest Clearance whether the lease boundaries falls within 500 mts radius from Reserve Forest or not for process the Environmental Clearance as soon as possible.

Through the reference 4th cited, this office has requested the Divisional Forest Officer, Chittoor East Division to issue forest clearance whether the subject area falls within radius of 500 mts from Reserve Forest area or not for process the Environmental Clearance and taking further necessary action in the matter.

In this regard, vide reference 5th cited, the Divisional Forest Officer, Chittoor East (WL) Division has submitted their report duly stated that the applied area is Sy.No.379/2, 380, 381/2, 378/2 & 6 (Old Sy.No.06) of Eswarapuram Village, Puttur Manda of Chittoor District is near to Comp.No.337 of Karvetinagar Forest Block cairn No.209 and it is **284 Mtrs of aerial distance from the forest boundary line as per GPS survey plotted on topo sheet.** The applied mining area is classified as "GUTTA PORAMBOKE" in Eswarapuram Revenue Village, Puttur Mandal, Chittoor District as per Revenue Records. Therefore, the user agency shall follow the procedures as detailed in the Forest Conservation Act, 1980. If any violation of Forest Conservation Act, 1980 is noticed, it leads to taking action against the firm.

Further, vide reference 6th cited, this office has forwarded the report furnished by the Divisional Forest Officer, Chittoor East (WL) Division to take necessary action to process the Environmental Clearances in respect of grant of quarry lease application for Colour Granite over an extent of 11.583 Hectares in Sy.No.379/2, 380, 381/2, 378/2 & 6 (Old Sy.No.06) of Eswarapuram Village, Puttur Mandal, Chittoor District.

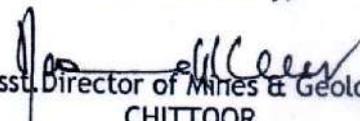
Through the reference 7th cited, the applicant M/s Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy has submitted a representation to this office stating that "the Divisional Forest Officer, Chittoor East (WL) Division, Chittoor, vide Rc.No.2060/2021/D, Dt.04-02-2022 while issuing No Objection Certificate to Sri M.K.N.Jai Shakar, has mentioned as follows "the leased area is Sy.No.06 of Eswarapuram Village, Puttur Mandal, Chittoor District is away from Forest boundary line of Compt.No.337, Karvetinagar Forest block between cairns No.208 & 209 of Karvetinagar Range and it is **185 Mtrs of aerial distance from the forest boundary line as per GPS survey plotted on topo sheet**, there are 58 no's of trees of various species found here which need to be felled for commencing mining. The user agency Sri M.K.N.Jai Shankar shall plant a minimum 90 trees (further provide maintenance and watering to the plants for span for 03 year) in a 7 Mts width safety zone plantation around the entire mine area in an enclosed manner. Felling of trees, the permission shall be applied to the undersigned as per the provision of AP WALTA Act 2002 prior to start of mining activity and after final mining license is received from competent authority, eventhough the leased area is falling outside the RF, the agancey should take all precaution for minimizing the pollution, disturbance to the habitat. If any slackness noticed, it leads for taking action against the firm".

Further, the applicant has stated that the applied area Sy.No.06 is classified in Revenue records as Gutta Poramboke. Where as, as per the G.O.Rt.No.06, Environment Forests Science and Technology (For.I) Department Dt.06-01-2007, the provisions of Forest Conservation Act, 1980 have to be followed only in case of the land recorded in revenue records as adavi poramboke. The application of Sri M.K.N.Jai Shankar in respect of the same survey number with same classification has been cleared vide Divisional Forest Officer, Chittoor East (WL) Division Rc.No.2060/2021/D, Dt.04-02-2022.

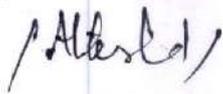
The applicant has further stated that the area applied for by them is more than 284 Mts distance from the forest boundary whereas the quarry leased area by Sri M.K.N.Jai Shankar is 185 Mts only, and reasons for not considering our application and asking us to follow the procedure laid down under the Forest Conservation Act, 1980 is not justified and impartial.

In view of the above, I request the Divisional Forest Officer, Chittoor East Division to re-examine the matter in terms of the above points raised by the applicant and reconsider issuing NOC to this applicant also in the same lines of Sri.MKN Jaisankar.

Yours faithfully,


Asst. Director of Mines & Geology,
CHITTOOR.

Copy submitted to the Director of Mines & Geology, Ibrahimpatnam for favour of information.



Sub-Divisional Forest Officer
Tirupati

GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT

From Sri A.ChandraSekhar, SFS,
Divisional Forest Officer,
Chittoor East(WL) Division, Chittoor.

To
The Asst. Director of Mines and Geology,
Chittoor

Rc.No.796/2022/D, Dt. 16.06.2022

Sir,

Sub: Mines and minerals- Putturmandal- Eswarapuram village- Application for grant of Quarry lease for color Granite over an extent of 11.583Ha in Sy Nos 379/2, 380, 381/2, 378/2 & 6 (old Sy.No. 6) – Application of M/s Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy, Chittoor District- Request for reconsideration of NoC- Revised NOC issued – Regarding.

- Ref: 1. DFO, Chittoor East Rc.No. 796/2022/D, Dt. 11.04.2022
2. AD, Mines, Chittoor Rc.No. 5570/Q1/2019, Dt. 06.06.2022
3. DFO, Chittoor East Rc.No. 796/2022/D, Dt. 08.06.2022
4. SDFO, Tirupati Rc.19/2022, Dt.14-06-2022.

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In the reference 1st cited, the application for issue of NOC for grant of Quarry lease for color Granite over an extent of 11.583Ha in Sy Nos 379/2, 380, 381/2, 378/2 & 6 (old Sy.No. 6) by M/s Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy was examined by the DFO and the following observations were made. "The applied area is Sy.No.379/2, 380, 381/2, 378/2 & 6 (Old Sy.No.06) of Eswarapuram Village, Puttur Manda of Chittoor District is near to Comp.No.337 of Karvetinagar Forest Block cairn "No.209 and it is 284 Mtrs of aerial distance from the forest boundary line as per GPS survey plotted on topo sheet. The applied mining area is classified as "GUTTA PORAMBOKE" in Eswarapuram Revenue Village, Puttur Mandal, Chittoor District as per Revenue Records. Therefore, the user agency shall follow the procedures as detailed in the Forest Conservation Act, 1980. If any violation of Forest Conservation Act, 1980 is noticed, it leads to taking action against the firm".

In the reference 2nd cited, the Asst. Director of Mines and Geology, Chittoor has informed the Divisional Forest Officer that M/s Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy has submitted a representation to his office stating that "the Divisional Forest Officer, Chittoor East (WL) Division, Chittoor, vide Rc.No.2060/2021/D, Dt.04-02-2022 issued No Objection Certificate to Sri M.K.N.JaiShakar, stating as follows "the leased area is Sy.No.06 of Eswarapuram Village, Puttur Mandal, Chittoor District is away from Forest boundary line of Compt.No.337, Karvetinagar Forest block between cairns No.208 & 209 of Karvetinagar Range and it is 185 Mtrs of aerial distance from the forest

boundary line as per GPS survey plotted on topo sheet, there are 58 no's of trees of various species found here which need to be felled for commencing mining. The user agency Sri M.K.N.Jai Shankar shall plant a minimum 90 trees (further provide maintenance and watering to the plants for span for 03 year) in a 7 Mts width safety zone plantation around the entire mine area in an enclosed manner. Felling of trees, the permission shall be applied to the undersigned as per the provision of AP WALTA Act 2002 prior to start of mining activity and after final mining license is received from competent authority, even though the leased area is falling outside the RF, the agency should take all precaution for minimizing the pollution, disturbance to the habitat. If any slackness noticed, it leads for taking action against the firm".

The Asst. Director also stated that the applicant has pleaded that the applied area Sy.No.06 is classified in Revenue records as Gutta Poramboke. Where as, as per the G.O.Rt.No.06, Environment Forests Science and Technology (For.I) Department Dt.06-01-2007, the provisions of Forest Conservation Act, 1980 have to be followed only in case of the land recorded in revenue records as adavi poramboke. The application of Sri M.K.N.Jai Shankar in respect of the same survey number with same classification has been cleared vide Divisional Forest Officer, Chittoor East (WL) Division Rc.No.2060/2021/D, Dt.04-02-2022.

It is further stated that the area applied for by them is more than 284 Mts distance from the forest boundary whereas the quarry leased area by Sri M.K.N.Jai Shankar is 185 Mts only, and reasons for not considering their application and directing them to follow the procedure laid down under the Forest Conservation Act, 1980 is not justified and impartial.

The Asst. Director has therefore requested the Divisional Forest Officer, Chittoor East Division to re-examine the matter in terms of the above points raised by the applicant and reconsider issuing NOC to this applicant also in the same lines of Sri.MKNJaisankar.

The matter has been referred to the Sub-Divisional Forest Officer, Tirupati vide reference 3rd cited to re-inspect the area and to submit a detailed report covering all the points raised by the Asst. Director.

The Sub-DFO has inspected the area on 13-06-2022 and submitted his report vide reference 4th cited as follows:

1. The proposed mining area of 11.583Ha is located in Sy Nos 379/2. 380, 381/2, 378/2 & 6 (old Sy.No. 6) of Eswarapuram village, Putturmandal of present Tirupati district.
2. The proposed mining area is not overlapping with any other mining lease application.
3. The proposed area does not form part of National park/ WL sanctuary/ Tiger reserve/ Biosphere resrve/ Elephant corridor, etc and the area is 25 Kms away from Sri venkateswara Zoo, Tirupati and abut 20 Kms distant from Eco sensitive zone of SV WL sanctuary.

4. The Mining area is 284 mts away from compartment 337 of Karvetinagar RF near cairn 209.
5. The proposed mining area is classified as GuttaPoramboke of Eswarapuram Revenue Village, Puttur Mandal, Chittoor District as per Revenue Records.
6. The proposed mining area is near to Karvetinagar Forest Block of Karvetinagar Range. The Forest Boundary is clearly established and identified the cairns on the ground.
7. There are no water bodies near the proposed mining area.
8. There are no medicinal, endangered or rare plants in the Forest area up to a distance of 200 mtrs from Forest boundary.
9. There are no trees in the proposed mining area.
10. There is no CA Lands near to proposed mining area.
11. No work is being carried out in the proposed mining area.
12. The proposed mining area does not form part of the scheduled area.
13. The Lat, longs in WGS-84 datum of the mining area are shown below:

Station No.	Longitude	Latitude
A	79.52726	13.45533
B	79.52316	13.45698
C	79.52196	13.45482
D	79.52240	13.45430
E	79.52247	13.45410
F	79.52325	13.45427
G	79.52611	13.45394

14. The Lat, longs in WGS-84 datum of the Karvetinagar Forest Block boundary area as follows:

Station No.	Longitude	Latitude
204	79.51304	13.46552
205	79.51419	13.46458
206	79.51531	13.46210
207	79.51757	13.45737
208	79.51842	13.45593
209	79.52036	13.45264
210	79.52162	13.45022
211	79.52168	13.44842
212	79.52194	13.44699
213	79.52194	13.44591
214	79.52118	13.44477

All the above points were already reported vide FRO, Karvetinagar letter 3rd cited.

The Sub-DFO has further reported that NOC was issued in favour of Sri M.K.N.Jai Shankar for an extent of 2.500 Hectares in the same survey number vide DFO's Rc.No.2060/2021/D, Dt.04-02-2022 subject to planting 90 trees in lieu of 58 trees involved in the quarry as per the provision of AP WALTA Act 2002.

He has further submitted that, as per the instructions contained in G.O.Rt.No.06, Environment Forests Science and Technology (For.I) Department Dt.06-01-2007, the provisions of Forest Conservation Act, 1980 has to be followed in respect of areas classified as "Forest Poramboke" or for the areas conveying similar meaning. The present area is classified as "GuttaPoramboke" which doesn't convey the meaning of "Forest" and therefore the above condition need not be insisted.

He reported that the area is more than 284 Mts distance from the Reserve Forest. As per the clarification issued in PCCF's RC.No.40118/2013/F2, Dt.28-11-2013 we can insist for a safety zone of 7.5 Mtrs from the forest boundary while issuing NOC. Hence, he has recommended for issue of revised NoC.

In view of the above, the request of the AD Mines, Chittoor has been considered and revised No Objection Certificate is hereby issued for grant of Quarry lease for color Granite over an extent of 11.583 Ha in Sy Nos 379/2, 380, 381/2, 378/2 & 6 (old Sy.No. 6) by M/s Amaram Commodity Ventures, Prop: Sri T.Prabhas Kumar Reddy subject to following conditions

1. The provisions of AP WALTA Act, 2002 shall be followed.
2. The user agency should maintain a distance of from 284 mts. from notified Karvetinagar RF Block to the boundary of proposed quarry lease and also to abide by the provisions of Board of Standing Orders of Revenue Department without any deviation.
3. The user agency should not enter into the Reserved forests for the purpose of utilizing the Forest produce, internal paths / roads for transportation of mined material under any circumstances. The Forest lands shall not be used for any purpose under any circumstances.
4. The user agency should erect chain link fencing around the proposed quarry lease so as to demarcate the boundary of the proposed quarry lease clearly and also to avoid extension for the quarry area further into RF area.
5. No camping labour shall be provided fuel for cooking etc., from the nearest Reserved Forest area or any RF area.
6. The user Agency should keep the labour camps, Machinery, dumping sites away from the Reserved Forest area.
7. At the time of commencement of work, during the work, after completion of the work the user agency / the labour engaged by them shall not indulge in any kind of forest offences and shall always abide by the provisions of the AP Forest Act, 1967 Forest (Conservation) Act, 1980 and Wild Life Protection Act, 1972 and all other Forest acts under force.

8. The user agency should not disturb the natural eco-system the flora and fauna in nearby forest areas.
9. The user agency should not alter / disturb any river / nalas / stream / path / any right of way leading to nearby forest areas under any circumstances.
10. The NOC issued will be cancelled by the Forest Department at any point of time without notice if any irregularities are noticed from our side.
11. The user agency should abide by the any new condition / conditions imposed by the Forest Department at any point of time in the interest of protection adjacent Forest.
12. If any fire is occurred in the nearby forest, him self and the men of User agency should assist the Forest authorities to control or to outside the fire at the level best at all times.
13. Basing on this No Objection issued, the authorities of any department shall not issue any additional "No Objection Certificates" in favour of any individual or person in the above said survey number for any other purposes without the consent and knowledge of Forest Department.

Encls: As above

Yours faithfully,

Divisional Forest Officer,
Chittoor East(WL) Division,
Chittoor.

16.6.22

16/6/2022


Sub-Divisional Forest Officer
Tirupati