

BEFORE THE NATIONAL GREEN TRIBUNAL
South Zone Bench at Chennai.

Original Application No. 51 of 2023

Between:

Gadeela Raghuv eer Reddy & another

.....Applicants

And

The Union of India & 12 others.

.....Respondents

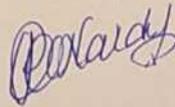
COUNTER AFFIDAVIT FILED BY 8TH RESPONDENT

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Filed on:23/05/2023

Filed by:



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**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), SOUTH ZONE,
CHENNAI**

O.A.NO. 51 OF 2023 ✓

Between:

1. Gadeela Raghuv eer Reddy,
S/o Gadeela Narasimha Reddy, aged about 36 years,
Occ: Business, R/o H/No. 3-11, Kondapaka Mandal,
Siddipet, Telangana - 50002372.

2. A. Karnakar Reddy S/o Hanumantha Reddy,
Aged about 65 years, Retd Employee, R/o 3-37,
Madaka Village, Odela Mandal, Peddapalli District,
Telangana - 505152

.....Applicants

vs

1. The Union of India, Rep. by its Secretary,
Ministry of Environment, Forest, & Climate
Change, Indira Paryavarana Bhavan,
Jorbagh, New Delhi - 110003

And 11 Ors.

.....Respondents

COUNTER AFFIDAVIT FILED BY 8th RESPONDENT HEREIN

I, Katta Yadi Reddy, S/o Sri Sanjeeva Reddy, aged about 37 years, residing at Plot No. 107, Sri Venkateswara Township,

For M/s. SUN INFRATECH

✓
Authorised Signatory

FOR M/s. SUN INFRATECH

Authorised Signatory

Tumkunta Village, Shamirpet Mandal, Medchal District, Telangana, do hereby solemnly state and affirm as follows:

1. I am authorised person of Respondent No. 8. I file this counter affidavit on behalf of Respondents 8 to 10 and 12 herein.
2. I respectfully submit that it is not necessary to traverse in detail several allegations made in the OA and the material filed along therewith. Suffice to say that the application is wholly misleading, devoid of any merit and is intended to stall the developmental activities in the state of Telangana.
3. At the outset, it is respectfully submitted that the application as is instituted is not maintainable before this Hon'ble Tribunal for want of jurisdiction.
4. The relief prayed for in the OA is camouflaged for the purpose of litigation before this Hon'ble Tribunal.
5. I respectfully submit that the preliminary facts and circumstances stated in paras 1 – 3 in Para I are a matter of record and needs no traversal. The allegations in para 4 of the said paragraph are wholly incorrect, misleading and they are made without any regard to the truth.
6. The legal framework referred to in Para II are the statutory requirements in relation to the sand mining in the country. They do not however apply to the subject matter of desilting, rivers, weirs, etc.,.
7. The differences between sanding mining and desilting are enunciated below:

S. No	Criteria	Desilting	Sand Mining
1	Purpose and Objective	Desilting refers to the process of removing accumulated sediment or silt from water bodies with the primary objective of	On the other hand, sand mining involves the extraction of sand from riverbeds, beaches, or other sources for commercial

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		restoring and maintaining their ecological balance, water quality, and storage capacity. The aim is to preserve the natural functioning of the water body and mitigate potential environmental and socio-economic consequences.	purposes, such as construction, infrastructure development, or the production of concrete. The primary objective of sand mining is to obtain sand as a valuable resource for various industrial activities.
2	Environmental Impact	Desilting, when conducted responsibly and with proper environmental safeguards, focuses on the removal of accumulated sediments while minimizing adverse impacts on the environment. The primary concern is restoring the ecological balance of the water body and preserving its natural habitat	In contrast, sand mining can have significant and often negative environmental consequences. It can result in the depletion of sand resources, alteration of river courses, erosion of riverbanks, destruction of aquatic habitats, and disturbance of the natural flow of rivers. Unregulated or illegal sand mining can lead

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		and biodiversity.	to severe environmental degradation, including the loss of biodiversity and adverse effects on water quality.
3	Legal Framework	Desilting activities may be conducted under the purview of environmental regulations and guidelines that prescribe specific procedures and standards for sediment removal, ensuring minimal environmental impact. Such activities are often subject to permits or clearances from appropriate regulatory authorities, ensuring compliance with environmental laws.	Sand mining, on the other hand, is governed by specific laws and regulations that control the extraction, transportation, and sale of sand. These laws aim to prevent illegal mining, regulate the sustainable extraction of sand, and mitigate environmental impacts. Permits, licenses, or leases are generally required for sand mining operations, and non-compliance can lead to legal consequences.
4	Socio-economic Considerations	Desilting, apart from its environmental	Sand mining, while it may generate

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		benefits, can contribute to the socio-economic well-being of communities residing near the water bodies. It can help maintain water availability for agriculture, domestic use, and other purposes, ensuring sustainable livelihoods and supporting local economies.	economic benefits, can also have adverse socio-economic effects. Excessive or unregulated sand mining can lead to the degradation of ecosystems, loss of livelihoods for communities dependent on natural resources, and conflicts over resource allocation and land rights.
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8. The violations alleged to have been committed by the respondents in para 3 are wholly incorrect and are intended to prejudice this Hon'ble Tribunal. The applicants failed to appreciate the difference between the sand mining activity and activity of desilting of rivers.
9. The applicants understanding of the above OA is an illusioned vision of their perception. The activity undertaken by the respondents herein pursuant to the reports of the DLSC, the proceedings of the District Collector and the tenders called for by the TSMDC, etc., are wholly within legal framework relating to de-siltation.
10. The exemption granted for de-siltation as per rules of 2016 in SO. No 145(E) dated 15. 01. 2016 in Appendix IX has been misquoted, misinterpreted and wrongly presented before this Hon'ble Tribunal for misleading this Hon'ble Tribunal to achieve their misconceived relief.
11. The decision referred to in para 16 of the OA is wholly inapplicable to the facts on hand in the above OA.

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12. The decision of this Hon'ble Tribunal in OA No. 142 of 2022 (SZ) dt 23.03.2023 is a matter where it relates to sand mining and not relating to de-siltation of the dams which is exempted under EIA Notification, 2006, as amended in 2016.
13. The consequential narration in paras 17 - 22 has no application to the facts on hand as its already stated that the decision in OA 142 of 2022 has no application to the above IA.
14. It is respectfully submitted that in view of the guidelines of 2016 issued in relation to EIA Notification 2006, the allegation of violation of clause 7 of EIA Notification, 2006 has no legs to stand. Similarly the alleged violation of Rule 20 of Telangana State Sand Mining Rules, 2015 also has no application to the facts of the present case as the activity undertaken is not sand mining but it is a clear case of de-siltation.
15. The allegations in paras 28 & 29 of the application are factually incorrect, made without any regard to truth or record. The allegations are made only prejudice this Hon'ble Tribunal to only glorify a situation that is not occurring in reality on ground.
16. The allegations are made only to prejudice this Hon'ble Tribunal and to secure some order to stop the developmental activities in the area.
17. The reference of OA No 123 of 2022 in main para IV of paras 30 - 32 has no relevance as the said application as is instituted before this Hon'ble Tribunal is liable to be dismissed in limini for want of jurisdiction. However, as these respondents are not party respondents to the said OA, there is no need to traverse the same. It is also further respectfully submitted that these respondents are given to understand that the interim order passed in the said OA No 123 of 2022 is an exparte interim order which is contrary to Section 19(i) of the National Green Tribunal Act, 2010 as the order appears to have been passed without notice to the respondents. Be that as it may, these respondents submit that the interim order passed in the said OA cannot have any persuasive value in the present OA.
18. The other submissions made in Para V and grounds raised in Para VI are without any legal basis and are intended to pursue

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their desired result of securing the relief as prayed for in Para X in the OA.

19. It is respectfully submitted that it is crucial to outline the potential consequences, as enunciated below, that may arise from preventing or stopping the process of desiltation:

- i. **Impaired Water Quality:** By inhibiting desiltation activities, the sediment and silt build-up in water bodies will continue unabated. This will result in a significant deterioration in water quality. The accumulated sediments can contain pollutants, heavy metals, and organic matter, which can adversely affect aquatic ecosystems, leading to the degradation of flora and fauna, as well as a decline in water quality for various human uses.
- ii. **Reduced Water Storage Capacity:** Over time, the accumulation of sediment in reservoirs and water storage systems can significantly reduce their capacity to hold water. This can result in decreased availability of water for irrigation, domestic use, and other essential purposes. Reduced water storage capacity may also impact hydroelectric power generation, leading to power shortages and subsequent economic consequences.
- iii. **Increased Flooding Risks:** The prevention or cessation of desiltation activities can exacerbate the risk of flooding in downstream areas. Accumulated sediments can obstruct the flow of water, reduce the carrying capacity of rivers, and impede proper drainage. Consequently, during periods of heavy rainfall or high water flow, the chances of flooding will increase, posing threats to human lives, infrastructure, and property.
- iv. **Altered Aquatic Habitats:** Failure to address sediment accumulation through desiltation can disrupt natural aquatic habitats. The increased sedimentation levels can adversely affect the spawning grounds, feeding areas, and migration routes of various aquatic species. This disruption can lead to a decline in biodiversity, loss of important fish

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species, and disturbance in the overall ecological balance of the water bodies.

- v. Legal and Regulatory Non-compliance: Halting or impeding desiltation activities may result in non-compliance with environmental laws, regulations, and guidelines established by relevant authorities. Such non-compliance can lead to legal consequences, penalties, fines, or even potential legal actions, including the involvement of the NGT itself. The failure to undertake necessary desiltation measures may be considered a violation of environmental protection and conservation mandates.
- vi. Violation of Aquarian Rights: Preventing or halting desiltation activities can be viewed as a violation of Aquarian rights. Water bodies possess their own rights to exist, flourish, and maintain their natural balance. Accumulated sediments can disrupt the ecological integrity of these water bodies, hindering their ability to sustain aquatic life and fulfill their ecological functions. Failing to address sedimentation through desiltation disregards the rights of the aquatic environment to remain healthy and self-sustaining.

In light of the above, I respectfully submit that the above OA is devoid of any merits and is intended to prejudice this Hon'ble Tribunal, knowing fully that the allegations made therein are false, frivolous and vexatious.

It is therefore just and essential that this Hon'ble Tribunal may be pleased to dismiss the above OA in limini, with exemplary costs.

For M/s. SUN INFRATECH

Authorized Signatory

FOR M/s. SUN INFRATECH

Authorized Signatory

VERIFICATION

I, Katta Yadi Reddy, S/o Sri Sanjeeva Reddy, aged about 37 years, residing at Plot No. 107, Sri Venkateswara Township, Tumkunta Village, Shamirpet Mandal, Medchal District, Telangana, being the Authorised Person of the 8th Respondent herein verify that the contents of the Paras 1 to 19 of this IA herein are true and correct to the best of my knowledge and belief.

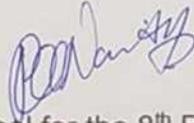
Hence, verified on this the 20th Day of May, 2023, at Hyderabad.

Date: 20.05.2023

Place: Hyderabad

For M/s. **SUN INFRA TECH**

(Katta Yadi Reddy)
Authorised Signatory



Counsel for the 8th Respondent

BEFORE THE NATIONAL GREEN
TRIBUNAL
South Zone Bench, at Chennai

Application No. 51 of 2023

Between:

Gadeela Raghuv eer Reddy
& another.

... Applicants

And

The Union of India, Rep., by its
Secretary, Ministry of Environment,
Forest & Climate Change & 11 others

... Respondents

COUNTER AFFIDAVIT FILED BY THE
RESPONDENT NO.8



Filed on: 23/05/2023

Filed by:

P. VENKAIAH NAIDU
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-10-

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

DA No. 51 of 2023

In

No. _____ of 20

Between :-

Gadela Raghunav Reddy Petitioner
and another

And

The Union of India and
11 others Respondents

I/We the undersigned - Katta Reddy Reddy, S/o Sanjaya Reddy
Age, R/o Plot no. 107, S.V. Township
APPELLANT - PETITIONER Subbarao Village, Stampit (M) Madhukh Reddy
Telangana
..... in the above Application do hereby
RESPONDENT & appoint and retain

P. VENKAI AH NAIDU
ADVOCATE

Advocates of the High Court, to appear for ME/US in the above Appeal /
Petition and to conduct and prosecute or defend the same and all
proceedings that may be taken in respect of any application connected
with the same or any decree or order passed therein, including all
applications for return of documents or the receipt of any moneys that may
be payable to me/us in the said Appeal/Petition and also to appear in all
applications under Clause XV of the Letters Patent and in all applications
for review and for leave to the Supreme Court of India and in all
applications for review of Judgment.



I certify that the contents of this Vakalath were read out and
explained in Telugu / English in my presence to the executants who
appeared perfectly to understand the same and made his/her/their
signatures or marks in my presence,

Executed before me on this the 20th day of May, 2023

Advocate, Hyderabad

S.R.No.

Medchal : DISTRICT

BEFORE THE NATIONAL
GREEN TRIBUNAL
SOUTHERN ZONE AT
CHENNAI
APPELLATE SIDE



OS. No. 51 of 2023

in

No. _____ of 20

Madala Rajeswar Reddy & ors. - Petitioner vs The Union of Andhra Pradesh & ors. - Respondent

VAKALATH

ACCEPTED :

*Accepted
[Signature]
23/05/23*

Appellant
Counsel for Petitioner
Respondent - 8

Date : 23/05/2023



P VENKAIAM NAIDU
ADVOCATE.

Appellant
Counsel for Petitioner

Respondent - 8

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