

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

Appeal No. 52 of 2022

K. Rukmangada Reddy & 2 others.

... Appellants

-Vs-

Union of India and others

... Respondents

REPLY FILED BY THE 6TH RESPONDENT

The 6th Respondent / Project Proponent states as follows:-

1. The 6th Respondent denies each and every one of the averments, allegations and statements contained in the Appeal No. 52/2022, except those that are specifically admitted herein, as being totally false, incorrect and misleading.
2. The instant appeal has been filed by the third parties challenging the environmental clearance dated 16.08.2022 granted to the 6th Respondent by the 2nd Respondent for mining of colour granite over an area of 3.729 Ha.
3. The 6th Respondent respectfully submits that the present appeal stems out of commercial malice and trade rivalry and there is absolutely no bonafide in the filing of the above appeal by the Appellants. It is submitted that the Appellants have not made out any case to establish before this Hon'ble Tribunal that they are in any way aggrieved by the grant of environmental clearance to this Respondent herein.
4. This Respondent submits that except for stating that the Appellants are the residents of Eswarapuram, Cherlopalli and Puttur and that they own agricultural lands in the said villages, no other details or documents have been produced by the Appellants to support or substantiate such a claim. The Appellants have not even been able to specify as to which village each of them belong to and as to the details of the agricultural lands said to be owned by each of them in respective villages and they have not even be able to produce even the basic documents such as Aadhar Card, Voter Card, Ration Card, etc. to even prima facie show that they belong to any of those villages. Therefore it is respectfully submitted that, the Appellants have no connection whatsoever with the mining project of this Respondent for which environmental clearance has been granted and the



Appellants do not have any locus to maintain the present appeal before the Hon'ble Tribunal.

5. It is respectfully submitted that in the guise of environmental protection, the persons totally unconnected with the project ought not to be permitted to misuse and abuse the process of law by making challenges to the environmental clearances granted after following the phenomenal process and involving considerable expenditure and after months of labour by the project proponent.
6. It is to the own showing of the Appellants that atleast 4 quarries are operating in the area wherein the mining lease has been granted to this Respondent and it is to be noted that such existing quarries have been granted mining lease as early as on 28.01.2010, 06.09.2012, 05.09.2014 and 03.07.2015 and the Appellants who never had any grievance in respect of those quarry operations and never moved their little finger against them cannot be heard to be aggrieved by the grant of the environmental clearance to this Respondent.
7. It is respectfully submitted that the mandatory steps and procedure in the process of grant of the environmental clearance have been meticulously and scrupulously followed at every stage by this Respondent and the official Respondents and only after this Respondent had satisfied the legal requirements that the environmental clearance came to be granted in favour of this Respondent. When the production technology in excavation of colour granite is by open cast semi-mechanised method of mining with the help of drilling, wire saw cutting and excavation by excavators, the Appellants have rushed to this Hon'ble Tribunal by alleging that the blasting activity will impact the agricultural production and damage the water tanks which are not only baseless but also completely misleading. Thus it is clear, that it is on the basis of unsubstantiated apprehensions that the above appeal has been filed without any basis at all and therefore the appeal deserves to be rejected in limine.
8. This Respondent denies the averments in para 2 of the appeal and states that the draft mining plan for mining of colour granite over an extent of 3.729 Ha in Survey Nos.383, 384/4, 384/5, (Old Survey No.6)& 6/P of Eswarapuram Village, Puttur Mandal in Chittoor District was prepared at the instance of this Respondent by a recognized geologist namely Mr. B. Damodaram and submitted by this Respondent on 29.06.2024 the



mining department pursuant to the mining application that was made in the year 2019. The draft mining plan submitted by this Respondent was approved by the 4th Respondent on 14.07.2021 and on-line application for the grant of environmental clearance was made by this Respondent on 26.03.2022. It is obvious that when the requisite applications were made to the authorities concerned, that the mining area was within the district of Chittoor.

9. It is respectfully submitted that creation of new district of Tirupati by carving out areas from the districts of Chittoor and SPS Nellore is only for the administrative efficiency and it will not have any impact or change the geology or the geophysical characteristics of the area in question. The creation of new district for administrative purposes cannot and will not have any impact on the environmental parameters and as such the allegation of the Appellants as contained in para 2 are totally misconceived and simply do not arise.

10. It is respectfully submitted that the concerned authorities have taken into consideration each and every parameter and areas of concern to be taken note of in the process of considering the application for grant of environmental clearance.

11. This respondent stoutly denies the averments and allegations in para 3 of the appeal. It is respectfully submitted that while there was a small delay on the part of this Respondent in issuing the newspaper advertisement due to which the date of public hearing had to be conducted on 19.07.2022, the same was a proper public hearing with due notice and opportunity to all persons interested and concerned with the project and while so it is not open to the Appellants to describe the same as a 'farical' one. When the public hearing was conducted in its true letter and spirit, it is not for the Appellants to question the same by stating it was conducted beyond stipulated period without spelling out as to what prejudice had been caused to the Appellants by the conduct of public hearing. The fixation of outer time limit to ensure the completion of the process or to engage a third party to conduct the public hearing and the appellants cannot have any grievance at all in this score. The averments and allegations with regard to public consultation for cluster is also misconceived and without taking note of the subsequent legal developments. It is submitted the cluster Environmental Management Plan (EMP) formed part of EIA report and the same meets the legal



requirements. It is not correct to state that the written representation of the members of the village community have not been considered by the 2nd Respondent. The Appellants have not produced any written communication said to have been issued by them and have not produced any proof to evidence that any representation in writing was submitted by the villagers. Any how it is respectfully submitted that the concerns expressed by the villagers during the public hearing have been duly taken note of, considered and appropriate directions issued while granting the environmental clearance and therefore no fault can be found in the same. The representations in writing that were received have also been considered with due weightage.

12. This Respondent denies the averments in para 4 and it is respectfully submitted that the Environmental Clearance has been published and available in the web site of the 2nd Respondent and that it is made available to the public can be gathered from the fact that the Appellants have been able to procure the same and approach this Hon'ble Tribunal challenging the same and as such the purpose has been achieved. This Respondent undertakes to abide by all such conditions as may be imposed by this Hon'ble Tribunal with respect to the post monitoring mechanism.

13. This Respondent denies the averments in para 5 of the appeal and it has been already stated that no details have been furnished by the Appellants to establish that they either belong to the said villages or that they own agricultural lands therein. The apprehensions set out in para 5 are totally baseless and meritless. It is not correct to state that the mining area is in the middle of habitation or in close proximity to a reserve forest, temples and water tank. It is respectfully submitted that the nearest human settlement from the mining area is Cherlopalli Village at a distance of 0.47 km due south east and the nearest village pond is at a distance of 0.72 kms and the nearest reserve forest is at a distance of 0.58 kms.

The 6th Respondent traverses the "facts in brief" as contained in the appeal as follows:-

14. The averments in para 1 are as per records.

15. As regards averments in para 2 are concerned, it is submitted that when the in-principle quarry lease was granted on 21.06.2021 by



Respondent to this Respondent, the mining area was part of undivided Chittoor District.

16. As regards averments in para 3 are concerned, it is respectfully submitted that the cluster situation has been taken into consideration and the cluster EMP is part of the EIA report and therefore the Appellants cannot have any concern regarding the same.

17. The averments in para 6 as regards requirement for a separate District Survey Report is denied as being incorrect. The Appellants are raising absolutely hyper technical objections without in any way spelling out as to the prejudice, if any, caused to them by the non-preparation of a new District Survey Report, when admittedly the geographical or the geological factors remain the same even after the creation of the new district.

18. With respect to averments in para 7, it is respectfully submitted that the EIA report was submitted by this Respondent based on standard TOR with public hearing with additional conditions:

- (1) Cluster EIA and EMP,
- (2) Surface run off protection measures
- (3) Additional dump yard and
- (4) The proponent shall submit forest NOC at the time of submission of Environmental Clearance Application.

19. The allegations of the Appellants regarding the validity of TOR are all misconceived and not sustainable.

20. With regard to the averments in para 9 are concerned, it is respectfully submitted that DSR for the Chittoor District and the SPS Nellore District were very much available in the public domain and in the light of the same, the averments of the Appellants do not merit any consideration.

21. The averments in para 10 are denied and it is submitted that the request letter had been submitted to the local body in accordance with existing rules and there has been vide public consultation before the grant of environmental clearance.

22. The averments in para 12 are again misconceived and do not merit any consideration by this Hon'ble Tribunal. The tentative date for the public hearing was shifted from 12.07.2022 to 19.07.2022 and the date that was fixed for the public hearing was only on 19.07.2022 and



advertisements were issued in the locality and there is no question of any postponement as falsely suggested by the Appellants.

23. This Respondent denies the averments in para 13 and submits that in view of the later developments that the contentions of the Appellants are totally meritless. The public hearing for each separate mining lease was conducted separately by giving adequate time for each such public hearing and there was no inconvenience to the public for participation in the said hearings. In fact there has been wide participation by the villagers and the request came from the public for laying of proper roads by the project proponent and for maintenance of the same and for development of green belt and the same were duly taken note of.

24. The averments and allegations in para 14 & 15 are absolutely baseless and unfounded. Information has been disseminated to all the villagers as regards the public hearing and there has been in fact wide scale participation by representatives from all sections of the public and while so the Appellants have made false averments and allegations with absolutely mala fide motives and intentions. It is denied that any damage has been caused to the Puttur summer storage tank due to the blasting operation of the previous mines. On the other hand, it is due to poor quality construction by the contractor and as already stated earlier the mining activity of the Respondent does not involve blasting.

25. The averments in para 16, 17 and 18 are denied as being totally baseless. This Respondent denies the alleged grounds raised by the Appellants, which are nothing but repetitive in nature and all the alleged grounds have been traversed above. There does not exist any legal or valid ground for challenging the environmental clearance granted to this Respondent after scrupulously following all the prescribed procedure.

Therefore, it is most humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above appeal with exemplary cost and pass such further or other orders as this Hon'ble Court may deem fit and thus render justice.

Dated at Chennai on this the 13th day of November, 2022

Counsel for 6th Respondent



VERIFICATION

I, Sri. P. Amarnath Reddy, Proprietor M/s.Ushasri Commudity Ventures, the 6th respondent herein do hereby verify that what are all stated above are true and correct to the best of my knowledge, belief and information.

Verified at Chennai on this the 13th day of November, 2022



6th Respondent

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TRIBUNALSOUTHERN ZONE
BENCH AT CHENNAI**

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**REPLY FILED BY THE 6TH
RESPONDENT**

M/s. T. SAI KRISHNAN
COUNSEL FOR 6TH RESPONDENT