

BEFORE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH, AT CHENNAI

APPEAL NO. 52 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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**BEFORE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH, AT CHENNAI**

APPEAL NO. 52 OF 2022

IN THE MATTER OF:

K. Rukmangada Reddy & Ors

...Appellant

Versus

Union of India & Ors

...Respondents

**REJOINDER OF THE APPELLANT TO THE REPLY AFFIDAVIT
DATED 13.11.2022 OF M/S USHASRI COMMUDITY VENTURES
(RESPONDENT NO. 6)**

1. That the present Appeal has been filed challenging the Environment Clearance (hereinafter referred as “EC”) dated 16.08.2022 of the Respondent No. 6 for mining of granite over an area of 3.729 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. 6 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. 6/ M/s Ushasri Commudity 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 Appellant as if *traversed seriatim*.

3. That before averting to para-wise reply, the Appellants seeks 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. 6 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 processing 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 the 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. 6. For instance, erstwhile DSR of Chittoor fails to provide details of existing clusters which has led to the present failure of Respondent No. 6 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. 6 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 Chh 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 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 shall 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. 6 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 from 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. 6 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. 6 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. 6 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. 6.
18. That in view of abovementioned facts, it is evident that the Respondent No. 6 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. 6 has been granted in violation of the EIA Notification, 2006 and the same should be quashed by this Hon'ble Tribunal.

II. **Para-Wise Reply on Merits**

1. The contents to the corresponding para in the Reply Affidavit of Respondent No. 6 merits no response.
2. The contents of the corresponding para is mere reiteration of the ground of challenge in Appeal No. 52/2022 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. 6 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. 6 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 NGT Act, 2010 and therefore no malice can be imputed. Infact, 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. 6 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. 6.
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/8, Page 80 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. 6 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/11, Pg 103 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. 6 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, Colly Pg 51 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 13.05.2022 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. 6 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/8, pg 80. 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. 6. 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. 6 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. 6 himself has clarified that the mine exists barely .58 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.
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 the contents of para 18 are matter of record and to that extent does not merit any response.
19. That the contents of para 19 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.
20. That the contents of para 20 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. 6, 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.

21. That the contents of para 21 are denied as wrong, false and devoid of any merit. The Respondent No. 6 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.
22. That the contents of the para 22 to 23 are vociferously denied as wrong, false and devoid of any merit. The contents of para 10 to 12 of the Para-Wise response may be read as a response to the contents of the corresponding para and are not being repeated herein for the sake of brevity.
23. That the contents of the para 24 are denied as wrong, false and devoid of any merit. That the Respondent No. 6 himself accepted that other than advertisements no other method was used to disseminate the time and venue of public hearing as mentioned in Appendix IV para 3.2 of EIA notification, 2006. Further the Appellants alongwith the other members of the village community had submitted their Representation to the Regulatory Authorities

raising their grievances against the public hearing process and the same has been annexed in the Appeal as Annexure A/10, pg 97 and the Photographs annexed in the Appeal at Annexure A/11, Pg 103 clearly highlight the consequences of rampant, unsupervised mining of granite in the said area.

24. That the contents of the para 25 are denied as wrong, false and devoid of any merit and 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. 6. That the casual and lackadaisical attitude of the Respondent No. 6 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. In view of the same, it is humbly submitted that the EC granted to Respondent No. 6 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

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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 & Ors

...Applicant

-VERSUS-

Union of India & 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 Raman 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
11/106, NGO's Colony
PUTTUR. Ph.No: 9000875394

B. Venkata Raman 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.

K. Manohar Reddy
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 9th day of December, 2022.

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

K. Manohar Reddy
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.

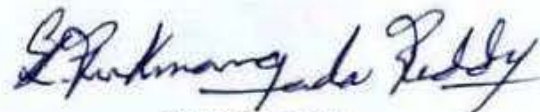


DEPONENT

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 this9th..... day of December, 2022.

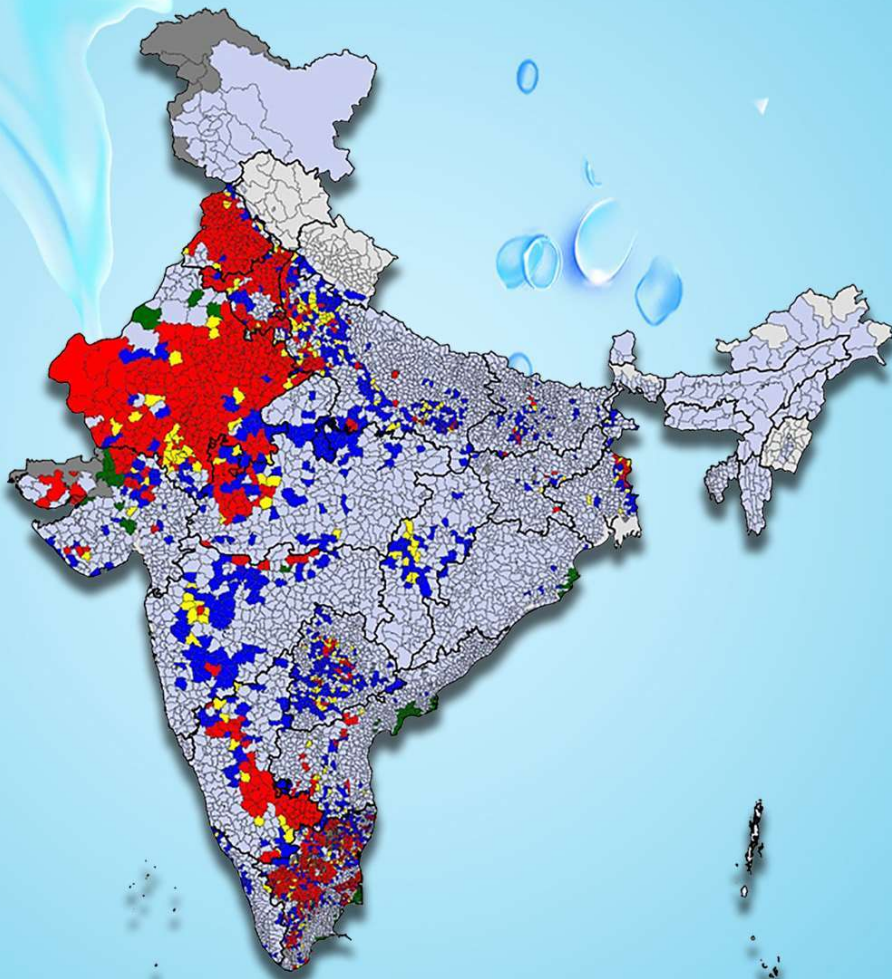


DEPONENT

us M + 09/12/22
U.S. RAYUDU, M.Sc., B.L.
ADVOCATE / NOTARY
11/106, NGO's Colony
PUTTUR. Ph.No: 9000875394



**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	Vempalle	2	Pulivendla
		3	Royachoti	3	Kamalapuram		
		4	Brahmamgarimattam	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
ABSTRACT							
Total No. of Assessed Units		Number of Semicritical Assessment Units		Number of Critical Assessment Units		Number of Over Exploited Assessment Units	
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	Nambulipulikunta	67.14	Safe	Anantapur	Nambulipulikunta	97.55	Critical	Deteriorated
3	Anantapur	Lepakshi	82.90	Semi-Critical	Anantapur	Lepakshi	114.56	Over-Exploited	Deteriorated
4	Anantapur	Somandepalle	88.08	Semi-Critical	Anantapur	Somandepalle	102.76	Over-Exploited	Deteriorated
5	Chittoor	Chandra giri	22.98	Safe	Chittoor	Chandra giri	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	80.53	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



ENVIRO LEGAL DEFENCE FIRM <eldflegal@gmail.com>

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

1 message

ELDF <eldflegal@gmail.com>Sat, Jan 14, 2023 at 9:27 PM

To: reddymadhuri09@gmail.com

Cc: Mansi Bachani <mansi@eldfindia.com>, Shubham Upadhyay <Shubham@eldfindia.com>, Sonali Sengupta <sonali@eldfindia.com>, "Cc: Sanjay Upadhyay" <sanjay@eldfindia.com>, Admin <admin@eldfindia.com>

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.

--
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**
3539K
-  **Rejoinder to pvt Appeal 53.pdf**
3026K
-  **Rejoinder to pvt Appeal 52.pdf**
3026K
-  **Rejoinder to pvt Appeal 51.pdf**
3745K
-  **Rejoinder to pvt Appeal 50.pdf**
3667K