

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

ORIGINAL APPLICATION NO. 74 OF 2020

IN THE MATTER OF:

SATYANARAYANA BOLISETTY,
1-54-10/4, Plot-50, HIG, Sector-1,
MVP Colony,
Vishakapatnam Urban,
Vishakapatnam,
Andhra Pradesh-530.035.
Bolisetty satyanarayana@gmail.com

.....Applicant

VS

1. Union of India

Through the Secretary,
Ministry of Environment, Forests and Climate Change,
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi-110 003.
Secy-moef@gmail.in: +91 11 24695262 and 6 others

COUNTER FILED BY THE^{2ND} RESPONDENT

Date: 10.09.2022



**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 2nd Respondents

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

ORIGINAL APPLICATION No.74 of 2020

IN THE MATTER OF:

1. D. Pal, S/o. S.R. Pal,
Aged about 52 years,
R/O. Saikrishna Nagar,
Near Sambhunagar Flyover,
Alcot Gardens, Rajahmundry,
East Godavari District - 533 101.
Email id: deamra3108@gmail.com
Phone: 9940178702.
2. Tummala Kondal Rao,
S/o. Veeranna,
Aged about 65 years,
R/o. D. NO.17-2-144,
Kondal Rao Street, Parloipeta,
Kakinada-533 001.
Email id: deamra3108@gmail.com
Phone: 8130408167.
3. Mugu Raju,
S/o. Bhulokam,
Aged about 42 years,
16-17-16/c,
Jyothula Vari Street,
Dummulpeta, Kakinada,
Email id: deamra3108@gmail.com
Phone: 7904181806.
4. Kasarapu Sivaji,
S/o. Mutyalu,
Aged about 32 years,
R/o. Dr. No.17/2-163/1-1,
Dasannavari Street,
Parloipeta, Kakinada-533 001.
Email: deamra3108@gmail.com
Phone: 8130408167.

..... Applicants

Versus

1. State of Andhra Pradesh
Through the Chief Secretary,
1st Block, 1st Floor,
Interim Government Complex,
A.P. Secretariat Office, Velagapudi,
Andhra Pradesh.


**MEMBER SECRETARY,
Andhra Pradesh Coastal Zone
Management Authority (APCZMA)
Vijayawada, Andhra Pradesh.**

2. Andhra Pradesh Coastal Zone Management Authority (APCZMA),
Through the Member Secretary,
D.No.33-26-14 D/2,Chalamvari Street,
Kasturibaipet,
Vijayawada-520 010,
Email id: apczma2016@gmail.com
Phone: 08662463200.
3. Andhra Pradesh Forest Department,
Through the Principal Chief Conservator of Forest (HOFF),
Aranya Bhavan, K.M. Munshi Road,
Nagarampalem,
Guntur-522 004,
Andhra Pradesh,
Email id: prdccf0apfd@ap.gov.in
Phone: 0863 2377500.
4. Collector and District Magistrate,
Rama Rao Peta,
Kakinada,
East Godavari District,
Andhra Pradesh-533 001.
Email id: collector-cdg@ap.gov.in
Phone: 0884 2365424.
5. Ministry of Environment, Forest and Climate Change,
Through the Secretary,
Indira Paryawaran Bhawan,
Jorbagh, New Delhi-110 003.
Email id: secy-moef@nic.in
Phone: 24695262.

.....Respondents.

COUNTER AFFIDAVIT FILED BY THE 2nd RESPONDENT

I, Vijay Kumar G. Srkr, Son of G. Krishnaiah, aged about 59 years, holding the post of Member Secretary, APCZMA do hereby solemnly affirm and sincerely state as follows:

1. I am the 2nd respondent herein and as such I am well acquainted with the facts of the case and competent to swear to this counter affidavit.
2. This respondent denies each and every averment made in the affidavit filed in support of the application as false and incorrect except those that are specifically admitted herein in this counter affidavit.


MEMBER SECRETARY,
Andhra Pradesh Coastal Zone
Management Authority (APCZMA)
Vijayawada, Andhra Pradesh.

3. With regard to the averment made in paragraph 2 of the affidavit, it is submitted that the Ministry of Environment, Forests and Climate Change, Govt. of India, New Delhi have approved the Coastal Zone Management Plan (CZMP) of Andhra Pradesh on 28.02.2019 as per CRZ Notification 2011.

The CRZ Notification 2011 was amended by Ministry of Environment, Forests and Climate Change, Government of India, New Delhi vide G.S.R.37 (E), dated 18th January 2019 with a condition to consider the amendments be applied only after updating the Coastal Zone Management Plan (CZMP). Until the revision of CZMP, the appraisal of the projects shall be taken up as per the provisions of the CRZ Notification, 2011 only. The preparation of CZMP for the state of Andhra Pradesh was entrusted to National Centre for Sustainable Coastal Management (NCSCM), Chennai and it is under process.

Presently, the Andhra Pradesh Coastal Zone Management Authority (APCZMA) appraising the projects/activities/building proposals requiring CRZ Clearance under the provisions of the Coastal Regulation Zone (CRZ) Notification 2011 only.

As for as the enforcement of the recommendations of CRZ, the monitoring agency to monitor the compliance with the terms and conditions of the CRZ clearance granted by SEIAA and DEIAA is the Andhra Pradesh Pollution Control Board as per the G.OMs.No.120, dated 01-11-2018.

4. With regard to the averment made in paragraph 3 of the affidavit, it is submitted that The APCZMA has no mechanism to monitor the violations made by the proponents without making a complete application seeking CRZ recommendations. In this case, the APCZMA has not received any application seeking CRZ clearance.

5. With regard to the averment made in paragraph 5 of the affidavit, it is submitted that the APCZMA has not received any application seeking CRZ clearance.


**MEMBER SECRETARY,
Andhra Pradesh Coastal Zone
Management Authority (APCZMA)
Vijayawada, Andhra Pradesh.**

6. With regard to the averment made in paragraph 14 of the affidavit, it is submitted that the APCZMA has not received any application seeking CRZ clearance.

7. In so far as the averment made in paragraph 16 of the affidavit, it is submitted that the APCZMA prepared the CZMP as per the CRZ Notification 2011, the CZMP maps as per CRZ Notification 2019 is under progress.

8. In so far as the averment made in paragraph 17 of the affidavit, it is submitted that the APCZMA has not received any application seeking CRZ clearance. However, as per the CRZ notification, the project is impermissible if it falls in CRZ – IA, as these areas are ecologically sensitive areas.

9. In so far as the averments made in paragraphs 18 and 20 of the affidavit, it is submitted that it only the details of the Notification and hence no remark is submitted.

10. In so far as the averment made in paragraph 19 of the affidavit, it is submitted that as per the CRZ notification the project is impermissible if it falls in CRZ – IA, as these areas are ecologically sensitive areas.

11. In so far as the averment made in paragraph 22 of the affidavit, it is submitted that the APCZMA has not received any application seeking CRZ clearance. However, as per the CRZ notification the project is impermissible if it falls in CRZ – IA, as these areas are ecologically sensitive areas.

12. In so far as the averment made in Ground is concerned, it is submitted that the APCZMA has not received any application seeking CRZ clearance. However, as per the CRZ notification the project is impermissible if it falls in CRZ – IA, as these areas are ecologically sensitive areas.


MEMBER SECRETARY,
Andhra Pradesh Coastal Zone
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Vijayawada, Andhra Pradesh.

13. It is submitted that this respondent craves leave of this Hon'ble Tribunal to raise additional counter in the course of proceedings, if required.

In the above said circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above Original Application No.74 of 2020 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 at Vijayawada,
on this the 23 day of March, 2021
and signed his name in my presence.


* **SECOND RESPONDENT**
Member Secretary
APCZMA

MEMBER SECRETARY,
Andhra Pradesh Coastal Zone
Management Authority (APCZMA)
Vijayawada, Andhra Pradesh.

BEFORE ME

AVOCATE, VIJAYAWADA