

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

APPEAL NO. 82 OF 2021

IN THE MATTER OF:

MAHESH MAMINDLA AND ANOTEHR

....APPELLANTS

VERSUS

STATE OF TELANGANA AND OTHERS

....RESPONDENTS

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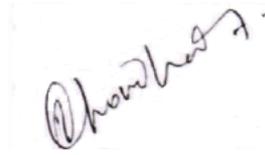
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THROUGH



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Date: 28.10.2023

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**RESPONSE TO PARA 4 OF THE COUNTER AFFIDAVIT DATED 18.03.2023
FILED BY RESPONDENT NO. 2, TS TRANSCO.**

MOST RESPECTFULLY SHOWETH:

1. The Appellants herein are filing the instant response to the Para No. 4 of the Counter Affidavit dated 18.03.2023 filed by Respondent No. 2, TS TRANSCO in compliance to the order dated 22.09.2023 passed by this Hon'ble Tribunal. It is to be noted that a full rejoinder has been filed by Appellants on 19.07.2023 rebutting all the contentions raised thereof in the Counter Affidavit dated 18.03.2023. That the present response is specifically to provide additional information in response to Para 4 of the counter affidavit dated 18.03.2023 filed by the Respondent No. 2, TS TRANSCO. The Appellants herein lists out the following main contentions raised by the Respondent No. 2 in the para 4 of the counter affidavit dated 18.03.2023:
 - i. The space available between the ORR and Service Lane is approximately 2 meters at Mrugvani forest area.
 - ii. A storm water drain is existing between the ORR and the Service Lane.

- iii. In Para No. 7 of the counter affidavit dated 18.03.2023, TS TRANSCO submitted that the required "width of right of way" for 400KV DC transmission line is 46 Meters and in furtherance of the same the Forest department insisted for diversion of forest land considering the 46 Meters corridor for 400KV DC line irrespective of the type of tower (monopole/quad-pole).
2. That all the above stated contentions by Respondent No. 2 are responded by the Appellants in following paras:
- i. **The space available between the ORR and Service Lane is approximately 2 meters at Mrugvani forest area as submitted by R2 is incorrect:**
 - a) The Respondent No. 2, TS TRANSCO *vide* affidavit dated 18.03.2023 thereby submitted that the available space between the ORR and Service Lane is approximately 2 meters at Mrugvani forest area which is incorrect and is denied in entirety. The Appellants in this regard submit that TS TRANSCO has absolutely contradicted its own statement with regard to the measurement of the corridor i.e., the space between the ORR and the Service Lane is 2 meters. It is pertinent to note that TS TRANSCO while seeking approval from the Respondent No. 6, Hyderabad Growth Corridor Limited (HGCL) *vide* letter dated 20.07.2019 **(the same has been annexed by R6 in its Counter Affidavit dated 16.04.2022 at Annexure A7 and also has been annexed at Serial No. 19 Pg 132 of the Compilation filed by the**

Appellants on 26.09.2022) has specifically stated and admitted at Serial No. 4 of the Table that the 'available corridor in entire Forest stretch of 1355 meters from AP45-AP51 and the width of which is '12.5 meters' and twin monopoles are to be erected along the stretch of Mrugavani Forest'. However, contrary to their earlier statements, TS TRANSCO in para 4 of its affidavit 18.03.2023 has submitted that the space available between the ORR and Service Lane admeasures 2 meters. The Appellants further submit that the letter dated 20.07.2019 and the counter affidavit dated 18.03.2023 were both sworn by the Superintending Engineer of TS TRANSCO and this raises significant doubts about the accuracy of the information, as it clearly appears to be inconsistent in two distinct submissions. The Superintending Engineer, sought approval from HGCL by stating that the corridor's width was 12.5 meters for monopole installation along the Mrugavani Forest. However, in stark contrast, they proceeded to erect quad poles within the Mrugavani Forest without seeking any approval. They completely disregarded the need to install monopoles for which they had previously obtained approvals, subsequently the very same Superintending Engineer provided a misleading statement claiming that the corridor's width was only 2 meters, which forced them to install monopoles along Mrugavani Forest.

Copy of the Letter dated 20.07.2019 by the TS TRANSCO seeking approval from HGCL is annexed herewith as **ANNEXURE A/1.**

- b) In this regard, the Hon'ble Supreme Court in the matter titled **Dhananjay Sharma v. State of Haryana, (1995) 3 SCC 757** took a serious view of filing of false affidavit or making false statement in Courts and held that it is an assault on the rule of law and such conduct cannot be left unnoticed as this can shake public confidence in the fair administration of justice:

The swearing of false affidavits in judicial proceedings not only has the tendency of causing obstruction in the due course of judicial proceedings but has also the tendency to impede, obstruct and interfere with the administration of justice. The filing of false affidavits in judicial proceedings in any court of law exposes the intention of the party concerned in perverting the course of justice. The due process of law cannot be permitted to be slighted nor the majesty of law be made a mockery of by such acts or conduct on the part of the parties to the litigation or even while appearing as witnesses. Anyone who makes an attempt to impede or undermine or obstruct the free flow of the unsoiled stream of justice by resorting to the filing of false evidence, commits criminal contempt of the court and renders himself liable to be dealt with in accordance with the Act. Filing of false affidavits or making false statement on oath in courts aims at striking a blow at the rule of law and no court can ignore such conduct which

has the tendency to shake public confidence in the judicial institutions because the very structure of an ordered life is put at stake. It would be a great public disaster if the fountain of justice is allowed to be poisoned by anyone resorting to filing of false affidavits or giving of false statements and fabricating false evidence in a court of law. The stream of justice has to be kept clear and pure and anyone soiling its purity must be dealt with sternly so that the message percolates loud and clear that no one can be permitted to undermine the dignity of the court and interfere with the due course of judicial proceedings or the administration of justice. In Chandra Shashi v. Anil Kumar Verma [(1995) 1 SCC 421 : 1995 SCC (Cri) 239] the respondents produced a false and fabricated certificate to defeat the claim of the respondent for transfer of a case. This action was found to be an act amounting to interference with the administration of justice. Brother Hansaria, J. speaking for the Bench observed: (SCC pp. 423-24, paras 1 and 2)

"The stream of administration of justice has to remain unpolluted so that purity of court's atmosphere may give vitality to all the organs of the State. Polluters of judicial firmament are, therefore, required to be well taken care of to maintain the sublimity of court's environment; so also to enable it to administer justice fairly and to the satisfaction of all concerned. Anyone who takes recourse to fraud deflects the course of judicial proceedings; or if anything is done with oblique motive, the same interferes with the administration of justice. Such persons are required to be properly dealt with, not only to punish them for the wrong

done, but also to deter others from indulging in similar acts which shake the faith of people in the system of administration of justice."

- c) Further, the Hon'ble Supreme Court, in the case of **Suo-Motu Contempt Petition In Re: Perry Kansagra 2022 SCC OnLine SC 858** vide order dated 11.07.2022 has observed that tendering false affidavits and undertakings containing false statements amounts to contempt of court:

"17. It is thus well settled that a person who makes a false statement before the Court and makes an attempt to deceive the Court, interferes with the administration of justice and is guilty of contempt of Court. The extracted portion above clearly shows that in such circumstances, the Court not only has the inherent power but it would be failing in its duty if the alleged contemnor is not dealt with in contempt jurisdiction for abusing the process of the Court."

- d) Furthermore, this Hon'ble Tribunal, in the matter titled **Sandeep Desai & Ors. vs. State of Goa & Ors.** reported in **2012 SCC OnLineNGT 72** has held:

"10. Thus, the information submitted by the project proponent was accepted as a gospel truth by the MoEF. The MoEF on its part did not verify the correctness of the information given by the Respondent no. 6. So also, the Forest Clearance is based on incorrect information about the distance between the Wildlife Sanctuaries/National Park and the mining project in question. It also does not correctly indicate the

forest density. The Forest Clearance is based on observation that the canopy is of 0.4 whereas Dy. Conservator of Forest, Goa in his report suggested that it is 0.5 whereas Inspection Report shows it to be between 0.5 to 0.7. Needless to say, everything appears to be fishy, based on untrue facts and inaccuracies.

13. Considering the deficiencies mentioned above and the fact that the averments in the application are not controverted by the project proponent, all the three (3) impugned orders of EC, FC and Chief Warden of Wild life are invalid, illegal and improper. All the 3 communications will have to be therefore, quashed as prayed by the applicants. **We are further of the opinion that MoEF and the other authorities casually granted the clearances/approvals without verification of the necessary facts and without following the due procedure.....** Under these circumstances, we deem it proper to allow the application with the following reliefs:—

....

D. The MoEF (the competent authority for grant of EC and FC) and the State Government of Goa (in respect of approval by Chief Wildlife Warden) shall initiate departmental proceedings within period of two months against the concerned officers, if any of them is still in service for dereliction in duty and misconduct in granting of the said permission/clearance without following procedure of law and on basis of erroneous statement of facts.

If such responsible officers are no more in service, then the estimated loss or an amount of Rs. 5 Lacs (for each approval/clearance) shall be recovered from such officers who participated in the grant of EC/FC and permission by

the Chief Warden of wild life by taking proper proceedings against them and after hearing them. The amount shall be deposited with Registrar, NGT within 9 (Nine) months."

That in view of the above judgments, serious question arises on the accuracy and correctness of the submissions of the Superintending Engineer of TS TRANSCO as crucial discrepancies arise from the fact that both the letter dated 20.07.2019 and the counter affidavit dated 18.03.2023 were sworn by the Superintending Engineer of TS TRANSCO. This raises doubts about the truthfulness of information, suggesting inconsistencies in two submissions. The Superintending Engineer initially sought approval for a 12.5-meter corridor width for monopole installation in Mrugavani Forest but later erected quad poles without approval. Subsequently, the same engineer provided a misleading statement, claiming the corridor's width was only 2 meters, necessitating the installation of monopoles along Mrugavani Forest thereby creating fraudulent evidence in a legal proceeding.

- e) The Appellants herein submit that it is crucial to note that the actual space available between the ORR and Service Lane is admeasures approximately 12.5 meters at Mrugvani forest area, and the same has been verified by the Appellants by conducting the physical verification of the site conducted on 24.09.2023. In this regard, the Appellants also annex the Google Earth Images

taken by the Appellants which also admeasures that the space available between the ORR and Service Lane is 12.5 meters, except, for those areas where there is a vehicle underpass or intersection.

Copy of the Satellite Images taken by the Appellants showing the space available between the ORR and Service Lane is 12.5 meters monopoles have been erected by TS TRANSCO in between ORR and Service Road before and after Mrugavani stretch which is clearly in a consistent corridor width of 12.5 meters is annexed herewith as **ANNEXURE A/2.**

ii. Storm Water drain exists between the ORR and the Service Lane is denied:

- a) The Respondent No. 2, TS TRANSCO *vide* affidavit dated 18.03.2023 submitted that a Storm Water drain exists between the ORR and the Service Lane and hence they were constraint to erect quad poles inside the Mrugavani Forest. The Appellants in this regard submit that the correct nomenclature is lined drain. The Appellants during their survey on 24.09.2023 found that the drain is a narrow V-shaped cemented linear structure with a design specification width of 2.5m, with 1.5 m width of drain and 0.5m flat shoulder on each side. This drain is on outside of ORR and consumes only 2.5 m of available 12.5m space between ORR and service road, leaving full 10m width of space available still between ORR and service road. It is also submitted that the said

lined drain is not uniform and continuous by construction and is in form of disjointed ditches and hence there is absolutely no running water flow possible due to dense vegetation including tall trees in path of lined drain, other cemented walls in path of lined drain and debris and construction waste dumped blocking the continuous flow of the lined drain. The lined drain along Mrugavani National Park is in the form of 10 to 12 different patches with no designed or actual continuity of flow. Hence, the stand taken by the TS TRANSCO that a Storm Water drain exists between the ORR and the Service Lane which constraint them to deviate into the Mrugavani National Park is incorrect and without any basis.

Copy of the several images taken by the Appellants of the Lined Drain which is claimed to be a 'Storm Water Drain' as annexed herewith as **ANNEXURE A/3.**

- b) Furthermore, it is crucial to note that the said lined drain, even where it exists, does not pose any hurdle to erection of monopoles, as R2 has erected monopoles right on top of the lined drain or adjacent to it before the Mrugavani National Park and after the Mrugavani National Park. Therefore, TS TRANSCO's assertion that a Storm Water drain exists between the ORR and the Service Lane, which compels them to divert into the Mrugavani National Park, lacks any valid justification. The photographs and satellite images captured by the Appellants

unequivocally depict that monopoles erected in close proximity to the Mrugavani Forest area, with the lined drain being undisturbed, relocated, or diverted to make room for these monopoles. It is evident that a similar approach could have been taken when installing monopoles along the Mrugavani Forest stretch, thus obviating the need to intrude into the forest and diverting the same.

iii. ROW for 400KV DC transmission line is 46 m and in furtherance of the same the Forest department insisted for diversion of forest land is denied:

- a. The Respondent No. 2, TS TRANSCO in Para 7 of the affidavit dated 18.03.2023 stated that ROW for 400KV DC transmission line is 46 meters and in this regard has also given the reference of the MoEFCC Guidelines for laying transmission lines through forest areas dated 05.05.2014. The Appellants in this regard submit that Para No. 1 of the Guidelines **(annexed as Annexure 4 of the Counter Affidavit dated 18.03.2023 filed by TS TRANSCO)** states:

"1. Where routing of transmission lines through the forest areas cannot be avoided, these should be aligned in such a way that it involves the least amount of tree cutting".

The Appellants hereby submit that the Guidelines clearly states that where routing of transmission lines through the forest areas cannot be avoided, whereas, in the present scenario, the requirement of ROW of 46m in Mrugavani National Park is redundant as the need

to enter national park is itself avoidable as direct route is available. Further, the ROW is easily available before, along and after Mrugavani National Park stretch along ORR, and TS TRANSCO has availed the same too, before and after Mrugavani, except in National park. Hence, it is evident that a similar approach could have been taken when installing monopoles along the Mrugavani Forest stretch, thus obviating the need to intrude into the forest and diverting the same.

Copy of the images taken by the Appellants of the monopoles erected adjacent to the drain before and after Mrugavani stretch are annexed herewith as **ANNEXURE A/4.**

THROUGH



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...RESPONDENTS

AFFIDAVIT

I, Mahesh Mamindla, S/o. Yadagiri Mamindla, aged 34 years, R/o. H.No: 5-14, Mittapally, Village Siddipet Mandal, Telangana - 502375, do hereby solemnly affirm and state as under: -

1. That I am Appellant No. 1 in the aforementioned Appeal, and I am well conversant with the facts of the case. I am competent to swear this Affidavit.
2. That the contents of the accompanying Rejoinder/Response are true and correct and nothing material has been concealed therefrom.


DEPONENT

VERIFICATION

Verified that the contents of this affidavit mentioned in para ___ to ___ are true to the best of my knowledge and belief and nothing has been concealed there from.

Verified on this 9th day of Jan 2024.


DEPONENT



9/1/2024
ATTESTED
CHALLARI NAGESWARA RAO, Advocate
Notary, Appointed by Govt. of T.S.
G.O.M.S. No. 1394/11, 2021-2026
"G-I, B-4, F-12, Baghlingampally, Hyd-44."

TRANSMISSION CORPORATION OF TELANGANA LTD.

1488

22/07/19

GM-I

DGM(E)

From
The Superintending Engineer
400KV/Constn,
Metro circle, Erragadda
Hyderabad.

To
The Chief General manger
HGCL, Nanakramguda,
Hyderabad

Lr.No.SE/400KV/Const/Metro/Hyd/ADE(T)/F.K'Pally -RDG.Line/D.No.471/2019, Dt. 20.07-2019

Sir,

Sub:- SE/400KV/Const/Metro/hyd:-Rayadurg System Improvement Scheme-Execution of 400KV DC line from Kethireddipally 400KV SS to proposed 400KV Rayadurg GIS-Alternate route for Monopole-Revised plan -Submitted. Reg.

- Ref:- 1) T.O.O(CE-400KV),MS.No.79, Dt.13.04.2018
2) Memo.No.CE/400KV/SE-1/D1-A4/400KVQMDC-KTR-RDG/D.No. 1260 /2017, Dt.27.11.2017
3) Lr.No.Dir(Projects)/TSTRANSCO/CE/400KV/F.Rayadurg Line/D.No.630/A/18, Dt.07.09.2018
4) Lr.No.CGM(T)/DGM(Elec)/HGCL/8025/2018-19,Dt.08.02.2019
5) Lr.No.Dir(Projects)/TSTRANSCO/CE/400KV/F.Rayadurg Line/D.No.1279/18, Dt.18.02.2019
6) Lr.No.2178/HMR/CE@/Phase-II/Corres/2018, Dt.23.04.2019
7) Lr.No.CE/400KV/SE-II/D1-A4/Rayadurg/D.No.310/19, dt.01.06.2019

It is to submit that TSTRANSCO proposed for erection of 400KV Twin HTLS line on Monopole for a length of 10.4KM from AP41 to AP75(APPA junction to Gachibwli) in the open space between ORR and service road towards Hyderabad city in the part of erection 400KV DC line from Kethireddipally 400KV SS to proposed 400KV Rayadurg under Rayadurg System Improvement Scheme. Accordingly permission requested from HMDA vide ref.3rd cited above for laying of line in the above corridor. But permission was denied by CGM/HRDCL vide ref.4th cited above informing that corridor is meant for Metro rail. Again requested HMDA vide ref.5th cited above to reconsider in view of importance of laying of subject cited line.

As Metro rail authorities informed that accommodation of both Metro rail and 400KV line in the same corridor is technically not feasible it is proposed for laying of above line from TSPPA junction to Gachibowli in alternate route in the other side of ORR after service road.

The route plan was already handed over to HGCL wing.After joint inspection with GM/HGCL after duly incorporating the changes proposed during inspection, the final route map for a length of 6.63KM in HMDA land is here with enclosed.The details of line length and area of HMDA land affected under 12.5mtr corridor given in the annexure enclosed.

It is requested to arrange to accord permission from HMDA and also intimate any charges to be made for utilisation of corridor for arranging payment.

Encl: Google Map-3pages.
Annexure

Yours faithfully,


SUPERINTENDING ENGINEER,
400KV/CONST/METRO/HYDERABAD.

Copy submitted to the Chief Engineer/400KV/TSTransco/VS/Hyd:-For favor of information please
Copy to Executive Engineer/400KV/Const-2/Metro/Hyd

AGM(SH)/AEE(G)

DGM-2 (P)
pls put up immediately today
on top priority

400kV Twin HTLS Tr. Line on Twin monopole from AP 41 to AP 75 (ORR) junction

S.No	Reach	Span Length in mtrs	HMDA Length in mtrs	carridor width in mtrs	Land Details	Total HMDA Area in sq mtrs	Others area in sq mtrs
1	AP 41 - AP 43	323	323	12.5	HMDA	4037.5	
2	AP 43-AP 44	230	230	12.5	60% HMDA, 40%TSPA	1725	1150
3	AP 44 -AP 45	230	115	12.5	1/2 SPAN HMDA(60%),1/2 span forest	862.5	2012.5
4	AP 45-AP 51	1355	0	12.5	FOREST	0	16937.5
5	AP 51-AP 52	230	230	12.5	60% HMDA, 40% Praviate land	1725	1150
6	AP 52-AP 54	296	296	12.5	60% HMDA, 40% Grey Hounds	2220	1480
7	AP 54- AP 70	2796	0	12.5	Endonment & Musi	0	34950
8	AP 70 -AP 71	172	86	12.5	1/2 SPAN HMDA	1075	
			51.6	12.5	1/2 SPAN HMDA(60%)	645	430
9	AP 71-AP 86	2542	2542	12.5	HMDA	31775	
10	AP 86- AP 88	430	430	12.5	60% HMDA, 40% Praviate land	3225	2150
11	AP 88- AP 91	614	614	12.5	HMDA	7675	
12	AP 91- AP 95	810	0	12.5	220 KV Carridor	0	10125
13	AP 95- AP 96	100	100	12.5	HMDA	1250	
14	AP 96- AP 104	1613	1613	12.5	HMDA	20162.5	
TOTAL		11741	6630.6			76377.5	70385

Am
EE / 400KV

SP
S: PERINTENDING ENGINE
400KV/CONSTRUCTION/METRO CIRCLE/TSTR
ERRAGADDA, HYDERABAD-500 045

t.c.

Am



Ruler

Line Path Polygon Circle 3D path 3D polygon

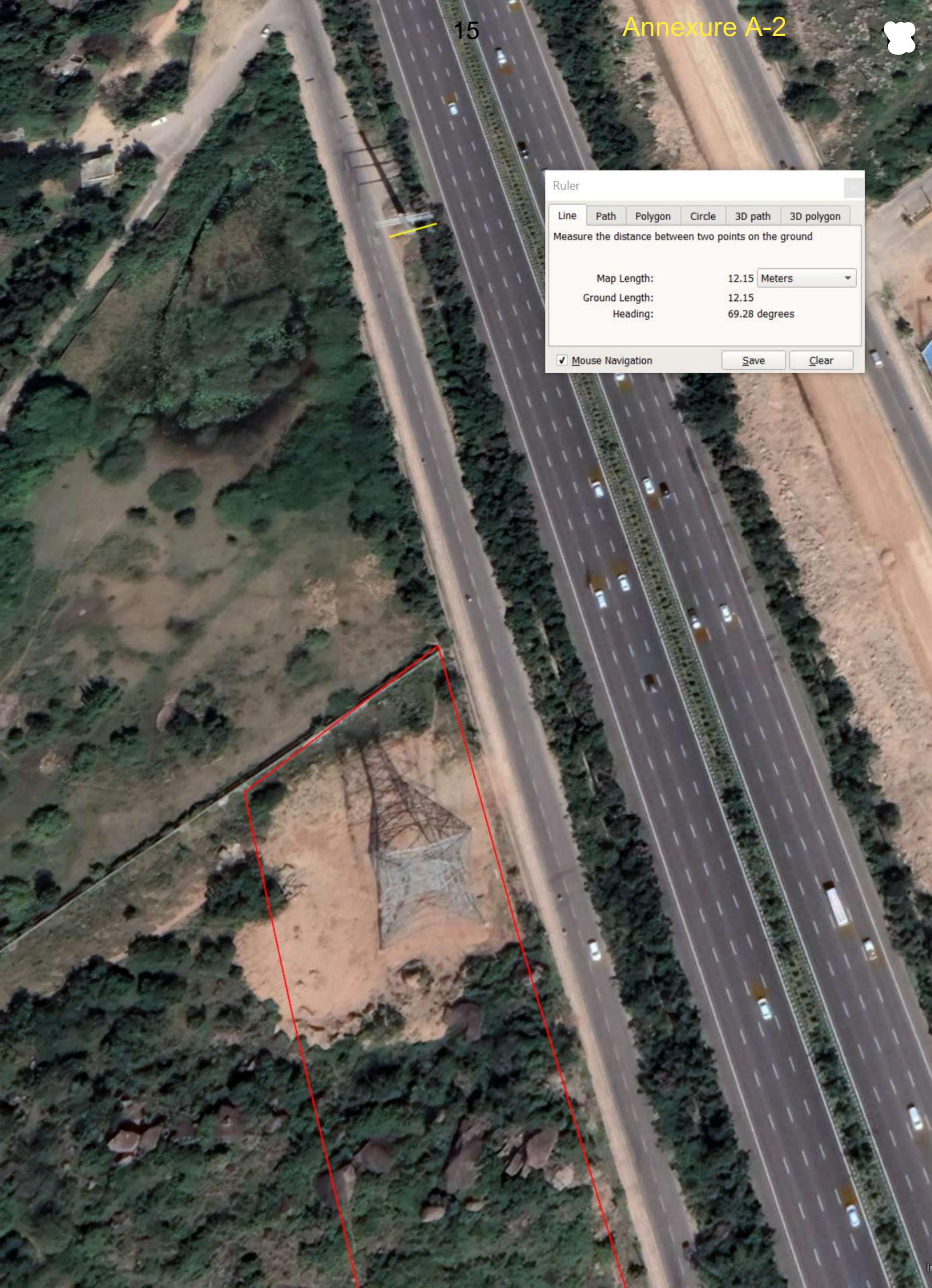
Measure the distance between two points on the ground

Map Length: 12.15 Meters

Ground Length: 12.15

Heading: 69.28 degrees

Mouse Navigation





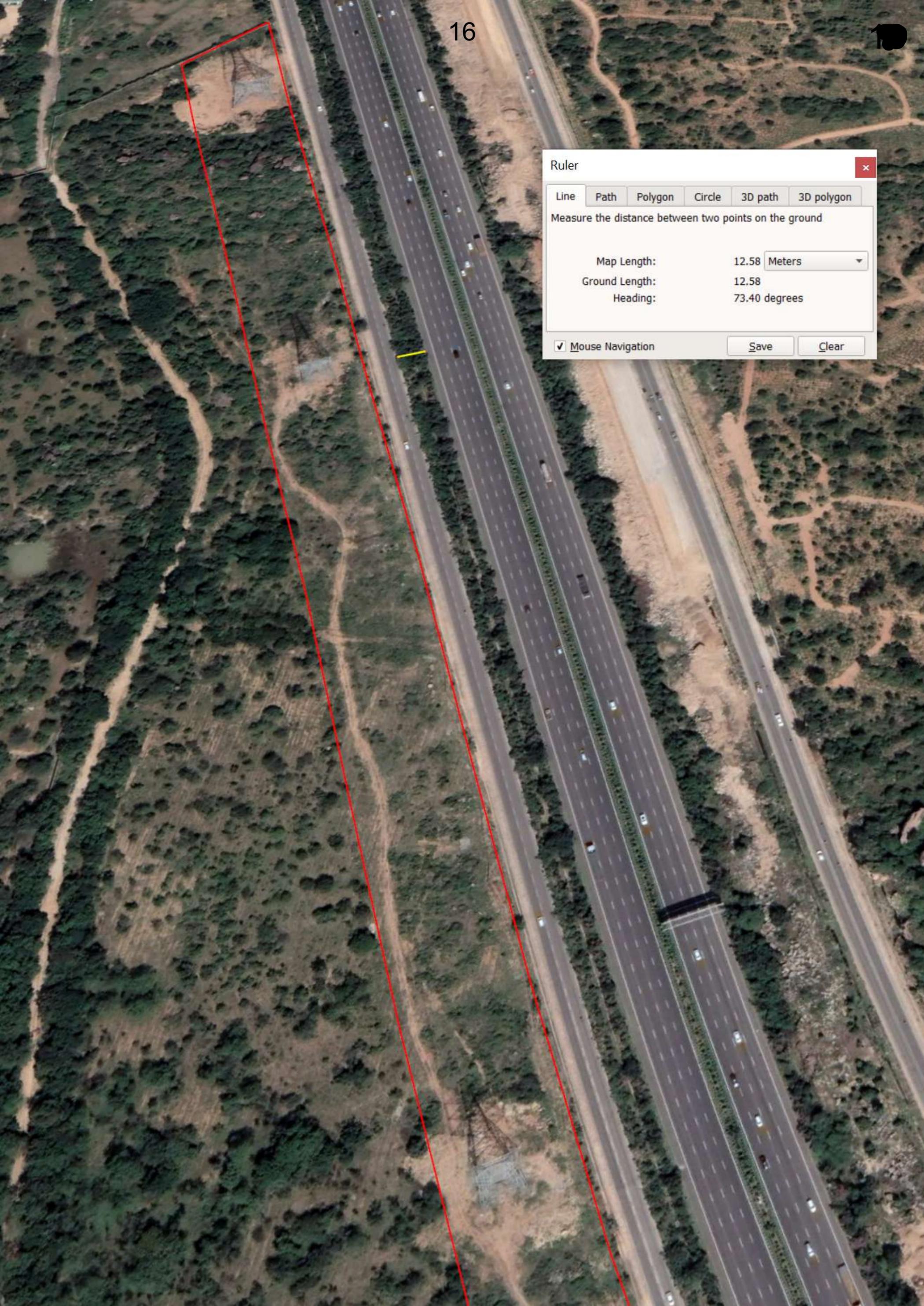
Ruler ✕

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

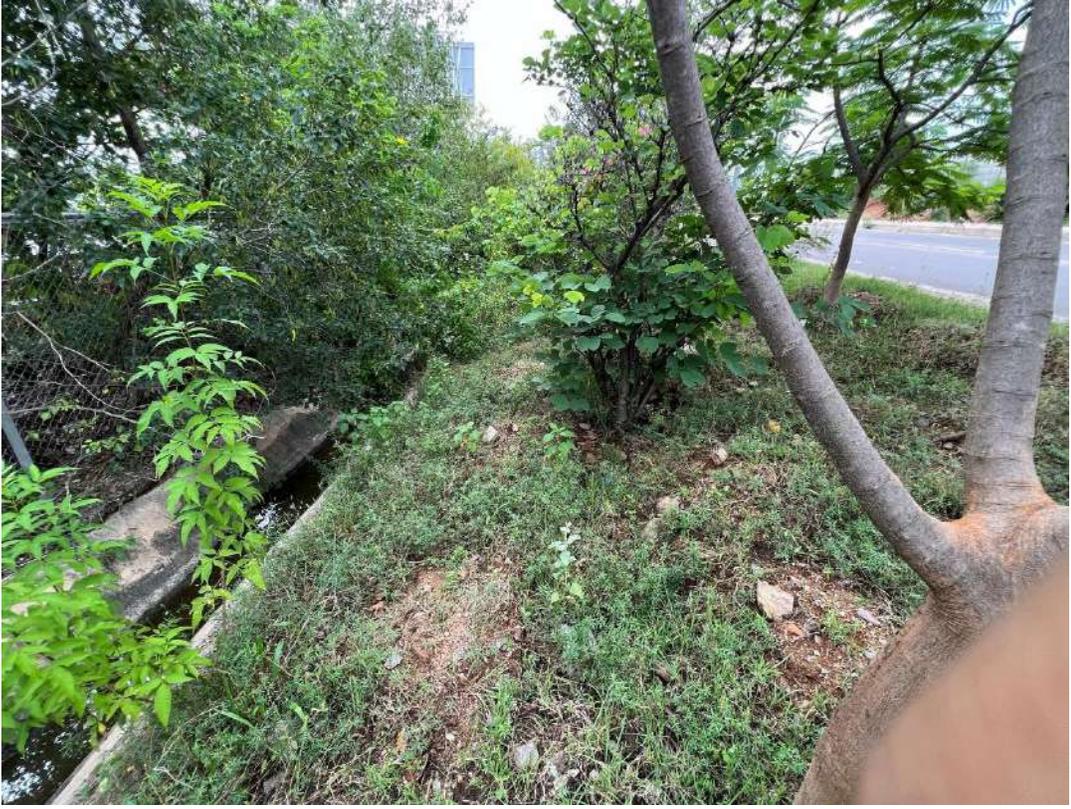
Map Length:	12.58	Meters
Ground Length:	12.58	
Heading:	73.40	degrees

Mouse Navigation Save Clear



COPY OF THE SEVERAL IMAGES TAKEN BY THE APPELLANTS OF THE LINED DRAIN WHICH IS CLAIMED TO BE A 'STORM WATER DRAIN' AND DRAIN IS NOT UNIFORM AND IS IN FORM OF DISJOINTED DITCHES AND HENCE THERE IS ABSOLUTELY NO RUNNING WATER FLOW POSSIBLE DUE TO DENSE VEGETATION INCLUDING TALL TREES IN PATH OF LINED DRAIN, OTHER CEMENTED WALLS IN PATH OF LINED DRAIN AND DEBRIS AND CONSTRUCTION WASTE DUMPED BLOCKING THE CONTINUOUS FLOW OF THE LINED DRAIN.











t.c.

@hmvk87

COPY OF THE IMAGES TAKEN BY THE APPELLANTS OF THE MONOPOLES ERECTED ADJACENT TO THE DRAIN BEFORE AND AFTER MRUGAVANI STRETCH. A SIMILAR APPROACH COULD HAVE BEEN TAKEN WHILE INSTALLING MONOPOLES ALONG THE MRUGAVANI FOREST STRETCH, THUS OBTAINING THE NEED TO INTRUDE INTO THE FOREST AND DIVERTING THE SAME.





t.c.

@handwritten