

**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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THROUGH



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PLACE: CHENNAI/DELHI

Date: 22. 08.2022

**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

**REJOINDER ON BEHALF OF THE APPELLANTS TO THE REPLY
AFFIDAVIT FILED BY RESPONDENT NO. 2 i.e., TS TRANSCO.**

MOST RESPECTFULLY SHOWETH:

1. The above-mentioned Appeal was filed by the Appellants under Sections 16(e) read with Section 20 of the National Green Tribunal Act, 2010 challenging the legality and correctness of the Stage-I Forest Clearance *vide* letter No.4-TSC180/2021-HYD/091 dated 13.05.2021, Stage-II Forest Clearance *vide* letter No. 4-TSC180/2021-HYD/155 dated 7.12.2021 which is granted by Ministry of Environment, Forest, and Climate Change Integrated Regional Office, Hyderabad (MoEF&CC) and the Working Permission bearing No. 13470/2019/FC-4 dated 7.08.2021 granted by Principal Chief Conservator of Forests, Government of Telangana. That all the permissions have been granted to Transmission Corporation of Telangana Limited (TRANSCO) for erection and installation of 400KV Overhead DC transmission lines from Kethireddipally 400 KV SS to 400 KV Rayadurg GIS along the Outer Ring Road CORR), Shamshabad Division, Telangana, and passing through forest area admeasuring 6.7075 ha. That the issues raised for quashing the Forest Clearance granted are:

- a) That Form A Part I filled by Respondent No. 2 i.e., TRANSCO has provided the map of the land required for diversion only and has deliberately concealed the entire details of the cadastral map along with measurements of the Mrugavani National Park, Chilkur Reserve Forest and the eco-sensitive zone hence no boundary verification survey has been done;
- b) That Form A Part II which is filled by the Deputy Conservator of Forest for obtaining Forest Clearance provides wrongful, misleading and incorrect information by stating that the forest land proposed for diversion for the erection of transmission line is not located within eco-sensitive zone of Mrugavani National Park;
- c) That the total admeasured area of the Mrugavani National Park in Gazette Notification is 360 ha whereas the area as per the Principal Chief Conservator of Forest, Telangana measures as 287 ha. This discrepancy in the measurement of the total area of the National Park clearly shows that primary function of identifying the boundaries has not been conducted and it has not been verified whether the project is a part of the said National Park;
- d) That while granting Stage-I and Stage-II clearance the IRO of MoEF&CC did not apply its mind with respect to impact of overhead transmission line on the wild life of the area;
- e) That Form A Part II which is filled by the Deputy Conservator of Forest for obtaining Forest Clearance also provides wrongful, misleading and incorrect information by stating that the forest land proposed for diversion for the erection of transmission line is not within 1 km from any National Park;
- f) That both Form A Part I and Part II which are filled by the Respondent No. 2 and the Deputy Conservator of Forest for obtaining Forest Clearance wrongful and misleading information

by stating that no non-forest land is being required for the project;

- g) That the MoEF&CC has granted clearance for the diversion of the forest land without application of its mind and has grossly erred in assessing the impact of the overhead transmission lines that it will cause by irreversible fragmentation which eventually severs the umbilical cord between Mrugavani National Park and Chilkur Reserve Forest thereby blocking the pathway of faunal movement through the forest area and posing potential hazards of faunal movement through the forest area;
 - h) That the Cost-Benefit analysis by the Respondent No. 2 only included the cost of trees at a minimal rate and has failed to include the impact of fragmentation, aesthetic values, collisions and electrocutions of birds and other grave impact on the ecology;
 - i) That the Ministry of Environment Forest and Climate Change did not examine the alternatives to the overhead transmission lines which is more important in the present fact when there is National Park and a reserved forest on either side;
 - j) That the proposed overhead transmission line is coming up within prohibited zone of 15 meters in violation of Outer Ring Road Buffer Zone Guidelines;
 - k) The IRO of MoEF&CC has also ignored the observation and direction of the Hon'ble Supreme Court in M.K. Ranjitsinh & Ors. vs. Union of India & Ors. Writ Petition (Civil) No. 838 of 2019, wherein the Hon'ble Supreme Court has directed for shifting of overhead transmission line to underground.
2. That the instant Rejoinder is being filed in response to the affidavit filed by Respondent No. 2, Transmission Corporation of Telangana Limited (TS TRANSCO). At the outset, the Appellants deny various statements which have been made and nothing should be assumed to be admitted

unless specifically admitted or is part of the record. The Appellants reiterate all the facts and submissions made in the Appeal to be true and correct and the same may be read as part of the instant rejoinder and are not all being repeated for the sake of brevity.

PRELIMINARY OBJECTIONS/SUBMISSIONS:

3. That the Respondent No. 2, TRANSCO has filed a Counter Affidavit dated 25.02.2022, however, the documents which Respondent No. 2 is relying upon have not been produced and are not part of the record. At the outset it is submitted that the Respondent No. 2 cannot be allowed to reply without the documents mentioned in the counter affidavit as they are not placed before this Hon'ble Tribunal or are part of record. The documents which are relied upon by the Respondent No. 2 but those are not produced are:

- i. That vide Para 5 of their Counter, R-2 submitted that permissions have been taken from HGCL and other Government Departments for the erection of Over Head line on monopoles designed with less diameter due to space constraint from TSPA to ORR along outer side of ORR for a length of 11.4 km. The Appellants submit that the permissions claimed to be taken from HGCL and other Government Departments are not filed along with the reply.
- ii. That in Para 5, R-2 has also claimed that they have studied three other routes and finally with minimum length of Mrugavani Forest stretch i.e., 148.18 meters is considered to minimize the forest land requirement and hence submitted that there are no other possible routes for 400 kv line to reach the ORR. Further, That in Para 6 of the Counter, R-2 stated that, *'as per feasibility studies a maximum 3 km UG cable can be laid and this 3 km is already laid from 400 kv Rayadurg SS to ORR (Gachibowli Junction). There is no scope for further laying of UG*

cable in this line'. However, it is pertinent to note that no feasibility study of the three routes compared has been placed on record by R-2. Instead, R-2 has only provided with a Map highlighting three routes - Green Line, Blue Line, Yellow Line without stating any such reason that why the other routes are not feasible. The study they have relied upon has not been placed on record.

- iii. That in Para 22 of the Counter, R-2 submitted that they have paid the estimated amount for fragmentation and deforestation of 1851 trees to the Forest Department. However, the Appellants submit that it is pertinent to note that no supporting document has been placed on record in support for the claim that amount has been paid for fragmentation.
- iv. That in Para No. 4, R-2 states that *'the total cost of the project is about Rs. 1500 Crores'*. However, in contrary to this, Form A Part I filled by the User Agency states that, *'Estimated cost of the Project (Rupees in lacs): 17663' i.e., 176.63 Crores*. In this regard, the Appellants submit that the Project cost as submitted by R-2 in its affidavit does not tally with the assertions made in Form A Part I and in this regard, no verifiable budget allocations has been provided by R-2 specifically stating the reasons for change in the budget after the original allocations.
- v. The Appellants further submit that in the past Outer Ring Road which is also a linear project bisecting the Mrugavani National Park and the Chilkur Reserved Forest was approved in 2006-2007 on various stipulated conditions:
 - The User Agency shall construct two subways/underpasses for passage of wildlife connecting Mrugavani National Park and Chilkur Reserved Forest at their own cost.

- Another significant condition was that the User Agency shall construct 5-meter-high wall on either side along the ORR to the extent of the distance of ORR that is passing through the reserved forest area along the boundary of National Park at their own cost.
- The User Agency shall fix sound absorbing devices along the length of the road passing through the reserved forest to minimize the disturbance to the animals

However, despite specific conditions there are various non-compliance observed. Thus, the cumulative impact of the already situated Outer Ring Road as well as the Transmission Lines erected by TRANSCO will cause irreversible fragmentation which eventually destroys the umbilical cord from Mrugavani National Park to Chilkur Reserve Forest thereby blocking the pathway and posing potential hazards of faunal movement through the forest area. It is pertinent to note that these crucial information about faunal movement and the ORR has been deliberately concealed from the Wildlife expert who prepared WL mitigation report and hence the report has failed to appreciate the same. That the Reply Affidavit of R-2 is completely silent about the aspect of irreversible fragmentation caused as a result of the erection of the transmission Lines.

- vi. The Appellants also submit that R-2 has not placed on record the Detailed Project Report as the Gazette notified route and the plan does not reconcile with the on-ground construction hence, there is a need for the production of the DPR along with any changes approved by the Competent Authority. The Appellants submit that it is crucial to place on record the Detailed Project Report as it covers detailed and critical elements about location of poles, types of poles, path approved, and other technical details.

vii. That the matter was first heard on 05.01.2022, where this Hon'ble Tribunal issued notice to all the State Respondents. The Respondent No.2, TRANSCO has filed a counter-affidavit dated 25.02.2022, however, the documents which R-2 relied upon are not produced and hence are not a part of the record. In this regard, the Appellants filed an I.A. No. 81 of 2022 vide Application dated 18.04.2021. That this Hon'ble Tribunal vide order dated 19.04.2022 categorically directed R-2, TRANSCO to furnish the copies of the documents 'well in advance'. That the Appellants here submit that R-2 has almost after expiry of three months on 15.07.2022 furnished only 3(three) documents out of 6(six) that also not what was directed by this Hon'ble Tribunal. The Appellants here further submits that the 6 (six) documents were sought in I.A. No. 81 of 2022 to be furnished by R-2, however out of 6(six), only 3(three) documents have been furnished by R2. Further, out of the 3(three) documents furnished, 2(two) are incomplete documents. Moreover, it is significant to note that the documents have been furnished after a long delay of 3 months on 15.07.2022, even after the specific directions of this Hon'ble Tribunal thereby diluting the intent of the I.A. No. 81 of 2021. Thus, the Appellants here makes the following submissions in a tabular form crystallizing the observations:

S.N	DOCUMENTS REQUESTED IN IA	DOCUMENTS SUPPLIED BY R2	OBSERVATIONS/SUBMISSIONS
1	<u>Permission taken from HGCL & Other Govt. Dept. -</u> Para 5 of Counter by R2	No document supplied.	R2 has merely submitted <i>vide</i> Annexure 4 of its reply dated 22.02.2022 a Copy of Hyderabad Growth Corridor Limited (HGCL) letter dated 17.04.2021 that cannot be considered as an approval of a project commissioned in 2019 and

	<p>states Permissions taken from HGCL and other Government Departments for the erection of Over Head line on monopoles designed with less diameter due to space constraint from TSPA to ORR along outer side of ORR for a length of 11.4 km.</p>		<p>whose construction was already nearly complete by 17.04.2021.</p> <p>R2 must provide the documentary evidence of necessary permissions in support of their own claim. It is pertinent to note that even after specific mention in the I.A. No. 81 of 2021, R-2 <u>has failed to furnish any document and information on the same.</u></p>
2	<p><u>Feasibility Study</u> -</p> <p>In Para 5 of the Counter, R2 submitted that they have conducted a feasibility study and hence have studied 3 other routes.</p>	<p>No document supplied.</p> <p>TSTRANSCO Letter to Forest Department on alternate routes Dated 17.04.2021.</p>	<p><u>R2 has not submitted the feasibility study nor made any statement about it.</u> The letter dated 18.07.2022 from R2 to HGCL, as submitted, only provides an overview of decision on claimed feasible routes, with only on-map marking of three-routes. This clearly shows that no technical and feasibility study has been conducted on ground.</p> <p>R2 has failed to show any parameters, geophysical parameters, costs, regulatory restrictions on record, of the said feasibility study.</p>
3	<p><u>Detailed Project Report</u> -</p> <p>In Para 5 of the Counter, R2</p>	<p>No document supplied only a brief write up of Rayadurg</p>	<p><u>R2 has clearly failed to furnish and provide any Detailed Project Report rather has provided a mere 'Brief Write-Up' of Rayadurg System Improvement Scheme which cannot</u></p>

	submitted that they have relied upon the Detailed Project Report.	System Improvement Scheme is furnished.	<u>be considered as a DPR.</u> It is pertinent to note that a DPR is a formal project report containing all technical details and regulatory standards used, route details with precise latitude longitude of all towers and monopoles, testing, monitoring and inspection schedules, safety related information, project schedule etc. R2 has failed to provide all possible details of the project.
4	<u>Documents on amount paid for Fragmentation</u> - Para 22 of the Counter states that an estimated amount has been paid for fragmentation and deforestation of 1851 trees to the forest department.	No document.	R2 has failed to provide any documents in support of their own claim. In fact, fragmentation related facts were concealed from the Wildlife expert doing WL mitigation study as ORR T&C for WL mitigation, including fragmentation, were not considered by the experts while conducting the study.

Therefore, it is submitted that non-filing of documents relied in the reply of Respondent No.2, the statement in the reply cannot be relied upon or accepted and liable to be rejected.

- viii. The Appellants further submit that the Hon'ble Supreme Court in **Kalyaneshwari vs. Union of India and Ors. (2011) 3 SCC 287** stated that in the event of non-production of

documents the implication may be drawn against the failing party:

"45. ...It was incumbent upon the petitioner thus to at least substantiate the averments in the petition by some cogent and documentary evidence....In our view, the petitioner has miserably failed to discharge this onus."

- ix. The Appellants further submits that the Hon'ble Supreme Court in **State Inspector of Police Vishakhapatnam vs. Surya Sankaram Karri (2006) 7 SCC 172** held that:

"18. It is now well settled that when a document being in possession of a public functionary, who is under a statutory obligation to produce the same before the court of law, fails and/or neglects to produce the same, an adverse inference may be drawn against him."

That despite specific direction from this Hon'ble Tribunal, R2 has failed to produce the documents which it has relied upon to raise the contentions in its counter affidavit.

REJOINDER TO THE COUNTER AFFIDAVIT FILED BY R-2, i.e., TS TRANSCO:

4. That the contents of the counter affidavit of the Respondent No. 2 are denied unless specifically admitted or are of matter of record. Following are the main contentions raised by the Respondent No. 2 in the counter affidavit:
- i. R-2 in Para No. 5 submits that the 400 KV line is to be brought in a unique way by keeping in view of the available restricted corridor around that area.
 - ii. In Para No. 5 R-2 also states that permissions have been taken from HGCL and other Government Departments for the erection of Over Head line on monopoles designed with less diameter

due to space constraint from TSPA to ORR along outer side of ORR for a length of 11.4 km.

- iii. That in Para No. 5, R-2 further states that to reach the ORR from TSPA, the 400 KV line had to be laid through Mrugavani Stretch. Also, that TRANSCO has studied three routes and finally with minimum length of Mrugavani Forest stretch, i.e., 1458.18 Mtr is considered to minimize the forest land requirement. There are no other possible routes for 400 Kv line to reach the ORR.
- iv. That in Para No. 6, R-2 states that the UG cable was not considered in the forest reach as laying UG cable between OH (overhead) line is not technically viable, as termination of 400 kv UG cable requires around 1000 sqmt switchyard on both the sides. The switchyard has to be maintained regularly. This arrangement will not be possible and is not feasible considering the Forest Area.
- v. In Para No. 6 of the Counter R-2 submits that as part of the Wildlife Mitigation Plan undertaken in compliance with the Forest Approval, Bird Deflectors are being undertaken on the Line in the entire stretch of Mrugavani Forest for diversion of Birds and to avoid accidents.
- vi. That in Para No. 9 of the Counter, R-2 has referred to the letters dated 09.09.2019 and 26.08.2019 which is mentioned in Form A Part I along with Map showing the details of Reserved Forest with ETS & DGPS/GNSS survey data map authenticated by the Forest Department regarding the land required for erection of 400 KV DC line. The letters have been annexed as Annexure I and Annexure II along with the Counter filed by R-2.

5. That all the contentions by Respondent No. 2 are without any merits and same are responded in following paras:

a) That the contention raised in Para 5 of the Counter by R-2 is denied in its entirety. R-2 submits that the 400 KV line is to be brought in a unique way by keeping in view of the available restricted corridor around that area. The Appellants here submit that in this regard, R-2 vide reply dated 15.07.2022 to the I.A. No. 82 of 2022 filed by the Appellants has not provided any Detailed Project Report of 400 KV HT Transmission line from Kethireddipally to Raidurg GIS and hence the same needs to be provided or the argument conceded in favour of the Appellants. It is pertinent to note that R2 has provided a mere 'Brief Write-Up' of Rayadurg System Improvement Scheme which cannot be considered as a DPR. It is pertinent to note that a DPR is a formal comprehensive project report containing all technical details and regulatory and technical standards used, route details with precise latitude longitude of all towers and monopoles, testing, monitoring and inspection schedules, safety related information, project schedule etc. R2 has failed to provide all possible details of the project despite specific directions of this Hon'ble Tribunal. R2 failed to provide Detailed Project Report that could establish Appellant's concern that they relied upon since the Gazette Notified route and the Plan does not reconcile with on—ground construction — as there are replacements of monopoles with conventional quad towers on ground and also poles have been taken from the left of ORR to the right of ORR as against the published route. Thus, the Detailed Project Report along with any changes approved by the Competent Authority which they relied upon needs to be placed on record. Thus, the claimed uniqueness is irrelevant unless substantiated by specific and verifiable details in DPR.

- b) Furthermore, the contention raised by R-2 in Para 5 is also denied which states that permissions have been taken from HGCL and other Government Departments for the erection of Over Head line on monopoles designed with less diameter due to space constraint from TSPA to ORR along outer side of ORR for a length of 11.4 km. The Appellants submit that the permissions claimed to be taken from HGCL and other Government Departments for the erection of overhead lines on monopoles has not been provided by R-2 in its Reply. The Appellants submit that R2 had merely submitted *vide* Annexure 4 of its reply dated 22.02.2022 a Copy of Hyderabad Growth Corridor Limited (HGCL) letter dated 17.04.2021 that cannot be considered as an approval of a project commissioned in 2019 and whose construction was nearly complete by 17.04.2021. Moreover, R2 has not replied to appellants application for production of documents dated 18.04.2021. That R-2 further submits claims that 'the line is however laid only in the lands of HGCL and Other Govt. Dept'. The Appellants submit that R2 must provide the documentary evidence of necessary permissions in support of their own claim. It is pertinent to note that even after specific mention in the I.A. No. 81 of 2021, R-2 has failed to furnish any document and information on the same, hence such contention of R2 cannot be relied upon without the production of necessary documents on the same.
- c) That the contention raised by R-2 in Para 5 is completely denied which states that to reach the ORR from TSPA, the 400 KV line had to be laid through Mrugavani Stretch. It is to further submit that this answering Respondent, TRANSCO has studied three routes and finally with minimum length of Mrugavani Forest stretch, i.e., 1458.18 Mtr is considered to minimize the forest land requirement. There are no other

possible routes for 400 Kv line to reach the ORR.' The Appellants submit that as claimed by TRANSCO that three other routes have been compared but no feasibility study of the three routes compared has been provided by R-2. Instead, R-2 has only provided with a Map highlighting three routes, Green Line, Blue Line, Yellow Line without stating any such reason that why the other three routes is not feasible. Furthermore, vide reply dated 15.07.2022 to the I.A. No. 81 of 2022, R2 has not submitted the feasibility study nor made any statement about it. The Appellants submit that R2 has not provided the feasibility study nor made any statement about it. The letter from R2 to HGCL, as submitted by R2 on 18.07.2022, only provides an overview of decision on claimed feasible routes, with only on-map marking of three-routes. R2 has failed to show any technical parameters, geophysical parameters, costs, regulatory restrictions on record, of the said feasibility study that is explained in a mere paragraph. Further, the Appellants submit that the date of completion of Feasibility study is not stated and hence it cannot be established that feasibility study was done prior to the submission of project proposal as the letter dated 17.04.2021 provided by R2 is much after the submission of request by User Agency on 27.09.2019 for Forest Clearance.

Furthermore, the Appellants submit that the Map provided by R-2 in reply to I.A. 81 of 2022 as a part of the Feasibility Study shows the boundary of the Mrugavani National Park to be different from map of forest land proposed to be diverted, as submitted for obtaining Forest clearance. Thus, there is a gross contradiction in both the Maps and hence it is to be noted that the feasibility study is based on a wrong map of the Mrugavani National Park. That the feasibility study based on gross error in

boundary of National Park is untenable, as is, consequentially the Forest clearance granted on basis of it.

The Appellants also submit that R2 has admitted that "some part of the line about 12KM along the inner side of the ORR Green corridor having forest length effected 1.5 KM ". However, R2 has failed to provide approval of competent authority supporting waiver of buffer zone guidelines under the GO 440 and GO 470. It also renders the feasibility study void due to consideration and subsequent finalization of a route by concealing violations, and not obtaining waiver.

- d) That the contention raised in Para 6 of the Counter is completely denied where R-2 submits that the UG cable was not considered in the forest reach as laying UG cable between OH (overhead) line is not technically viable, as termination of 400 kv UG cable requires around 1000 sqmt switchyard on both the sides. The switchyard has to be maintained regularly. This arrangement will not be possible and is not feasible considering the Forest Area. Further, also as per feasibility studies a maximum 3 km UG cable can be laid and this 3 km is already laid from 400 kv Rayadurg SS to ORR. There is no scope for further laying of UG cable in this line. The Appellants here submit that R-2 has just merely stated about the limitation of 3 km for UG cables and has failed to provide any technical documentation in support of such limitation. That after the change in plan and increase of underground route in Gachibowli flyover area, the UG route is already 3.5 km. and original plan itself envisaged 15 km UG cable and technical non-feasibility was not cited as reason, by R-2 themselves. In this regard, it is pertinent to note that the Hon'ble Supreme Court in **M.K. Ranjitsinh & Ors. vs. Union of India & Ors.** **Writ Petition (Civil) No. 838 of 2019** highlighted that "The

report published by the Power Grid Corporation is referred to indicate that undergrounding of 220 KV power line is possible and is being done in India. It is specifically contended that the 10 km long power lines were made underground by GETCO for the safety of Greater Flamingos in the Khadir Region of Kutchch". This also shows that HT transmission lines much longer than 3 km underground cables are laid globally. Further, supporting documents with regard to the technical requirements of switchyard have also not been provided categorically specifying the fact that maintaining switchyard is not feasible considering it a Forest Area.

- e) That the contention raised in Para 6 of the Counter is completely denied where R-2 submits as part of the Wildlife Mitigation Plan undertaken in compliance with the Forest Approval, Bird Deflectors are being undertaken on the Line in the entire stretch of Mrugavani Forest for diversion of Birds and to avoid accidents. It is also pertinent to note that the Wildlife Mitigation Plan is submitted only after the present Appeal is filed before this Hon'ble Tribunal merely in the form of an Affidavit. Further, the Wildlife Mitigation Report. Further, Fig. 2 of the Wildlife Mitigation Plan in based on quad towers whereas the project has been approved for monopoles. That R-2 in its reply in Para No. 5 states 'the total length of Monopole reach of 11.4km is to be erected in thickly populated areas having stringent corridor'. Hence, it is contradictory that the project is approved for monopoles whereas Wildlife Mitigation Plan is done for quad towers. It is also pertinent to note that the study has failed to take on record the ORR approval stipulation of not permitting forest fragmentation and use of under-passes for faunal movement. Thus, the study has miserably failed to appreciate that the cumulative impact of the already situated

Outer Ring Road as well as the erection of the Transmission Lines will cause irreversible fragmentation which eventually destroys the umbilical cord from Mrugavani National Park to Chilkur Reserve Forest thereby blocking the pathway and posing potential hazards of faunal movement through the forest area. Furthermore, the Wildlife Mitigation Plan submitted by R-2 mentions no date with regard to the survey done on ground and preparation of the Plan, hence, it is difficult to establish that if the plan has been prepared after or before the grant of clearance from the MoEFCC. The Appellants also submit that from Annexure 6 submitted by R-3 that under Wildlife Mitigation Plan, a preposterous amount of Rs. 40 lakhs to be spent on 'Procurement of a Safari vehicle for visitors along with maintenance for a period of 5 years'. Likewise, Rs. 20 lakhs is to be spent on log huts in 'visitor zone' in the name of wildlife mitigation plan. The Appellants submit that the Forest Department has used funds allotted for wildlife mitigation for its own welfare with least regard for wildlife.

- f) That in Para 9 of the Counter, R-2 has referred to the letters dated 09.09.2019 and 26.08.2019 which is mentioned in Form A Part I along with Map showing the details of Reserved Forest with ETS & DGPS/GNSS survey data map authenticated by the Forest Department regarding the land required for erection of 400 KV DC line. The letters have been annexed as Annexure I and Annexure II along with the Counter filed by R-2. The Appellants here submit that Annexure I & II by R-2 clearly states that *'this line passes through the Mrugavani National Park'*. It also states that *'in the instant case, the area is falling in the Mrugavani National Park for which permission from Steering Committee of NBWL is mandatory for considering granting under FC Act, 1980. But same is to be clarified by*

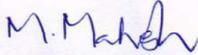
FDO: The Appellants submit that the correspondence that links to change in the assertion that the proposed land falls within the National Park needs to be provided by R-2 as other submissions made shows clear contradiction which claims that the forest land is in the Eco-sensitive Zone of the National Park.

It is pertinent to note that in the reply affidavit of Respondent No. 4 & 5, Integrated Regional Office, Hyderabad and Ministry of Environment, Forest and Climate Change they have accepted that there is a discrepancy with regard to whether the impugned project falls within the eco-sensitive zone of the Mrugavani National Park or falls within the Mrugavani National Park itself and stated that such discrepancy needs clarification.

That Para No. 9 & 10 of the Affidavit of R-4 & R-5 states that *"based on the Decision Support System (DSS) analysis the area violates the Protected Area Rule and falls in Mrugavani National Park. The above discrepancy needs clarification and if the area falls under ESZ, then appropriate permission is needed"*. It is thus submitted by the Appellants that the TS TRANSCO has deliberately concealed the entire details of the cadastral map along with measurements of the Mrugavani National Park, Chilkur Reserve Forest and the eco-sensitive zone rather has provided the map of the land required for diversion only. Hence, without marking 360 ha of the national park, it cannot be asserted that the impugned project is in eco-sensitive zone and not itself in the Mrugavani National Park.

6. Thus, in light of the above facts and circumstances and detailed discussions, the prayers in the Appeal should be allowed.

7) Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.


APPELLANT NO. 1


APPELLANT NO. 2

THROUGH


RITWICK DUTTA


RAHUL CHAUDHURY & STANLY HEBZON SINGH
ADVOCATES

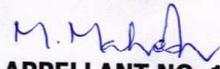
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Place: Chennai/Delhi

Date: 22.08.2022

VERIFICATION

I, Mahesh Mamindla, S/o Yadagiri Mamindla, R/o H.No: 5-14, Mittapally Village, Siddipet Mandal, Telangana – 502375, do hereby verify that the contents of paragraphs 1 to 6 are true to the best of my knowledge and I have not suppressed any material fact.


APPELLANT NO. 1

I, Dr.Donthi Narashima Reddy, S/o D.Nagireddy, R/o 201, Aarthi Residency, Laxminagar Colony, Saidabad, Hyderabad, Telangana - 500 059, do hereby verify that the contents of paragraphs 1 to 6 are true to the best of my knowledge and I have not suppressed any material fact.


APPELLANT NO. 2

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI
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IN THE MATTER OF:

MAHESH MAMINDLA...APPELLANT

VERSUS

STATE OF TELANGANA& ORS....RESPONDENTS

AFFIDAVIT

I, Mahesh Mamindla, S/o. YadagiriMamindla, 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 thecontents of the accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.

M. Mahesh
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 22nd day of Aug 2022.

M. Mahesh
DEPONENT

Kausar Dhar

IN THE MATTER OF:

MAHESH MAMINDLA

...APPELLANT

VERSUS

STATE OF TELANGANA & ORS RESPONDENTS

AFFIDAVIT

I, Dr.Donthi Narasimha Reddy, S/o. D.Nagireddy, Aged 55 years, R/o. 201, Aarthi Residency, Laxminagar Colony, Saidabad, Hyderabad, Telangana - 500 059, do hereby solemnly affirm and state as under: -

1. That I am Appellant No. 2 in the present matter 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 are true and correct and nothing material has been concealed therefrom.

Kausar Dhor


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 ____ day of ____ 2022.


DEPONENT