

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
IN  
ORIGINAL APPLICATION No. 84 of 2021

IN THE MATTER OF:-

ALLURI RAJU & ORS.

...APPLICANT(s)

VERSUS

M/s LEGEND ESTATE PVT. LTD & Ors.

.... RESPONDENT(s)

**REPLY ON BEHALF OF RESPONDENT NO. 6 MINISTRY OF  
ENVIRONMENT, FOREST AND CLIMATE CHANGE, REGIONAL  
OFFICE, SOUTHERN ZONE**

MOST RESPECTFULLY SHOWETH:-

I, Dr.E.Arockia Lenin, working as Scientist 'C' in the Ministry of Environment, Forest and Climate Change (MoEF&CC), Hyderabad, the deponent herein do hereby solemnly affirm and state on oath as under:-

1. That, I am competent to swear the present counter affidavit on behalf of MoEF&CC and I am aware of the facts and circumstances of the case based on record.
2. That, I have perused the contents of the above captioned application filed by the applicant and I am duly authorized to depose by way of the present affidavit.
3. That, the Answering Respondent is not replying to the present affidavit in para-wise manner, however, the Answering Respondent craves leave to file a detailed affidavit as and when necessary and required by this Hon'ble Tribunal.

4. That, the applicant has filed this application regarding the violation that is being committed by the 1st Respondent i.e. M/s Legend Estate Pvt.Ltd in respect of the establishment of sewage Treatment Plant (STP) in the housing



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project area. Further, the applicant also praying *inter-alia* to direct the respondent no. 6 (Ministry of Environment, Forest and Climate Change, RO, ~~Hyderabad~~) to monitor the environmental clearance expiration of the aforesaid project as well as to ensure that the environmental clearance order rules are adhered to, by the respondent 1 to 3. The EC was granted by the Telangana SEIAA for their Residential project on 25.10.2013.

5. In this regard, it is submitted that the answering respondent issued an Environmental Impact Assessment Notification number S.O. 1533 E dated 14, September 2006 superseding the Environmental Impact Assessment Notification 1994. The EIA Notification, 2006 regulates developmental projects in different parts of the country.

6. That, the EIA Notification, 2006 covers 39 project/activity in its Schedule which inter-alia, includes different types of infrastructure projects viz. Airports, Ports, Highways, Building & Construction Projects etc. as specified and categorized in the said schedule.

7. That, as per the EIA Notification, 2006, the following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:



1. All new projects or activities listed in the Schedule to this notification;
2. Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the

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limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;

3. Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

8. That, under the provisions of the EIA Notification, 2006, Environment Clearance for Building and Construction Projects & Township and Area Development Projects are covered under entry 8 (a) & (b) of the Schedule to the EIA Notification, 2006. The entry 8(a) and 8(b) of the Schedule of EIA Notification 2006 provides as follows;

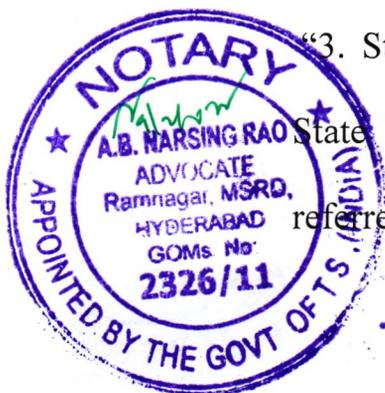
“8(a): Building and Construction projects -  $\geq 20000$  sq. mtrs. and  $< 150000$  sq. mtrs of built-up area require EC.

8(b): Townships and Area Development projects - Covering an area  $\geq 50$  ha. and or built up area  $>150000$  sq. mtrs. – require EC. (All projects under Item 8(b) shall be appraised as Category B1).

9. That, the aforementioned entries under item 8(a) and 8(b) are qualified as category ‘B’ projects under the EIA Notification, 2006 and requires appraisal by the State Level Expert Appraisal Committees (SEACs) and approved by the State Level Environment Impact Assessment Authorities (SEIAAs). Further, that as per the EIA Notification, 2006, in the absence of a duly constituted SEIAA/SEAC, a category ‘B’ project shall be considered at the Central Level as category ‘B’ project.

10. It is submitted that the para 3 of EIA Notification provides procedure for constitution of SEIAA at the State level. The para 3 is reproduced herein as under:

“3. State Level Environment Impact Assessment Authority:- (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central



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*ABNR*

Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member Secretary to be nominated by the State Government or the Union territory Administration concerned.

(2) The Member Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.

(3) The Chairman shall be an expert in terms of eligibility criteria given in Appendix VI in one of the Specified fields, with sufficient experience in environmental policy or management.

(4) The member shall be an expert fulfilling the eligibility criteria given in Appendix VI in one of the Specified fields.

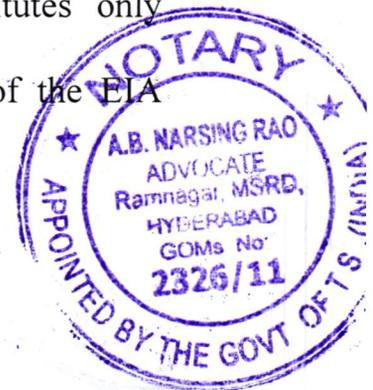
(5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in subparagraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.

(6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).

(7) All decisions of the SEIAA shall be unanimous and taken in a meeting.”

11. It is submitted that this Answering Respondent constitutes only SEIAA/SEAC in respective States/UTs under the provisions of the EIA Notification, 2006 as amended from time to time.

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12. In this regard, it is submitted that the projects or activities of the Project Proponent is falling under category 'B', and it requires a prior Environmental Clearance from the concerned regulatory authority i.e. State Level Expert Appraisal Committees (SEACs) and State Level Environment Impact Assessment Authorities (SEIAAs).

13. That, in response to the allegation made by the applicant in the aforesaid application, Ministry has issued a letter dated 25.01.2022 to IRO, Hyderabad for inspecting the site in question. **A copy of letter dated 25.01.2022 annexed as Annexure-1.**

14. It is submitted that the present counter affidavit may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.

15. That, other/ancillary issues raised in the petition under reply do not pertain to the answering respondent. The Answering Respondent seeks leave to make additional submissions, if required, during the course of the proceedings.



VERIFICATION

DEPONENT

*Signature*  
डॉ. इ. आरोकिया लीन Dr. E. Arockia Lenin  
वैज्ञानिक 'सी'/Scientist 'C'  
उप निदेशक/Deputy Director  
पर्यावरण वन और जलवायु परिवर्तन मंत्रालय  
Ministry of Environment Forest & Climate Change  
एकीकृत क्षेत्रीय कार्यालय, हैदराबाद-500 004  
Integrated Regional Office, Hyderabad-500 004.

Verified at Hyderabad on 09th this day of February, 2022 that the contents of the above affidavit are correct to my knowledge and belief based on official

records and nothing material has been concealed therefrom.

*Signature*  
**A.B. NARSING RAO**  
B.Sc., LL.F  
ADVOCATE & NOTARY  
H No. 1-7-631/2/E, Gemini Colony, 9 FEB 2022  
Ramnagar, Musheerabad,  
Hyderabad-48 T S India

*Signature*  
डॉ. इ. आरोकिया लीन Dr. E. Arockia Lenin  
वैज्ञानिक 'सी'/Scientist 'C'  
उप निदेशक/Deputy Director  
पर्यावरण वन और जलवायु परिवर्तन मंत्रालय  
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