

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

Original Application No. 09 OF 2022 (SZ)

IN THE MATTER OF

Pisati Indira Reddy & others.APPLICANT

Versus

Union of India & Ors.RESPONDENTS

**AFFIDAVIT ON BEHALF OF MINISTRY OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE i.e. RESPONDENT NO. 1 MOST
RESPECTFULLY SHOWETH:**

I, Dr. E Arokcia lenin currently working as Scientist C in the Ministry of Environment, Forest and Climate Change (MoEFCC), Integrated Regional Office, Hyderabad, do hereby solemnly affirm and state as under: -

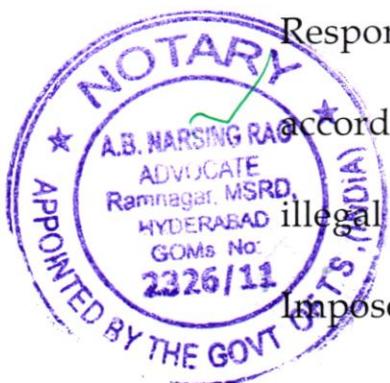
1. That I, in my official capacity Scientist C in the Ministry Environment, Forest and Climate Change, Regional Office Hyderabad i.e. Respondent No. 1 in the above mentioned matter, am conversant with the facts and circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit.
2. It is submitted at the very outset that the Respondent No.1 denies each averment and/or submission made in the application which is contrary to and inconsistent with the averments made and facts stated in the present reply. It is submitted that nothing stated in the application may be deemed to have been admitted by the Respondent

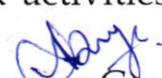



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Ministry of Environment Forest & Climate Change
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No. 1 unless and until the same is expressly admitted in the present reply.

3. That a short affidavit is being filed by the answering respondent at this stage and craves leave and liberty to file a detailed Counter Affidavit to the aforesaid Petition, as and when required.
4. That the Applicant in the present matter has alleged that massive mining, stone crushing, ready mix and Hot mix plants activities have been going on from last 15 years at Survey no. 268 and other Private Patta Lands at banda Ravirala, Chinna Ravirala, Taramatipet, Desmukhi villages of Abdullapurmet & Poachampally mandals of Ranga Reddy district & Yadadri-Bhuvanagiri Dsistrict of Telangana State. Due to noise air pollution and vibrations caused by blasting , local population in abovementioned districts are suffering from loss of agriculture and medical issues. Further, it is also alleged that some of these stone crusher units are operating without permission of State Pollution Control Board or SEIAA.
5. That the applicant has inter-alia prayed that the Hon'ble Tribunal may please direct the (i) Appointment of an independent expert Committee to ascertain the ground situation at Stone mining Quarries, Stone crusher Units and Hot Mix, RCC Mix plant run by Private Respondents. (ii) Direct the Official Respondents to initiate action according to law against the Private Respondents for conducting illegal mining, stone crushing, hot mix and RCC mix activities, (iii) Impose exemplary fine as mandated by the Hon'ble Supreme Court of




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India against the Mining companies, Stone Crusher Units for illegal mining and exploitation of mineral without obtaining Mandatory Environment Clearance without conducting mandatory Environment Impact Assessment according to the Judgment of the Apex Court in Deepak Kumar Vs State of Haryana,(iv) Direct the District Collectors to assess the damage caused to health of population, agriculture due to the polluting activities of Private respondents. Direct the district collector to restore water bodies damaged by Private Respondents. Direct the State of Telangana and Telangana PCB to implement the Hon'ble Tribunal Judgment dated 5.7.2016 in Application No.3 of 2016 (SZ) Mhd. Haroon Ansari vs. District Collector, Ranga Reddy District (AP) and submit a report.

6. That it is further submitted that respondent Ministry issued EIA Notification dated 14th September 2006 which requires certain projects to obtain prior Environmental Clearance ("EC") before any construction work in case of new projects or expansion and modernization of existing projects or activities. The Schedule to the Notification details the categories or projects or activities which require prior Environmental Clearance.

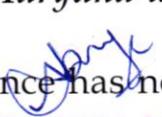
7. That it is further submitted that all projects and activities are broadly categorized into two categories - Category "A" and Category "B", based on the potential impacts on spatial extent and human health and natural and man-made resources.

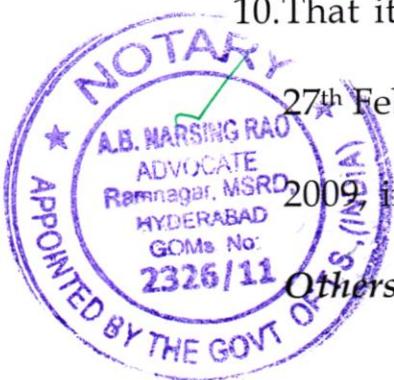



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8. That it is further submitted that all projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment, Forest and Climate Change (MoEF&CC) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification.
9. That it is further submitted that all projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfil the General Conditions (GC) stipulated in the Schedule, will require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project.

10. That it is submitted that the Hon'ble Apex Court vide order dated 27th February, 2012 in Special Leave Petition (C) No.19628-19629 of 2009 in the matter of "*Deepak Kumar etc. Vs. State of Haryana and Others etc*" has ordered that prior environmental clearance has now


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become mandatory for mining of minor minerals irrespective of the area of mining lease. It is therefore stated that mining projects with lease area up to less than 50 ha including projects of minor mineral with lease area less than 5 ha would be treated as category 'B' as defined in the EIA Notification, 2006 and will be considered by the respective SEIAAs notified by Ministry.

11. That it is respectfully submitted that State Department of Mines and Geology is the nodal authority in the State for dealing with the allotment of mining leases under the Mines and Minerals (Development and Regulation) Act (MMDR Act) and is entrusted with the enforcement and regulation of mining operations in a State including illegal mining and Respondent Ministry has no role to play with regard to the same. Further, the State Government is empowered under Section 23 C of the Mines and Minerals (Development and Regulation) Act 1957 (MMDR Act) to make rules for prevention of illegal mining, transportation and storage of minerals and the State Department of Mines & Geology is the nodal authority in the state for dealing with the allotment of mining leases under the MMDR Act and is entrusted with the enforcement and regulation of mining operations in a state.

12. That is humbly submitted that, the State Pollution Control Board is the nodal authority in the State for dealing with cases related to pollution or environment management coming under the purview of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention




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and Control of Pollution) Act, 1981 and the Environment Protection Act 1986.

13. That in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s).

DEPONENT

Dr. E. AROCKIA LENIN

Scientist 'C'

Deputy Director

Ministry of Environment Forest & Climate Change
Integrated Regional Office, Hyderabad-500 004.

VERIFICATION

I, the above-named deponent do hereby verify that the contents of the above affidavit are true and correct on the basis of official record maintained by the Respondent No. 1 in daily course of its business, no part of it is false and nothing material has been concealed there from.

Verified at Hyderabad on this the 25th day of April ,2022.

DEPONENT

Dr. E. AROCKIA LENIN

Scientist 'C'

Deputy Director

Ministry of Environment Forest & Climate Change
Integrated Regional Office, Hyderabad-500 004.



ATTESTED

A.B. Narsing Rao
A.B. NARSING RAO

B.Sc., LL.F

ADVOCATE & NOTARY
1 No. 1-7-631/2/E, Gemini Colony,
Ramnagar, Musheerabad,
Hyderabad-48 T.S. India

25 APR 2022