

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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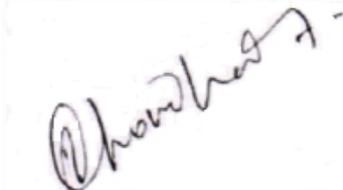
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Place: CHENNAI/DELHI

Date:- 19.07.2023

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**REJOINDER ON BEHALF OF THE APPELLANTS TO THE REPLY
AFFIDAVIT DATED 18.03.2023 FILED BY RESPONDENT NO. 2,
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 measuring 6.7075 ha. Having length of 1.458 kms and width of 46 meters, situated within Chilkur Reserve Forest land proposed to be diverted for the said project.

2. That the instant Rejoinder is being filed in response to the reply affidavit dated 18.03.2023 filed by Respondent No. 2, TS TRANSCO. At the outset, the Appellants deny various statements 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.

3. **PRELIMINARY SUBMISSIONS:**

- i. The Appellants herein submit that Respondent no. 2, TS TRANSCO *vide* counter affidavit dated 18.03.2023, has admitted to false submissions and violations of all approvals, leading to a complete reversal of its stand till date. That Respondent No. 2 had earlier in its Affidavit dated 26.02.2022 claimed that it has erected monopoles

in the diverted forest land, by completely concealing the reality on ground, whereas in complete contrary to the earlier submission, Respondent no. 2 has now admitted that it substituted monopoles with conventional quad towers. That such erection of quad towers is without any prior approvals. To mislead the court, Respondent no. 2 also concealed the Detailed Project Report of the impugned project, and even after being categorically asked for it by the Appellants *vide* I.A. No. 81 of 2022 dated 18.04.2022.

- ii. The Appellants also submit that Respondent no. 2 violated every approval, namely, (a) R2's own project plan (b) publication of Gazette, (c) publication of newspaper public notices, (d) All approvals within Stage-I Forest Clearance granted, (e) All approvals within Stage-II Forest Clearance granted, (f) approval by Hyderabad Growth Corridor Limited (HGCL), and (g) all of its own submissions to this court till date. That the very pillar on which the project stands in diverted forest plan has been violated, as all the approvals were obtained for erecting monopoles, but on-ground Respondent no. 2 erected conventional quad towers in complete violation of all the approvals obtained and the same is concealed before this Hon'ble Tribunal till date. It is pertinent to note that all other State respondents,

namely Forest Department, MoEFCC and Hyderabad Growth Corridor Limited (HGCL), along all stages of approval in Forest Clearance Stage I, Stage II and HGCL permission, given approvals to R2 based on permission sought for monopoles. But contradicting all past submissions and approvals, Respondent no. 2, now submitted *vide* affidavit dated 18.03.2023 before this Hon'ble Tribunal, that conventional quad towers have been erected.

- iii. Further, the Respondent no. 2 has remained silent and did not produce any factual evidence with regard to consideration of direct route along the ORR. Instead, Respondent no. 2 has merely repeated the consideration of same three routes, as in its earlier submission dated 18.07.2022, and duly rebutted *vide* our rejoinder dated 24.02.2022. The Appellants herein assert that there was no ground to abandon the direct route along ORR, between service road and Main carriage way, that would have not violated the approvals, saved the trees, and obviated the need to divert forest land. That Respondent no. 2 did not even consider the direct route, and instead decided to cut 1851 trees, divert the forest land, violate approvals, is unconscionable and unjustified by Respondent no. 2 in its submission.

4. **PARA-WISE REPLY:**

- i. The contents of Para No. 1, 2 and 3 require no response as they are matter of records, except for the fact that since in Para No. 2 of the Affidavit dated 18.03.2023, Respondent no. 2 asserts that the present reply affidavit be read as part and parcel of the counter affidavit filed by Respondent no. 2 earlier on 22.02.2022. The Appellants herein bring out the major contradictions between their two Affidavits filed before this Hon'ble Tribunal. In the counter affidavit dated 22.02.2022, at Para 5(ii), Respondent no. 2 has submitted "***TSPA to ORR (Gachibowli junction) along outer side of ORR for length of 11.4 km overhead line on Monopoles designed with less diameter due to space constraint duly taking permissions from HGCL and other Govt. departments***". Furthermore, in Para 31 and 45 of the Affidavit dated 22.02.2022, Respondent no. 2 has submitted that HGCL gave approval for the transmission lines in Forest Area on monopoles, but now TS TRANSCO has taken a complete opposite stand by admitting that Quad towers has been erected within the forest land. That Form A, Part I submitted in counter affidavit 22.02.2022 also claims justification for erecting monopoles to seek forest

clearance, which now stands contradicted and violated. All these are major violations and show complete reversal of position by TS TRANSCO.

- ii. That the contents raised in Para 4 by TS TRANSCO, are denied by the Appellants. Respondent no. 2, TS TRANSCO has not stated date of completion of Feasibility study in its reply dated 18.07.2022 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. Consequentially, Respondent no. 2 has also remained completely silent and has miserably failed to produce any factual evidence or basis of not considering the direct route along the ORR. That TS TRANSCO has not been able to provide any basis of such consideration of an obvious, environment-friendly route and instead erroneously stated with complete falsehood that width of the corridor between ORR and service road is only '2 meters. The Appellants submit that the width of the corridor between ORR and service road is 12.5 meters in Mrugavani forest area, and that TS TRANSCO has no reason to claim it to be a mere 2 meters.

Copy of the satellite images taken by the Appellants showing that the width of the corridor ORR and service road is 12.5 meters are annexed herewith as **Annexure A/1.**

- iii. Further, in reply to para 4 of R2 affidavit dated 18.03.2023, the Appellants herein also submit that Respondent no. 6, Hyderabad Growth Corridor Limited (HGCL) had also conveyed to TS TRANSCO vide its Lr No, SE/400KV/Const/Metro/Hyd/ADE(T)/F.K'pally-RDG.Line/D.No./471/2019 dated 20.07.2019 **(i.e., Annexure A-7 of the Reply Affidavit dated 16.04.2022 of R6)** that available corridor in entire Forest stretch of 1355 meters from AP45-AP51 and the width of which is '12.5 meters'. The same document also shows approval was for monopoles and not conventional quad towers. Thus, it is to be significantly noted that it is complete falsehood and also clear contradiction between the submissions of TS TRANSCO and HGCL, who are claiming the same corridor width as 2 meters and 12.5 meters respectively, as also conventional quad towers and monopoles respectively. Based on satellite images as submitted by the Appellants above, submissions of TS TRANSCO are worthy of rejection and is far from ground reality.

Copy of the letter dated 20.07.2019 sent by TS TRANSCO to HGCL in annexed herewith as **Annexure A/2.**

- iv. Furthermore, in para 4 of its Affidavit dated 18.03.2023, TS TRANSCO has claimed existence of storm water drain between ORR and service lane. This is a loose claim without any basis as neither they have stated precise location, nor stated if it hinders the direct route. That TS TRANSCO has made a deliberate attempt to mislead this Hon'ble Tribunal since many such storm-water drains are located all along the route of 11 km between ORR and service road, with monopoles erected before or after the stormwater drain.
- v. That Respondent no. 2, TS TRANSCO in its para 4 of its affidavit dated 18.03.2023, also submits on monopole dimensions above and below ground, however, no factual evidence in form such claims have been produced. The Appellants submit that monopoles are recommended as a solution for smaller right of way (ROW) in urban areas, and TS TRANSCO itself has claimed lesser ROW of monopoles as reason for its selection. That the claim of higher ROW, without due substantiation, is mischievous and contradictory. The Appellants submit that even a 12.3 m x 12.3 m pit under the ground is feasible in the corridor available and in same space, TS TRANSCO has as a matter of fact, erected monopoles along corridor between ORR and service road. Thus, TS TRANSCO deliberately did not

consider direct route and has been unable to produce any basis of it being considered. Therefore, all the submissions claimed in para 4 shall be rejected being without substantiation, false and deliberate concealments.

Copy of the satellite images taken by the Appellants showing that monopoles have been erected by Respondent no. 2, TS TRANSCO in between ORR and service road, which is clearly in a consistent corridor width of 12.5m is annexed herewith as **Annexure A/3.** The Satellite Image also shows in contrast, the conventional quad towers could have been avoided and monopoles could have been erected in 12.5m corridor width available, as done ahead of forest stretch in the route.

- vi. The contents raised in Para No. 5 of the Affidavit dated 18.03.2023 is denied. The Appellants submit that TS TRANSCO has merely repeated its earlier submissions made *vide* reply dated 18.07.2022. That the Appellants have already highlighted the same in its Rejoinder dated 22.08.2022 (in Para Nos. 3 and 5). That no detailed feasibility study on consideration of options for route has been produced. Instead, TS TRASCO *vide* reply dated 18.07.2022 has only produced a mere sketch with three alternatives routes marked. That such a document lacks authenticity and was not the part of any approval process to obtain Forest clearance for the impugned project.

Further, the sketch produced by R2 *vide* affidavit dated 18.03.2023 is different from the one produced with three alternative routes, on 18.07.2022, that R3 submitted to Integrated Regional Office, Hyderabad MOEF&CC while seeking Forest Clearance. Thus, not just the approval by REC was based on a wrong sketch and other inconsistencies in feasibility study, Respondent no. 3 has misled this Tribunal by providing a map *vide* reply dt 18.03.2023, that was not submitted to IRO, MOEF while seeking Forest Clearance. Thus, it is to be concluded that TS TRANSCO is producing arbitrary, unauthenticated alternative route maps, to mislead this Hon'ble Tribunal. Furthermore, the Appellants also submit that TS TRANSCO has deliberately and knowingly chosen Metro corridor (yellow route) as one option, as to reject it citing it as metro corridor. Likewise, another option is deliberately passing through middle of National Park requiring maximum forest diversion, and an obvious rejection, meant just to false an option in the feasibility study (blue route).

- vii. That the contents in Para No. 6 and 7 of the Affidavit dated 18.03.2023 are denied. The Appellants submit that Respondent no. 2, TS TRANSCO has not produced any factual evidence which provides the justification to replace monopoles with conventional quad towers, the

specific mention in the Gazette Notification No. 71 dated 05.05.2018. The Appellants submit that Respondent no. 2, TS TRANSCO is not competent to arbitrarily amend plans published vide Gazette notification, that too a massive change to replace monopoles with conventional quad towers by itself after publication in Gazette Notification and public notices for general public and also after obtaining approvals from HGCL. That Respondent no. 2, TS TRANSCO has stated that 46m 'width of right of way' is required irrespective of type of tower. The Appellants herein submit that Respondent no. 2, TS TRANSCO has erected the monopoles before and after the forest stretch within a width of 12.5m only between the ORR and the Service Road. That the project proponent could have done the same from A-45 to AP-47 as the project proponent has not acquired any land to complete 46m ROW before and after the forest stretch and is only seeking 46m ROW in forest area, in utter disregard for sanctity of National Park. The claim that 46m ROW is unavailable in forest area stretch of ORR, is a misrepresentation, as can be verified through the satellite images as annexed by the Appellants above in **Annexure A/1 and Annexure A/3**, which clearly shows that same ROW of 12.5m is available before, after and along National Park, and Respondent no. 2 has

found this ROW adequate to erect monopoles except for stretch along National Park. It is also to be noted that Respondent no. 2, TS TRANSCO made a deliberate effort to shift the onus to the Forest Department stating that, Forest Department insisted on diverting 46m width of forest land as ROW. This contention is absolutely baseless as request for diversion of forest land is made by the project proponent, and Forest Department has no *locus standi* to insist on excess diversion. That the Forest Department may be asked to submit on affidavit if such claim of TS TRANSCO is to be entertained and examined. That Appellants may kindly be permitted to reserve the right to response in case Forest Department submits on record that it sought excess ROW usage from forest land by project proponent.

- viii. That Respondent no. 2, TS TRANSCO in Para 8 of the Affidavit dated 18.03.2023 submits that it has already paid the required amount to divert the equivalent forest land of 6.7076 ha. The Appellants submit that that in absence of any basis of claims regarding cost savings, date of such cost savings being deposited in Government treasury, approval by competent authority, and factual evidence that savings accrued to the State and not the Contractor, mere submission by Respondent no. 2, TS TRANSCO is untenable. That Respondent no. 2, TS

TRANSCO in Annexure 6 of the Affidavit dated 18.03.2023 had made reference of the payment made with regard to CAMPA and has failed to provide any factual basis of the (Rs. 6.18 - Rs.1.9 = Rs. 4.28 crores) paid for the change in the erection of quad towers from monopoles. That the Appellants also reserve rights to counter any evidence or statements on receipt of proof of such amount paid, produced subsequently.

- ix. The Appellants submit that the contents raised in Para No. 9 are incorrect presentation of facts and hence denied. That the approvals were obtained for erecting monopoles, and such approvals are void *ipso facto*, as Respondent no. 2, TS TRANSCO arbitrarily, erected quad towers for which it never sought approval or amendment to approvals. Additionally, since Respondent no. 2, has not placed evidence of realization of claimed savings, it is also a loss to the state exchequer and also environment.

5. Thus, in the light of the above facts, circumstances and submissions, the Hon'ble Tribunal shall be pleased enough to allow the prayers of the Appeal.

BEFORE THE NATIONAL GREEN TRIBUNAL**SOUTHERN ZONE BENCH AT CHENNAI****APPEAL NO. 82 OF 2021****IN THE MATTER OF:**

MAHESH MAMINDLA

...APPELLANT

VERSUS

STATE OF TELANGANA & ORS.

...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 are true and correct and nothing material has been concealed therefrom.

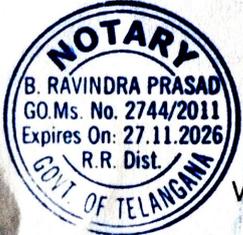



DEPONENT

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 8th day of May 2023.




ATTESTED
B. RAVINDRA PRASAD
 ADVOCATE & NOTARY
 H.No. 11-9-265/11/F-3, SUNSHINE ESTATES,
 VIJAYAPURI COLONY, KOTHAPET, HYD, TS-500102
 CELL: 7036 892 567, 7075 143 007.



DEPONENT



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





ANNEXURE-7

TRANSMISSION CORPORATION OF TELANGANA LTD.

1488

22/07/19

16th

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.**

*DGM-I (P)
plz. put up immediately today
on top priority*

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

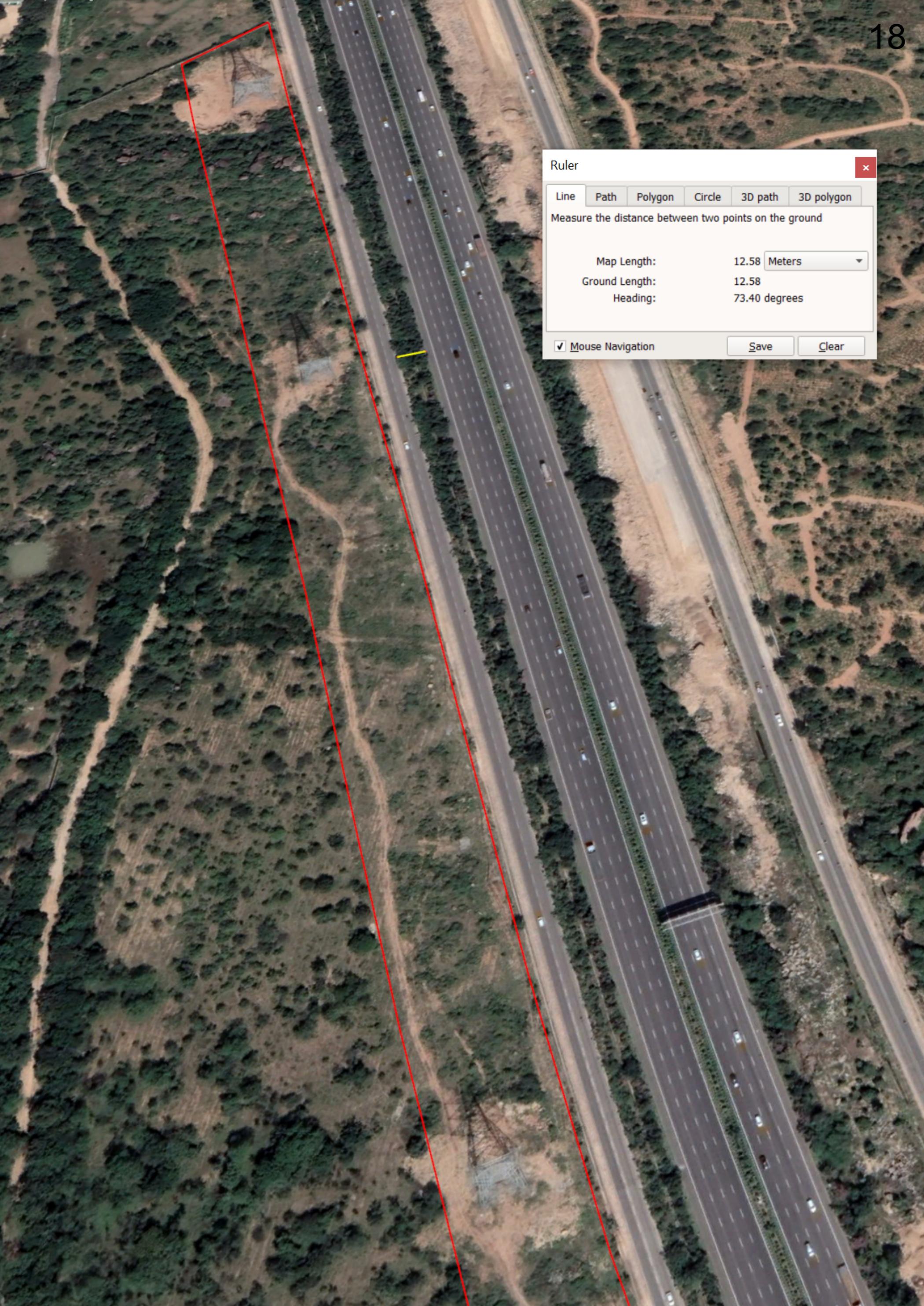
AGM(SK)/AEE(G)

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
SUPERINTENDING ENGINEER
400KV/CONSTRUCTION/METRO CIRCLE/TSTR
ERRAGADDA, HYDERABAD-500 045



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