

BEFORE THE NATIONAL GREEN TRIBUNAL, CHENNAI.
SOUTHERN ZONE, CHENNAI

ORIGINAL APPLICATION NO. 208 OF 2024 (SZ)
(EARLIER OA NO. 518 OF 2024 (PB))

Tribunal on its own motion Suo Moto matter in respect of news item appearing in 'Deccan Herald' dated 04.03.2024 titled "KMERC funds elude mining-ravaged areas".

Versus

CPCB, Through its Member Secretary, New Delhi and Ors.

.... Respondents

REPLY STATEMENT ON BEHALF OF THE RESPONDENT NO. 1 i.e.
CENTRAL POLLUTION CONTROL BOARD (CPCB)

1. That it is humbly submitted that, the Hon'ble NGT vide order dated 22.08.2024 issued notice to all the Respondents including Central Pollution Control Board (herein after referred as CPCB) as Respondent No. 1. Thereby, the reply is made in succeeding paragraphs.
2. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986
3. That It is humbly submitted that, the Original Application has been registered Suo Motu by the Hon'ble Tribunal on the basis of a news item titled "KMERC funds elude mining-ravaged areas" published in Deccan Herald dated 04.03.2024. The news item reports that alleged discrepancy in utilization of the Karnataka Mining Environment Restoration Corporation (KMERC) funds, which are meant for the restoration of ecology and rehabilitation of people in areas affected by illegal mining.



J. Chandra Babu
20/8/2024

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

4. That it is humbly submitted that, Hon'ble Supreme Court of India in the matter of W.P.(C) 562 of 2009 vide order dated 28.09.2012 desired constitution of a Special Purpose Vehicle on the suggestion of the learned Amicus Curiae as below:

"The formation of the Special Purpose Vehicle and the drawing up and implementation of the Comprehensive Environment Plans for Mining Impact Zone (CEPMIZ) is perhaps the most essential part in the process of reclamation and rehabilitation of the area devastated by illegal mining. In order to pass suitable directions in that regard, we need further inputs. We, accordingly, direct the CEC to submit a detailed report in regard to the larger reclamation and rehabilitation programme to be undertaken by the SPV, the phased manner in which the programme is aimed to be implemented and the total period over which the programme would be fully implemented, its estimated cost, both on the phased and the overall basis, and the sources from which the money required for implementation of the programme should come. The Report may be filed by October 10, 2012."

5. That it is humbly submitted that, it is observed from the information available on the website of KMERC, the State of Karnataka accordingly approved the setting of Special Purpose Vehicle as below:

"The Hon'ble Supreme Court had also ordered establishment of an organization as a Special Purpose Vehicle (SPV) to implement/oversee the execution of the CEPMIZ. Accordingly, the State Government, in its order dated 21.06.2014 had approved setting up of Karnataka Mining Environment Restoration Corporation (KMERC) as a Special Purpose Vehicle (SPV). The Company was registered on 30.06.2014 as a non-profit organization under Sec 8 of the Companies Act 2013."



J. Chandra Babu
20/9/2024

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
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The objective of the Corporation is to draw and implement comprehensive plan for the socio-economic development of the mining impacted zone of Ballari, Chitradurga and Tumkur through various developmental schemes such as environmental restoration, agriculture and allied activities, irrigation, drinking water, sanitation and rural roads, health, education, development of vulnerable community, housing, skill development, and tourism.

The CEPMIZ Plan submitted by the State has been approved in- principle by the Hon'ble Supreme Court vide order dated 21.04.2022 and has appointed Justice Sudershan Reddy, retired Judge of the Apex Court, as Oversight Authority for approval of the individual projects and for supervision of its implementation.

The Oversight Authority has assumed the charge on 30.05.2022 and started functioning as per Hon'ble Supreme Court order dated 21.04.22."

6. That it is respectfully submitted that, CPCB is neither a member of KMERC nor associated with KMERC or having any information on funds utilisation and hence, no comments are offered by this answering Respondent No. 1 over the alleged discrepancy in utilization of the KMERC funds.
7. In view of above facts, it is respectfully submitted that, the Hon'ble NGT may exclude CPCB from the Respondents list.
8. It is submitted that, this answering Respondent craves leaves of the Hon'ble Tribunal to file additional reply, in future, if required.




20/5/2024

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
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9. It is submitted that, it in light of the above submission, it is respectfully submitted that this Answering Respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.

[Handwritten Signature]

**COUNSEL FOR
RESPONDENT No. 1**

[Handwritten Signature]
20/3/2024
DEPONENT

**J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
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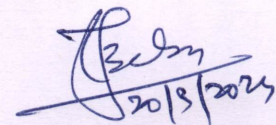
....Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.1

I, J Chandra Babu, son of late Shri. J Balaramaiah, aged 56 years, having office at the Regional Directorate (Bengaluru), Central Pollution Control Board (CPCB), 1st& 2nd Floors, Nisarga Bhavan A- Block, Thimmaiah Main Road, 7th D Cross, Shivanagar, Bengaluru – 560 079, Karnataka, do hereby solemnly affirm, declare on oath and state as under: -

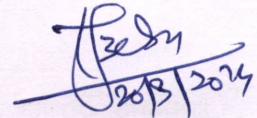
1. I submit that, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. I submit that, the accompanying reply may be read part and parcel of the present affidavit.




20/3/2024

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
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3. I submit that, the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



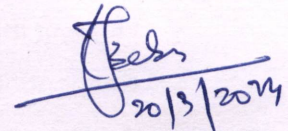
DEPONENT
J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
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VERIFICATION

Verified at Bengaluru on this day of 20th September, 2024 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.



**COUNSEL FOR
RESPONDENT NO. 1**



DEPONENT
J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
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