

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE , CHENNAI

O.A. No. 21 of 2022 (SZ)

Between :

**Green Society, Coastal corridor**

Regd No. 116/2021, C/o. Sri Dhanvi Weigh Bridge

...Applicant

AND

1 The Ministry of Environment, Forest and Climate change

2. Additional Chief Conservator of Forest (C)

3. State Level Environmental Impact Assessment Authority

4. The Andhra Pradesh Pollution Control Board

5. The Environmental Engineer , Regional officer

6. The Director of Mines and Geology

7. The Assistant Director of Mines and Geology

2<sup>nd</sup> Street , Vikram Nagar, Nellore - 524 004

8. Andhra Pradesh mineral Development Corporation

9. **Sri Avantika Contractors (I) Limited**

.....Respondents

**PRELIMINARY COUNTER FILED ON BEHALF OF THE 9<sup>TH</sup> RESPONDENT**

The answering Respondent herein humbly submits as follows :-

1. The answering Respondent submits that the allegations contained in the application filed by the Applicant is completely denied as false, baseless, except those that are specifically admitted hereunder.
2. At the outset, the main object of the said Application society was formed with an intent to black mail the traders, mining lease holders and mineral dealer license holders like the answering Respondent herein. It is submitted that all the allegations of the applicant are completely without any basis, bereft of any clarity and unsupported by any real documentary evidence.

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**Bald and Imaginary Allegations**

3. The answering Respondent submits that the allegations of the Applicant on a bare perusal appears to be unsubstantiated by any evidences and have not done any research to support their alleged claim, and the same is totally bald and imaginary assertions that are without any basis, and is liable to be rejected.

**Incorporation of the Applicant society- Vexatious motive**

4. It is submitted that the applicant society appears to have been incorporated on 12.10.2021 which is just a month before filing the present application. Therefore, the main object of the present society seems to be on a vexatious motive to file the present litigation to seek and achieve his private interest. Also, there are absolutely no shred of evidence produced by the applicant to prove that the illegal sand mining was ever done at the instance of the answering respondent.
5. Insofar as para 1 is concerned, the answering respondent was performing all the works under the supervision of the Respondent No.8 namely Andhra Pradesh Mineral Development Corporation (hereinafter referred to as "APMDC". It is also clarified that the answering respondent is doing its activity as per norms and have not acted outside the scope of law and the answering respondent is only engaged in the activity of sand lifting and is merely a sand lifting contractor engaged by the government of Andhra Pradesh namely APMDC. It is submitted that the APMDC have also submitted surrender application for the total extent of the above mine leases on 30.3.2022 and the subject quarry is not in a working condition as we were only engaged as a contractor by the APMDC, and does not assume any personal role as it is reiterated that the main principal is APMDC and we are only acting as an agent/contractor engaged by the said AMPDC. Therefore, any allegations to the contrary that the answering respondent is engaged in illegal mining will have to be simple rejected as false and vexatious.
6. Insofar as para 2 is concerned, the same is a matter of record and the answering respondent does not have any comments to offer. It is submitted that on 3.6.2020, the Andhra Pradesh Mineral Development Corporation Limited(hereinafter referred to as "AMPC") floated a tender by way of an e-

tender No.APMDC/GEO-7/SC-RCSC/NLR dated 3.6.2020 for the purpose of working of Silica Sand mining leaser over an extent of 211.25 hectares on raising cum sale contract basis. Therefore, the answering Respondent was awarded with a legal tender from the Andhra Pradesh Mineral Development Corporation Limited and therefore the answering Respondent is engaged in raising cum sales contract. In furtherance of the e-tender, the answering Respondent had entered into a contract on 23.9.2020 with the Andhra Pradesh Mineral Development Corporation Limited for the purpose of excavating silica sand which was performed by us in accordance with the contract and under the supervision of the APMDC.

7. The answering Respondent submits that the work as stipulated under the contract dated 23.9.2020 was fully performed with the fullest satisfaction of the APMDC in accordance with the contractual obligations. Therefore, the contract has come to an end with APMDC and to the best of the respondent's knowledge and belief there are no illegal sand mining activity as alleged by the applicant and the contractor namely the answering Respondent cannot be held liable for the acts and duties performed under the supervision of APMDC. It is submitted that there is absolutely no basis for the Applicant to have filed this application impleading the answering Respondent as a party in the present proceeding. Further

**Not a proper and necessary party**

8. It is submitted that the answering Respondent namely Avantika Contractors were engaged by the AMPDC based on an e-tender floated by the Respondent No.7 herein. In furtherance of the same, the answering respondent had performed the work as per the contact dated 20.9.2020 and thereafter the answering Respondent have also taken over the Bank Guarantee from the Andhra Pradesh Mineral Development Corporation Ltd. Therefore, for the application filed by the applicant cannot be maintained as against the answering respondent is not a proper and necessary party. It is further clarified that the said lease/contract has already expired and the relationship with the Respondent No.8 APMDC was only a principal agent relationship and the

12. Insofar as para 6 is concerned, it is clarified that there are no illegalities committed by the answering respondent and the claims/assertions made by the Applicant is nothing but based on conjectures and surmises and is completely without any evidence.
13. Insofar as para 7 is concerned, the same is vehemently denied as false. It is denied that the answering respondent is engaged in heavy machinery and have not done manual mining and have only engaged in Raising cum sale contract basis of Silica Sand in the quarry site as directed by the APMDC. Infact, there are no evidence adduced by the applicant to prove that heavy machineries were used in the site. The allegation that the answering respondent is excavating minerals beyond permissible limit is also completely denied as false.
14. Insofar as para 8 is concerned, the same is vehemently denied as false. It is clarified that the answering respondent have not done any activity which affects the ecology, and as stated above, the answering respondent have not excavated silica sand beyond buffer zone and beyond depth.
15. Therefore, on the conspectus of all of the above, the answering respondent submits that they have not violated any of the condition as stipulated in the mining plan or the environmental clearance, mining and leasing conditions, and have acted within the purview of the scope of the contract engaged by the principal namely the Andhra Pradesh Mining Development Corporation (APMDC), who is the statutory respondent who has engaged us to carry out the lifting of raising cum sale contract of Silica Sand from the quarry site, and have acted under the supervision of the APMDC. Therefore, any allegation to the contrary will simply have to be rejected.

It is therefore, humbly prayed that this Hon'ble Court maybe pleased to dismiss the present Application as devoid of merits and pass any other order that this Hon'ble Tribunal deem fit to the present case and thus render justice.

Dated at Chennai on this the 8<sup>th</sup> Day of September 2023

A handwritten signature in black ink, consisting of a stylized capital letter 'R' with a loop at the top and a tail that curves to the right.

COUNSEL FOR 9<sup>TH</sup> RESPONDENT





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TRIBUNAL SOUTH ZONE  
AT CHENNAI**

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**M/s. ANIRUDH A SRIRAM** (En.3614/17)

**AKASH SRINANDA.V** (En.2311/20)

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