

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

OA No 247 OF 2021

IN THE MATTER OF:

D. DAMODARA RAJU

..... Applicant

Vs

M/S SAI LAKSHMI BALAJI INFRASTRUCTURE PVT. LTD. & OTHERS

.... Respondents

REPORT FILED BY THE JOINT COMMITTEE

DATE- 19.11.2024



**M/s MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.

Mobile: 98407 98460 / 63831 21322,

Email: reddymadhuri09@gmail.com

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

In

OA No. 247 of 2021 (SZ)

IN THE MATTER OF:

Sri.D. Damodara Raju, Chittoor District and others

...Applicant(s)

Vs

M/s. Sai Lakshmi Balaji Infrastructure Private Limited,
Chittoor District and others

...Respondent(s)

Joint Committee Report

I Preamble

O.A No. 247 of 2021 is filed by Sri. D. Damodara Raju, at Hon'ble NGT (SZ), Chennai against the violations of conditions of Environmental Clearance and Consent / Lease granted to the M/s. Sai Lakshmi Balaji Infrastructure Private Limited for quarrying Road metal and Building stone over an extent of 4.569 Ha in Sy No. 140/1,3,4,5,7 to 13 & 16 and 141/3,4,6,7 & 8 of P.V.Puram (V) of Sathyavedu (M), Chittoor District.

II Hon'ble NGT orders

Hon'ble NGT, Southern Bench, Chennai has appointed a committee in the matter of Original Application No. 247/2021, D. Damodara Raju, Chittoor District Vs M/s. Sai Lakshmi Balaji Infrastructure Private Limited, Chittoor District and others vide order dated 04.01.2022 comprising of 1) a Senior Scientist from State Environment Impact Assessment Authority(SEIAA), State of Andhra Pradesh 2) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF& CC), Integrated Regional Office, Vijayawada, 3) a Senior Officer from Andhra Pradesh Pollution Control Board (APPCB) as nominated by its Chairman 4) The Deputy Director of Mines and Geology, Chittoor District and directed to inspect the area in question and submit a factual as well as action taken report, if any violation are found." Copy of the order is enclosed as **Annexure-I**.

III Composition and scope of the Committee

In compliance to Hon'ble NGT order dated 04.01.2022, the committee comprising of following members are visited subject area in question on 10.02.2022:

1. Prof. Dr. K.Thyagaraju from SEIAA, Andhra Pradesh.
2. Dr. Suresh Babu Pasupuleti, Scientist 'D' Integrated Regional office, MoEF&CC, Vijayawada.
3. Sri. A.Narendra Babu, Regional officer, AP Pollution Control Board, Regional Office, Tirupati, Chittoor District.
4. Sri K.L.V. Prasad, Deputy Director of Mines and Geology, Chittoor, Andhra Pradesh.

Scope of the Committee

The committee to look into the matter and find out the following:

1. Whether the conditions imposed in the Environmental Clearance as well as consent and lease deed are being strictly adhere to by the respondents 1 and 2, if not what are the nature of violations committed by them.
2. Whether the pollution control mechanism provided is sufficient to address the issue of pollution, if not what is the mitigating measures undertaken by them to address the same.
3. Whether necessary buffer zone/safety zone, 'Garland drains' were provided and
4. Whether any excess mining has been done either in the lease area or by encroaching into the property of the 2nd respondent as alleged, if so what is the quantity of excess mining done and what is the nature of action taken in this regard.
5. Whether any water or air pollution is being caused on account of the activities of respondents 1 and 2 in carrying out the quarrying/crushing operation.
6. If there is any violation committed, what is the nature of damage caused to the environment and also what is the quantum of environmental compensation to be assessed apart from assessing the value of excess mining article by imposing penalty and royalty.
7. Whether any damage is caused to the property of the applicant on account of the pollution if any, caused, if so, what is the quantum of compensation payable for the loss to compensate for the loss suffered by the applicants.

V Findings of the committee during visit, interaction with petitioner and villagers

As per the allegations made in the complaint, the committee visited mining leases area and observed the following points:

1. The mining unit has not constructed retention/toe walls at the foot of the dumps.
2. The mining unit has not developed shrubs / grass species for stabilization of worked out slopes.
3. The mining unit has not provided Garland drain around the dump for diversion of storm water.
4. The mining unit has not provided graded roads.

5. The mining project has not developed greenbelt along the mine lease area with tall growing trees. But, developed compensatory greenbelt at an area of 6.0 Acres in the mining area at available vacant places.
6. The mining seepage water is not being utilized in the mining area and discharged to the natural drain through pumping.
7. The lease holder has been excavated and transported for a quantity of **5,34,708 Cbm** of Road Metal within the leased area unlawfully.

a	Total excavated Quantity of Road Metal	6,57,628 Cbm
b	Total permitted quantity of Road Metal	12,29,20 Cbm
c	Difference quantity of Road Metal	5,34,708 Cbm

8. The lease holder has encroached outside the leased area and excavated & transported **70,971 Cbm** of Road Metal illegally. The encroached area is patta land belongs to the second respondent in this Petition (Sri D.Damodhara Reddy).
9. The lease holder has not maintained proper benches in quarrying area as stated in Approved Mining Plan.
10. As per Approved Mining Plan the lease holder has proposed for dumping of waste within the leased area in South-East corner. Whereas the waste dumping is noticed outside the leased area at a distance of 100 Mts towards South direction from quarry leased area. The quarry lease owner Sri D.Damodhara Reddy has informed that the waste dumping area is his own patta land situated in Sy.No.144 & 147 of P.V.Puram (V), Sathyavedu (M), Chittoor District.
11. The lease holder has erected one Stone Crusher Unit in patta land belongs to the Sri D.Damodhara Reddy in Sy.No.133-2A, 134-1, 134-3 of P.V.Puram (V), in Sathyavedu (M), Chittoor District.
12. The Petitioner has not shown to show his patta lands adjacent to the subject quarry leased area in question. However the quarry lease owner has informed the he has purchased the petitioner lands near to the quarry leased area recently and shown the documents.

Further, the Hon'ble National Green Tribunal Southern Zone, Chennai through application No.247 of 2021 (SZ) has passed orders dated 20.10.2023 and stated that as follows:-

1. The learned counsel appearing for the state of Andhra Pradesh would submit that already the Department of Mines and Geology has issued notice for the excess mining.
2. The statement of project proponent is also that they have complied with the shortcomings pointed out by the Andhra Pradesh Pollution Control Board and they are continuing the mining activity.
3. Let the joint committee (constituted by this Tribunal earlier) once again visit the site to find out the following aspects:-
 - (i) After it was ascertained that the project proponent had already mined more than five times the permitted quantity for which, the fine has already been levied, whether the project proponent is now mining only within the permitted quantity or in excess.
 - (ii) If excess quantity is mined, for which, the penalty is levied, whether the commercial rate, besides collection of royalty has been realized.
 - (iii) Whether there were any checks in place for this kind of violation by the quarry operator, as is easy for them to do excess mining, pay the penalty and continue with the operations once again.
 - (iv) Whether the concerned departments are following the principles laid down by the Hon'ble Supreme Court in *Common Cause Vs. Union of India and Ors.* For recovery of market price for illegal mining as well as for unlawful mining i.e., excess mining within the lease area.
4. Apart from that, the concerned departments shall take action on the violations already noticed independent of the proposed inspection by the Joint Committee. In case any violations are noticed during the inspection to be carried out based on today's order, action shall be taken separately.
5. Let the matter be listed on 28.11.2023.

Subsequently, the Hon'ble National Green Tribunal Southern Zone, Chennai through application No.247 of 2021 (SZ) has passed orders dated 28.11.2023 and stated that as follows:-

1. The Joint Committee report, as directed in the last hearing, has not been filed and they have not yet visited the site in question.
2. **It is reliably understood that the Project Proponents are continuing with their operations. Therefore, we direct the joint committee to visit the site and find out the position as per our earlier directions.**

3. **Apart from that, let the Department of Mines and Geology, independently inspect the property and file an independent report.**
4. Post the matter on 11.12.2023.

Further, it is submitted that, undersigned along with this office Royalty Inspector and Technical Assistant had inspected the subject area on 18.12.2023, 08.01.2024, 17.01.2024, 29.01.2024, 14.02.2024, 05.03.2024, 08.04.2024, 25.04.2024 & 08.05.2024 and reported that, the quarry lease us under non-working and the area is covered with water due to "Michaung Cyclone" and continuous rains moreover unable to conduct inspection to assess the quantity.

In this connection, as per the orders of the Hon'ble National Green Tribunal Southern Zone, Chennai the subject area has been surveyed and inspected by the undersigned along with Royalty Inspector and Surveyor on 11.07.2024, 15.07.2024 & 16.07.2024 and thereby to conduct the detailed survey and inspection over the subject area.

Meanwhile, this office vide Letter No.420/NGT/2023, dated: 18.07.2024 addressed to the Joint Committee Members i.e., 1) The Chairman, SEIAA, APPCB, A.P, 2) Integrated Regional Office (IRO), MOEF, Vijayawada & 3) The Environmental Engineer, APPCB, Regional Office, Tirupati, Tirupati District with a request to make it convenient to attend joint inspection and survey proposed on 23.07.2024. In turn, the Joint Committee Members have attended the same. The details of the officials and representatives of the lease holder who attended the work is as follows: -

Sl. No.	Name of the Officer	Designation	Remarks
1	Sri. Dr. Suresh Pasupuleti,	Scientist 'D' Integrated Regional Office, MoEF& CC, Vijayawada	Official of Integrated Regional Office, MoEF& CC, Vijayawada
2	Smt. T. Sri Bharathi	E.E SEIAA, A.P	Official of SEIAA, A.P
3	Sri. Ashok	E.E. Pollution Control Board, Regional Office, Tirupati	Official of APPCB
4	Sri. P. Prakash Kumar	District Mines and Geology Officer, Tirupati	Officials of the Mines and Geology Department
5	Smt. Shaik Asiya	Royalty Inspector, O/o District Mines and Geology Officer, Tirupati	
6	Sri. V.V. Ravi Teja	Surveyor, O/o District Mines and Geology Officer, Tirupati	
7	Sri. T. Damodar Reddy	Mg. Director of the lessee firm M/s. Sai Lakshmi Balaji Infrastructure Pvt Ltd.,	Lease Holder

Accordingly, as per the orders of the Hon'ble National Green Tribunal Southern Zone, Chennai we have been proceed to Quarry Lease Held By M/s. Sai Lakshmi Balaji Infrastructure Private Limited., its Director: Sri. T. Damodar Reddy for Road Metal and Building Stone over an extent of 4.569 Hectares in Sy.Nos.140/1,3,4,5,7 to 13 & 16 and Sy.No.141/3 to 8 of P.V. Puram Village, Sathyavedu Mandal of Tirupati District on 23.07.2024 for estimation of quantity dugged out of the mine.

At the earliest, in order to complete the task, and the area of working extent is 4.569 Hectares and the same is mostly opened up and the undersigned discussions with the Committee Members and briefed about the quarry nature, texture of rock formation of Road Metal and Building Stone and regarding of overburden as gravel and weathered granite gneiss and schist and which is useful for Road Metal and Building Stone, keeping in view of the quarry position and the team has opined that to conduct survey and estimation of volume by dividing the overburden and Rock Mass as separately. The points raised by the Hon'ble NGT are as follows:-

Sl. No.	Aspect of the Hon'ble NGT Court as per the order dated: 20.10.2023	Remarks of this office
1.	After it was ascertained that the project proponent had already mined more than five time the permitted quantity for which, the fine has already been levied, whether the project proponent is now mining only within the permitted quantity or in excess.	It is respectfully submit that, after submission of the joint committee report dated: 10.02.2022 the project proponent / lessee conducted the mining operations as per the available quantity of E.C while taking the dispatch permits from the Mines and Geology Department. Hence, he has mined within the permitted quantity only. The details are detailed in the below Table-I. Validity of EC dt. 23-10-2023 has expired and no mining observed at the time of inspection on 23-07-2024.
2.	If excess quantity is mined, for which, the penalty is levied, whether the commercial rate, besides collection of royalty has been realized.	This office has issued the Demand Notice vide Notice No.4453/TQL/2012, dated: 18.05.2024. Subsequent mater related to the MoEF.
3.	Whether there were any checks in place for this kind of violation by the quarry operator, as is easy for them to do excess mining, pay the penalty and continue with the operations once again.	As per the APMMC Rules, this office has already issued the Demand Notice for the excess quantity. In turn, he has filed the Revision before the government. Orders are awaited in the matter.
4.	Whether the concerned departments are following the principles laid down by the Hon'ble Supreme Court in Common Cause Vs. Union of India and Ors. For recovery of market price for illegal mining as well as for unlawful mining i.e., excess mining within the lease area.	Penalty and other taxes were levied as per Andhra Pradesh Minor Mineral Concession Rules, 1966 and timely amendments.

TABLE-I

S.No	E.C. Order No and dated	Quantity Per Year	Year From - To	Lessee Utilized Quantity
1.	E.C Order No.SEIAA/AP/CTR-78/2013-793, dated: 08.05.2013 granted the E.C for the period of 10 years or the expiry of the mine lease period issued by the government of A.P Whichever is earlier	17,096.22 CBM / Year	08.05.2013 to 07.05.2023	<p>E.C Quantity for the 7 Years, 5 Months was 1,26,796.4 CBM</p> <p>As per permits taken by the lessee as on inception of the lease to 10.02.2022 / Joint Committee report submitted dated: 10.02.2022 is 1,22,920 CBM.</p> <p>As per the Joint Committee report dated: 10.02.2022 the lessee has mined the excess quantity of 5,34,708. For which The Mines Department has issued the Show Cause notice vide Notice No.4453/TQL/2012, dated: 16.03.2023 to the lessee. In turn the lessee has submitted the reply before this office dated: 19.04.2023 while stating that, he has supplied the metal aggregate to Class-II & III Contractors for utilization of various government works and the sub-contractors and they have given the consent for supply of the aggregate to various government works for the quantity of 1,33,168 CBM.</p> <p>The reply submitted by the lessee is not tenable with law and not satisfactory and hence, the Mines Department has issued Demand Notice No.4453/TQL/2012, dated: 18.05.2024 to the lessee and directed to pay an amounts of (N.S.F Rs.5,45,11,110/- + Penalty Rs.30,44,92,500/- + Consideration Amount Rs.5,45,11,110/- + DMF Rs.3,27,067/- + MERIT Rs.10,90,222/- + IT Rs.10,90,222/-) for an amount of Rs. 48,95,35,007/- to the respective heads and submit</p>

				<p>original challan to Mines Department. Aggrieving, from the above the lessee M/s. Sai Lakshmi Balaji Infrastructure Private Limited., its Director: Sri. T. Damodar Reddy has filed the revision before the government on 12.06.2024. Orders are awaited in the matter.</p> <p>In view of the above it is clear that, the project proponent has already mined more than five times of the permitted quantity.</p>
2.	E.C Order No.SEIAA/AP/CTR/MIN/02/2020/1733-493, dated: 23.10.2020 granted the Expansion of E.C from 17,096.22 CBM/Year to 2,13,439 CBM/Year for a period of 3.08 years / 3 Years 8 Months	2,13,439 CBM / Year	3.08 years / 3 Years 1 Month 23.10.2020 to 22.11.2023	<p>E.C Quantity for the 3 Years, 1 Month w.e.f, 23.10.2020 to 23.10.2023 – 03 Years is 2,13,439 X 3 Years = 6,40,317 as per E.C and 1 Month is 17,786 CBM. Therefore the total quantity for the E.C before the expansion is = <u>6,58,103 CBM</u></p> <p>As per Mines office records the lessee taken permits details area as follows:-</p> <p>Permits Taken from 2022-23 – 42,900 CBM (ADM&G, Office)</p> <p>Permits Taken from Raghava Constructions from 14.02.2023 to 05.09.2023 = 2,73,867 CBM</p> <p>Therefore, the total quantity covered under Permit <u>3,16,767 CBM.</u></p> <p>In view of the above it is clear that, the project proponent is now mined only within the permitted quantity. <i>still expiry of E.C Validity.</i></p>

T. Bharathi

T. Bharathi
E.E SEIAA, A.P

N. Ashok Kumar

N.Ashok Kumar
E.E. Pollution Control Board,
Regional Office, Tirupati

P. Prakash Kumar

P. Prakash Kumar
District Mines and Geology Officer,
Tirupati.