

**BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE), CHENNAI****OA 262 of 2024**

Tejah Balantrapu and Ors.

...Applicants

v.

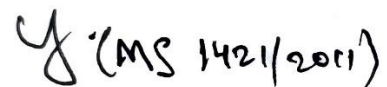
Union of India and Anr.

...Respondents

**MEMO FILED ON BEHALF OF THE APPLICANTS**

It is respectfully submitted as follows:

1. A reading of the 368<sup>th</sup> EAC minutes annexed with the OA as Annexure A6 at 3.4.16, which states "*...total 393 nos of Banyan trees retained and 522 nos. proposed to be translocation. Almost ¼ of the trees are proposed for retention will provide space for heronry and other birds species. The translocated trees will also provide sufficient space in due course of time.*" [sic], might give the impression that due to the exercise before the 1<sup>st</sup> Respondent, 393 banyans were saved.
2. It is necessary to look at the above figures in proper context. During the proceedings in OA 242 of 2021, the 2<sup>nd</sup> Respondent had furnished various figures as to the number of banyan trees that were saved, as they were outside the alignment, i.e. toe-out. A total of 232 trees were said to be outside the toe-line and saved. These trees escaped the axe because of the 2<sup>nd</sup> Respondent's fixing of the alignment through bypasses, and for straightening curves.
3. Therefore, from the figures stated in the 368<sup>th</sup> meeting of the EAC, it can be gleaned that only 161 trees over and above the 232 above stated trees are proposed to be retained (232 + 161 = 393).
4. 522 banyan trees are proposed to be impacted. Extracts from the report of the committee constituted vide order of this Hon'ble Tribunal dated 24.05.2023 in OA 242 of 2021 are annexed with this memo.

Dated on this the 18<sup>th</sup> day of September, 2024.

Counsel for Applicants

**REPORT OF COMMITTEE CONSTITUTED AS PER THE DIRECTIONS OF NGT (SZ),  
CHENNAI DATED MAY 24, 2023 IN THE MATTER OF ORIGINAL APPLICATION NO.  
242 OF 2021 TITLED TEJAH BALANTRAPU & OTHERS VS UNION OF INDIA & OTHERS**

**1.0 Preamble:**

The National Green Tribunal (NGT), Southern Zone, Chennai in the matter of O.A. No. 242 of 2021 titled Tejah Balantrapu & Others vs Union of India & Others issued an order dated 24.05.2023 (Annexure-I) stating that:

... " In this regard, we feel it appropriate to constitute a Committee consisting of (i) Senior Officer from IRC, (ii) a Senior officer from NHAI and (iii) a nominee of PCCF, Head of Forest Force not below the rank of Chief Conservator of Forest to find out the possibility of any alternative access to the above referred NH-163.

The above Committee may co-opt any expert in the field, if necessary. The Committee shall visit the project area and examine the technical feasibility of realignment or adoption of other strategies to reduce the cutting of Banyan Trees to the maximum possible extent.

The Committee is directed to give prior notice to the NHAI as well as the applicant informing the date of visit.

Considering the urgency in the matter, let the Committee inspect the project area at earliest and file a report before this Tribunal on or before 17.07.2023".

**2.0 Constitution of the Committee:**

In compliance to Hon'ble NGT order May 24, 2023; Indian Road Congress vide letter no. IRC-11/NHAI(NGT)/2023 dated 01.06.2023, National Highways Authority of India vide e-office file no. NHAI/PIU-HYD/NH-163/HYD-MNG/NGT Matter/2023 and Principle Chief Conservator of Forests, Forest Department, Government of Telangana vide Rc.No. FC1/FC03/42/2022(1652/2018) dated 12.06.2023 (Annexure-II) have nominated Committee members respectively. Based on the nomination received from Organizations/Departments, a committee was constituted, comprising the following members:

- (i) Sri. Y. Balakrishna, Convener B-8 Committee of IRC & ADG (Retd), MoRT&H
- (ii) Col. A K Janbaz (Retd), CGM (Tech) & Regional Officer, NHAI, RO-Hyderabad
- (iii) Chief Conservator of Forests, Charminar Circle, Hyderabad, Forest Department, Govt. of Telangana

The Hon'ble NGT in its order dated May 24, 2023 directed that, the committee should give prior notice to NHAI as well as Applicant informing the date of site visit.

In view of this, the committee fixed site inspection on 23.06.2023 and directed NHAI, PIU-Hyderabad to inform the applicant about the scheduled of site visit on 23.06.2023.

Accordingly, the committee, inspected the entire stretch on 23th June, 2023, along with the applicant Sri. Tejah Balantrapu and his team. Detailed discussions were held duly verifying the requisite records and on 13.07.2023 finalized the report. Some of the photographs taken during site inspection, meetings/discussions are enclosed as Annexure-III.

project reach are bound to take place on both sides of this NH which will increase the vehicular traffic leading to accidents at such major road intersections if vehicular underpasses are not provided as proposed in the original DPR submitted in September 2018 and included in the Concession Agreement dt.09.05.2022.

- (b) As per the MoRTH Circular No. RW/NH-33044/37/2015/S&R(R) dated 26.05.2016 (Annexure-VIII), upgradation to four lanes will trigger when the PCUs crosses 10,000 per day.
- (c) As per DPR completed by M/s Feedback Infra Pvt. Ltd., in September 2018, the Passenger Car Units (PCUs) had already crossed the threshold limit i.e. 11,840 as per survey conducted in Jan-2015 & 16,433 in year 2020 on the stretch of Hyderabad-Manneguda, assuming growth factor of 5% per year. As per traffic study conducted in July-2022 the PCU is 34,072 which exceeded the projected traffic with an average increase of 56.97% per year. Moreover, with the decision to lift G.O. No. 111 MA dated 08.03.1996 restricting land use in the around this NH, the traffic will increase manifold which may need Six-laning much earlier than the envisaged by 2035.
- (d) The Committee received the suggestions of the applicant vide his letter dated 27.06.2023 (Annexure-IX). The suggestions of the applicant is regarding the:
- Protection of Banyan trees and environment.
  - Re-alignment of the project Highway similar to Bypasses at Built areas.
  - Avoid the underpasses
  - Shift the position of underpasses where cluster of Banyan trees exist.
  - Deviation of alignment in Mudimyal Forest Range.
  - Avoid large scale translocation of Banyan trees.
  - NHAI to submit detailed data on pre-and post-evaluation of trees in translocation process.
- (e) The Committee after inspection of the project area, interaction with applicants and NHAI officials, examining record and discussions the findings and recommendations of the Committee, for the decision of Hon'ble NGT are as under:

Findings of Committee:

- There are total 915 Banyan trees along the stretch (Forest & Non-Forest area). 759 nos in Non-Forest area and 156 nos in Forest area. By considering eccentric widening, bypasses and re-alignment by NHAI, 232 Banyan trees will be saved and the remaining 683 no's of trees are proposed for translocation. The details of saved tress are as below:

Non-forest:	Total Banyan trees	Effectted (toe in)	Saved (toe out)
Rangareddy District	629	515	114
Vikarabad District	39	29	10
Existing bypass Moinabad	22	-	22
Existing bypass Chevella	69	-	69
<b>Sub-total:</b>	<b>759</b>	<b>544</b>	<b>215</b>
<b>Forest:</b>	<b>156</b>	<b>139</b>	<b>17</b>
<b>Grand Total:</b>	<b>915</b>	<b>683</b>	<b>232</b>

- Due to huge traffic and deficient geometry of existing road, accidents are taking place on large scale and many locations of this highway are identified as Black Spots.