

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

MEMORANDUM OF APPLICATION

(Under Sections 14 and 15 read with Section 18(1) of the NGT Act, 2010)

Original Application No. 262 of 2024

Tejah Balantrapu & Ors. ... Applicants

v.

MoEF&CC & Anr. .. Respondents

REJOINDER FILED BY THE APPLICANT TO THE AFFIDAVIT DATED 28.10.2024 FILED BY THE 2nd RESPONDENT

The applicants submit as follows:

1. The 2nd respondent NHA I has filed an affidavit dated 28.10.2024 along with its typed set of documents dated 28.10.2024. The 2nd respondent had urged this Hon'ble Tribunal to fix an early date for the disposal of the application and at their request, the listing date was advanced from 23.12.2024 to 25.11.2024. However, the 2nd respondent has not filed any reply or counter affidavit to the application till date, i.e. they have not responded to the averments in the application.
2. The applicant has filed the present rejoinder in response to the affidavit dated 28.10.2024 filed by the 2nd respondent, reserving the right to respond to any counter affidavit or reply that the respondents may file in the future.
3. Paragraph 1 of the affidavit under reply is an extract of the order passed by this Hon'ble Tribunal on 25.10.2024 and calls for no reply.

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4. Paragraph 2 of the affidavit under reply contains an extract of para 62 of the judgment in OA No. 242 of 2021 with the respondent supplying emphasis on one sentence, which is oft repeated in the clearance process.
5. In paragraph 3 of the affidavit under reply, NHA I has narrated the dates on which certain events transpired, which calls for no specific reply in so far as they relate to matters of record.
6. The contents of paras 4 and 5 are denied and it is submitted that it is false to state that NHA I has complied with the ToR issued or that they have complied with the judgment of this Hon'ble Tribunal in OA No. 242 of 2021. The so called EIA report filed by them at page 6 of the typed set cannot even be called an EIA report. It is not based on any data collection, characterisation of the area, sensitive ecosystems impacted, assessment of alternatives, assessment of impacts and in fact, only in one instance does the EIA report what the NHA I proposes to do in so far as the banyans are concerned, i.e. at 4.8.2 at page 62 of the typed set.
7. In fact, the EIA report itself is evidence that the proposal to translocate the Banyans unrealistic. The lacunae and infirmities in the EIA report have not even been noticed by the MoEF&CC. It is shocking that this report has been accepted by the MoEF&CC. Adding insult to injury, an OM dated 08.10.2024 which merely reiterates events that transpired qua the application of the 2nd respondent has also been issued by the MoEF&CC. This OM is neither a clearance nor does it have any statutory force or validity. No benefit enures to the 2nd respondent on the strength of this OM.
8. The applicant is not listing the long list of infirmities in the 148 page long EIA report (155-614 pages are annexures) in this rejoinder, suffice to say that it does not contain any impact assessment and cannot even be called an EIA study. The 2nd respondent has not complied with the ToRs issued. It is a fact that the alignment was fixed without considering the need to save the subject Banyan trees, which even according to the EAC of the 1st respondent have heritage value and their ecosystem services and the 2nd respondent cannot claim any legal right to proceed to destroy this unique ecosystem.

It is therefore prayed that this Hon'ble Tribunal may be pleased to allow the application as prayed for, and thus render justice.

B.V. Tejah
APPLICANT

VERIFICATION

I, Tejah Balantrapu, the 1st applicant herein, do hereby verify that the contents in the above paragraphs are true to the best of my knowledge and based on legal advice and that I have not suppressed any material fact. I state that I have been authorized by the 2nd and 3rd applicants herein to affirm the contents of the above paragraphs.

Date : 21/11/24
Place : Hyderabad

B.V. Tejah x
Signature of the Applicant



ATTESTED
G. SHOBHA M.A.L.L.M
Advocate & Notary
H. No: 1-1-772/1, Brahmanwadi,
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Appointed by Govt. of India

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