

**BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE)
AT CHENNAI**

O.A No. 185 of 2025

Prathiba. R & Another

... Applicants

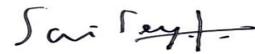
Vs.

1.Union of India & Others

... Respondents

REPLY FILED BY MoEF&CC -1st RESPONDENT

Dated at Chennai this the 15th day of December 2025.



Counsel for Respondent-1 (MoEF & CC)

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**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN
BENCH, CHENNAI**

ORIGINAL APPLICATION NO. 185 OF 2025

IN THE MATTER OF:

Prathibha R & Anr.

...Applicant

Versus

Union of India & Ors.

... Respondents

**COUNTER AFFIDAVIT ON BEHALF OF THE MINISTRY OF
ENVIRONMENT, FOREST AND CLIMATE CHANGE.**

MOST RESPECTFULLY SHOWETH:

I, Dr. R. Sridhar, currently working as Scientist "D" at the Ministry of Environment, Forest and Climate Change (MoEF&CC), Bangalore, do hereby solemnly affirm and state as under:

1. That I, in my official capacity in the Ministry of Environment, Forest and Climate Change, in the above mentioned matter, am conversant with the facts and circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit.


डॉ. आर. श्रीधर / Dr. R. Sridhar
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Kendriya Sadan, Koramangala, Bengaluru - 560034

2. That the present Original Application has been filed stating that the 2nd and 3rd Respondents are illegally attempting to construct a 3-lane underground access-controlled twin tunnel (6 lanes in total) connecting Hebbal Esteem Mall Junction to Silk Board KSRP Junction, along with entry and exit ramps, without obtaining the mandatory Environmental Clearance (EC) as required under the EIA Notification, 2006.
3. The applicant has further stated that, the Respondents have already invited tenders and commenced preparatory activities for the project in undue haste, without conducting any environmental impact assessment, despite the fact that Bengaluru's environment and civic infrastructure are already under severe stress. According to the Applicant, the proposed project qualifies as a new highway, requiring prior EC under Entry 7(f) of the EIA Notification, 2006. Alternatively, even if not treated as a highway, it would still fall within the scope of an area development project under Entry 8(b) of the said Notification, thus necessitating prior environmental clearance.
4. That, the Applicant has further stated that proceeding with the project without obtaining EC is in violation of the judgments of the Hon'ble National Green Tribunal in O.A. No. 243 and 245 of 2016 (Neeliah v. Union of India), and contravenes the principles of sustainable



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development as well as the fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India.

5. That, the answering Respondent respectfully submits that under the Environment (Protection) Act, 1986, the Ministry has issued various notifications, guidelines, and policy directions concerning afforestation, environmental safeguards, and mitigation measures in linear infrastructure projects. The development and maintenance of green belts alongside highways is a recognised environmental best practice, and the Ministry fully supports its implementation through applicable statutory frameworks.
6. That, under clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (hereinafter "1986 Act"), the Central Government is empowered to make rules for the purpose of protecting and improving the environment. In exercise of such powers, the answering Respondent had issued the Notification no. S.O. 1533(E) dated 14th September, 2006 which requires certain projects to obtain prior Environmental Clearance ("EC") before any construction work in case of new projects or expansion and modernization of existing projects or activities. The Schedule to the Notification details the categories or Projects or Activities which require prior environmental clearance.



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7. That, all Projects and Activities are broadly categorized into two categories - Category "A" and Category "B", based on the spatial extent of potential impacts and potential impacts on human health and natural and manmade resources. All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, require prior environmental clearance from the Central Government in the Ministry of Environment, Forest and Climate Change (MoEF&CC) and all projects or activities included as Category 'B' in the Schedule require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA).
8. That, in exercise of the powers conferred upon the Central Government under sub section (3) of section 3 of the Environment (Protection) Act, 1986 and in accordance with the procedures specified in the EIA Notification, 2006, SEIAAs have been constituted in different States/UTs to discharge the functions of the regulatory authorities for the respective States/UTs. It is humbly submitted that State Environment Impact Assessment Authority (SEIAA) Karnataka, is a regulatory authority in the instant matter.



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9. That, the answering Respondent, in this regard humbly submits that under the Schedule to the EIA Notification, 2006, as amended, relating to the list of activities requiring prior Environmental Clearance, Highways are covered under entry 7(f) of Clause (7) of the said Schedule and, the same is reproduced below:-

	Project or Activity	Category with threshold limit		Conditions if any
		A	B	
(1)	(2)	(3)	(4)	(5)
7		Physical Infrastructure including Environmental Services		
7(f)	Highways	i. New National Highways; and ii. Expansion of National Highways greater than 100 km involving additional right of way or land acquisition greater than 40m on existing alignment and 60 m on re-alignment or by-passes	i. All New State High ways projects; ii. State Highway expansion projects in hilly terrain (above 1000 m AMSL) and/or ecologically sensitive areas	General Condition shall apply Note: Highways include Expressways

R.S.R.

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10. It is humbly submitted that, under the provisions of the EIA Notification, 2006, linear infrastructure projects including highways fall under entry 7(f) of the Schedule, and are subject to prior Environmental Clearance (EC) either from the Ministry or the respective State Level Environment Impact Assessment Authority (SEIAA), depending on the category of the project. Environmental Management Plans (EMPs) submitted at the time of appraisal include mandatory greenbelt development and plantation along project corridors, as one of the mitigation measures.
11. That the answering Respondent respectfully submits that the EIA Notification, 2006 does not contain any standalone provision prescribing Environmental Clearance specifically for the activity of constructing an underground tunnel by itself. The Schedule to the Notification lists projects and activities that require prior EC, and tunnels as an independent category do not form part of the said Schedule.
12. That an underground tunnel becomes subject to prior Environmental Clearance only when it forms an integral part of a project or activity expressly listed in the Schedule, such as a highway covered under Entry 7(f). Therefore, there is no separate or independent requirement of prior EC exclusively for the construction of a tunnel under the EIA Notification, 2006.



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13. In light of the above, the answering Respondent respectfully submits that the EIA Notification, 2006 does not prescribe any independent requirement for obtaining Environmental Clearance exclusively for the construction of an underground tunnel. The mandate of prior EC applies only when the tunnel is part of a project expressly listed in the Schedule, such as highways under Entry 7(f). In the absence of any statutory provision for granting EC to a tunnel as a standalone activity, no question arises of a separate or isolated EC for the tunnel component. The submissions made herein may kindly be taken on record, and this Hon'ble Tribunal may pass such orders as may be deemed appropriate in the facts and circumstances of the case.

14. The answering Respondent craves liberty to file additional information, if any, till *pendente lite*.



DEPONENT

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VERIFICATION

I, the aforementioned Deponent do hereby declare on this 3rd day of December 2025, at Bengaluru, that the contents of the affidavit are true to my knowledge and belief and nothing material has been concealed therefrom.



DEPONENT

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