

BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
OA. NO.115 OF 2023

IN THE MATTER OF:-

Sri Kakani Abilash Chowdhary  
R/o Garla Voddu Village,  
Enkooor Mandal  
Khammam District,  
Telangana State.

.....Appellant(s)

Versus

State of Telangana & Others.

.....Respondent(s)

**REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO.03**

**MINES AND GEOLOGY DEPARTMENT**

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*Hasmeeenali*

**Mrs. H. YASMEEN ALI,  
COUNSEL FOR THE 3rd RESPONDENT**

PLACE: CHENNAI  
DATE: 07.07.2024

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**SOUTHERN ZONE BENCH AT CHENNAI**  
**ORIGINAL APPLICATION NO:115 OF 2023**

**IN THE MATTER OF:**

**Sri Kakani Abilash Chowdhary**  
R/o Garla Voddu Village,  
Enkooor Mandal  
Khammam District,  
Telangana State

.... Appellant(s)

Versus

1. State of Telangana & Others.

.... Respondent(s)

**REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO.03**

1. I, R. Sainath, S/o. Late R. Narasimha Rao, aged about 57 years, Occ: working as Assistant Director of Mines and Geology, Khammam District, Telangana State do hereby solemnly affirm and sincerely state on oath as follows:
2. I am sufficiently conversant with the facts of the case and have also examined all relevant documents and records available with me, in relation thereto.
3. I submit that Sri Kakani Abilash Chowdhary R/o Garlavoddu Village, Enkooor Mandal Khammam District, filed O.A.No.368 of 2022 before the Hon'ble National Green Tribunal, New Delhi on Dt:24.03.2022 stating that the hills and forests around his village are being completely destroyed due to operation of stone crushers by some non-tribal's and also illegal mining in and around the village destroying the forest area causing severe air & noise pollution leading to damaging endangered hills and forests which is adversely affecting the wild animals. Further complained that, M/s. Sri Lakshmi Narsimha Stone Crusher is plying heavy lorries and tractors with 14, 12, 10 tyres from the village thereby damaging the village roads and creating problems to the villagers.
4. In this connection, the Hon'ble National Green Tribunal, New Delhi vide order dated.24.05.2022 has constituted the Joint Committee comprising of
  - 1) The Principal Secretary, Ministry of Tribal Affairs,
  - 2) The Chief Conservator of Forests (HoFF), Government of Telangana,
  - 3) The State Pollution Control Board, Telangana State,
  - 4) The Collector & District Magistrate, Khammam.

  
ATTESTOR

**Asst. Geologist**  
**O/o. Asst. Director of**  
**Mines & Geology, Khammam.**

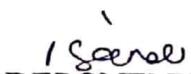
*1 Serial*  
DEPONENT  
**ASST. DIRECTOR OF MINES & GEOLOGY**  
**KHAMMAM**

Hon'ble NGT, New Delhi directed the joint committee to undertake the site visit, look into the grievance of the complainant and take requisite action by following the due process of Law and submit its report.

5. It is further submitted that based on the directions of the Hon'ble National Green Tribunal, New Delhi, the Joint Committee has conducted site inspection to ascertain the facts mentioned in the O.A 368 of 2022, Dated:21.10.2022 and present status. At the time of inspection, the complainant Sri Kakani Abhilash Chowdary was also present and accompanied for inspection. The villagers and Sri Bhukya Kranthi, Sarpanch of Garlavaddu village were also present. The joint inspection committee has conducted inspection and submitted report Dt:31-10-2022 to the Hon'ble National Green Tribunal, New Delhi with the following recommendations.

- i. The mine owner may be directed to stop the mining till they obtained Environment Clearances (EC) from Ministry of Environment, Forest & Climate Change (MoEF & CC), Govt. of India.
- ii. The crusher shall not operate without valid Consent for operation (CFO) of the Telangana State Pollution Control Board (TSPCB) and shall take pollution control measure viz.
  - Providing dust bunkers to store the stone dust
  - Providing wing breaking walls around the stone crusher to control fugitive emissions to the surrounding area.
  - Providing cladding with MS sheets to all the conveyor belts.
  - Laying of metal roads within the industry premises
  - Providing of sprinklers within the industry & mine premises to control dust pollution.
- iii. The stone crusher and mine owner shall develop thick greenbelt in the all the vacant areas of this crusher and mine.
- iv. The joint committee recommends that the DMFT committee take up developmental works under DMFT funds in the villages, as it is a directly affected areas due to mining.
- v. The joint committee recommends that the DMFT committee take up developmental works under DMFT funds in the villages, as it is a directly affected areas due to mining.

  
 ATTESTOR  
 Asst. Geologist  
 O/o. Asst. Director of  
 Mines & Geology, Khammam

  
 DEPONENT  
 ASST. DIRECTOR OF MINES & GEOLOGY  
 KHAMMAM

6. The above case came up for hearing before the Hon'ble National Green Tribunal, New Delhi on 02.11.2022. In view of the averments made in the original application and observations / recommendations of the joint committee, the Hon'ble Tribunal have issued order dated:02-11-2022 that it is considered appropriate to have response of respondents 1 to 7 and directed the Registry to issue notices to the respondents 1 to 7 requiring them to file their reply / response at judicial-ngt@gov.in preferably in the form of searchable PDF /OCR supported PDF and not in the form of image PDF.
7. In this regard, this office vide Lr.No.10681/Complaint/NGT/2022, Dated:13.02.2023 has submitted report to the Hon'ble NGT, New Delhi stating that:
- " Sri Munupati Jayasimha has filed application dated.12.06.2008 for grant of quarry lease for Building Stone and Road Metal over an extent of 1-00 Hectare in Sy.No.200/TA (Patta Land) of Jannaram village, Enkoor Mandal, Khammam District duly enclosing the caste certificate as per which he is recognized as ST (Schedule Tribe). The Tahsildar, Enkoor mandal has furnished NOC vide Lr.Rc.No. C/1154/08, dt:07.07.2008 stating that on spot enquiry on verification of the record it is revealed that the proposed land 1-00 hectare in Sy.No. 200/TA of Jannaram village, Enkoor Mnadal is hillock and covered with rocks and bushes, which is existing within 3<sup>1/2</sup> K.M from the Jannaram village one K.M from R&B road leading from Khammam to Bhadrachalam. The Classification of the proposed land is dry patta land and it is unfit for cultivation and 1-00 hectare land is available for grant and enclosed the location sketch.*
  - Based on the above report of the Tasildhar, the quarry lease for Building Stone and Road Metal over an extent of 1-00 Hectare in Sy.No.200/TA (Patta Land) of Jannaram village, Enkoor Mandal, Khammam District was granted in favour of Sri Munupati Jayasimha for a period of 10 Years by the Deputy Director of Mines and Geology, Warangal vide Proceedings No.2558/Q3/2008, Dt.23.03.2009. The said Quarry lease deed was executed and work order issued to Sri Munupati Jayasimha to commence Quarry operations, by the Asst. Director of Mines and Geology, Khammam vide proccgs No.3423/Q/2008, Dt.20.08.2009. The said Quarry lease period is from 20-08-2009 to 19-08-2019.*
  - Subsequently the Quarry lease holder Sri Munupati jayasimha has filed application for 1st renewal of said Quarry lease with in the stipulated time i.e. on 26.02.2018 and the same is under process. The said Quarry Lease is not in operation since then. Further it is submitted that the Lease holder has obtained the following statutory clearances (copies enclosed):*

  
ATTESTOR

**Asst. Geologist**  
**O/o. Asst. Director of**  
**Mines & Geology, Khammam.**

*Sri*  
DEPONENT  
**ASST. DIRECTOR OF MINES & GEOLOGY**  
**KHAMMAM**

- *Environment Clearance(EC) vide EC identification No.EC22B001TG167211, Dated:13-12-2022 issued by the State Environment Impact Assessment Authority (SIEIAA), Telangana, Ministry of Environment Forest and Climate Change, Government of India.*
- *Consent for Establishment (CFE) vide Order No:450-KGM/TSPCB/ZO-HYD/CFE/ 2023-647, Dated:21-01-2023 issued by the Joint Chief Environmental Engineer, Telangana State Pollution control Board, Zonal office, Hyderabad valid for five (05) years from the date of issue.*
- *Consent order (CFO) vide Order No.450-KGM/TSPCB/ZOH/CFO/2022-648, Dated.21-01-2023 issued by the Joint Chief Environmental Engineer, Telangana State Pollution control Board, Zonal office, Hyderabad valid for a period ending with 13-11-2027.*

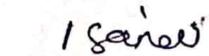
d) *It is submitted that no stone crushing operation is going on in the stone crusher unit held by M/s. Sri Laxmi Narasimha Stone Crusher (Presently operating in the name of M/s. Sri Jaya Santhoshi Narsimha Stone Crusher) located in Sy.No.200/TA of Garlavoddu village, Enkooor Maandal, Khammam District ”.*

8. Further submitted that the above said Quarry Lease held by Sri Munupati jayasimha is located adjacent to the Stone Crusher Unit held by M/s. Raviteja Project. Further the representative of the Stone Crusher unit has informed that, they have procured raw material from Quarry lease for Stone & Metal held by Sri.Munupati Jayasimha over an extent of 1.00 Hect in Sy.No.200/TA, of Jannaram Village, Enkooor Mandal, Khammam District and also informed that, the stone crusher is not working since last 3 months.

a) Further, submitted that, as per this office records earlier M/s. Sri Jai Santhoshi Narasimha Stone Crusher (Locally called Sri Lakshmi Narasimha Stone Crusher) was established in Garlavoddu Village H/o Jannaram Village in Sy.No.200/TA, and the unit holder obtained consent & Authorization order vide No.298-KGM/TSPCB/ ZOH/TS-ipass/CFO/2020-682, Dated:24.01.2020 from the Telangana State Pollution Control Board, Hyderabad. This order is valid for the period ending with 28.02.2022. Later, they have modified and re-established new stone crusher in the same area in the name of M/s. Raviteja Projects, Mg.Partner: Smt Jasti Padmaja and obtained mineral dealer license vide No.5393/MD-1/KMM/2018, dated.20.11.2018 for Processing, Storing, Selling & Trading of Stone & Metal Mineral from the Dy.Director of Mines & Geology, Warangal and valid upto 19.11.2023.

  
ATTESTOR

**Asst. Geologist**  
O/o. Asst. Director of  
Mines & Geology, Khammam.

  
DEPONENT

**ASST. DIRECTOR OF MINES & GEOLOGY**  
**KHAMMAM...5**

- b) Further, the Regional Vigilance and Enforcement Office, Warangal Unit Officials, the Tahsildar, Enkoor Mandal along with their staff and this office Technical staff have conducted joint inspection of Stone Crushing unit held by M/s.Raviteja Projects, Mg.Partner Smt. Jasti Padmaja situated in Sy.No. 200/TA Jannaram Village, Enkoor Mandal Khammam District on 18.07.2022. Further the noticed that the unit holder has stocked the processed stone aggregate for the quantity of 2185 MT at the site which was recorded before the supervisor of the unit.
- c) Subsequently, the Regional Vigilance and Enforcement Officer, Warangal has issued notice to the stone crusher unit holder i.e., M/s.Raviteja Project to produce documentary evidence of having paid seigniorage fee for the available stock along with statutory records /documents within 7 days from date of the receipt of the notice. But they did not produced documentary evidence of seigniorage fee paid. Further the Regional Vigilance and Enforcement Officer, Warangal vide Lr. Rc.No.45/RVEO/Wgl/ NR.1 /2022, dated.30.09.2022 requested to take necessary action to realize the evaded normal seigniorage fee with other taxes i.e. Permit fee, DMFT, SMET along with five (05) times penalty of Rs.10,11,217/- from the stone crusher unit M/s. Raviteja Project, Mg. Partner: Smt. Jasti Padmaja as per TMMC Rules, 1966.
- d) Accordingly, this office has issued Demand Notice No.9477/REVO-WGL/2022, dated.22.10.2022 to M/s.Raviteja Project: Mg.Partner: Smt. Jasti Padmaja to pay the penalty amount of Rs.8,52,150/- (towards Normal Seig.fee of Rs.1,42,025/- along with 05 times penalty of Rs.7,10,125/-).
- e) Aggrieved by the above said Demand Notice, M/s.Raviteja Project: Mg.Partner: Smt. Jasti Padmaja has filed Revision application before the Government of Telangana stating that she is a special class Civil Contractor and executing works with various Government Departments and in execution of such works, she is using Stone Metal of various sizes. The required metal was also conveyed from the crusher with in the lead mentioned in the agreement and also the above material is required for utilization in the bonafied Government work only and requested to consider and allow her Revision application and set aside the Demand Notice and waive of the penalty mentioned in the Demand Notice. The orders in the matter are awaited from the Revision authority, Government of Telangana.

  
 ATTESTOR  
 Asst. Geologist  
 O/o. Asst. Director of  
 Mines & Geology, Khammam.

  
 DEPONENT  
 ASST. DIRECTOR OF MINES & GEOLOGY  
 KHAMMAM

- f) Further, it is submitted that this office vide Lr.No.9475/RVEO-WGL/2022, Dt:27.12.2022 has requested the Asst. Divisional Engineer, TSNPDCL, Thallada to disconnect the power supply to the stone crusher unit held by M/s.Raviteja Project: Mg.Partner: Smt. Jasti Padmaja until further orders.

It is submitted that the O.A. 368 of 2022 registered by the Principal Bench of the National Green Tribunal, New Delhi has been transferred to Hon'ble National Green Tribunal Southern Zone, Chennai and renumbered as Original Application No.115 of 2023(SZ).

In continuation to the report submitted vide Lr.No.10681/Complaint/NGT/2022, Dated:13.02.2023, this office has addressed a Letter No.9477/REVo-WGL/2022, Dt:23-04-2024 to the Superintending Engineer, TSNPDCL, Mamillagudem, Khammam City & District to disconnect the power supply to the stone crusher unit held by M/s.Raviteja Project: Mg.Partner: Smt. Jasti Padmaja in Sy.No.200/TA of Garlavoddu village, Enkoor Mandal Khammam District at the earliest in the interest of Government Revenue. The Stone Crusher unit is not working.

Further it is submitted that as per this office persuasion, the stone crusher unit holder M/s. Raviteja Project: Mg. Partner: Smt. Jasti Padmaja has paid the normal Seigniorage Fee as per the Demand Notice issued by this office, along with other statutory payments as detailed below.

Sl. No.	Challan No. & Reference No.	date	Amount Paid in Rs.	Particulars of amount paid
1	6400365562	14-05-2024	1,42,025	Normal Seig. Fee
2	6400365546	14-05-2024	1,13,620	Permit Fee
3	KKBKH24135779109	14-05-2024	42,607	DMFT
4	KKBKH24135778017	14-05-2024	2,840	SMET

The stone crushing unit has submitted a notarized affidavit stating that he will abide by the orders of the Government on the Revision application filed by them. The final orders are awaited from the Revision authority, Government of Telangana.

In this connection, it is humble submitted that the Quarry lease holder Sri Munupati Jayasimha has obtained the statutory clearances viz., Environment Clearance from SEIAA, Telangana, Consent for Establishment (CFE) & Consent for Operation (CFO) from Telangana State Pollution Control Board. Further, the Deputy Director of Mines and Geology, Warangal has granted Renewal of quarry lease for Building Stone and Road Metal was granted over an extent of 1-00 Hectare in Sy.No.200/TA (Patta Land) of Jannaram village, Enkoor Mandal, Khammam District in favour of Sri Munupati Jayasimha for a further period of twenty (20) years with effect from 20-08-2019 vide Procs.No. R/KHM/0050, Dt.20-03-2023. The said

ATTESTOR

Asst. Geologist  
O/o. Asst. Director of  
Mines & Geology, Khammam,

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Renewal Quarry Lease Deed was executed and work order issued by this office to commence Quarry operations for a further period of 20 years with effect from 20-08-2019 to 19-08-2039 vide this office Proecs.No.1965/Q/2018, Dt.11-09-2023. Further, the stone crusher unit holder M/s.Raviteja Project: Mg. Partner: Smt. Jasti Padmaja has also paid the normal Seigniorage Fee as per the Demand Notice issued by this office, along with other statutory payments and filed Revision application.

Further it is submitted that the quarry lease holder Sri Munupati Jayasimha is tribal and obtained all statutory clearances viz., EC, CFE& CFO from the competent authorities. Sri Munupati Jayasimha was granted renewal of quarry lease and lease is in force upto 19.08.2039. Sri Munupati Jayasimha has complied with all the recommendations / stipulations of the joint committee constituted by Hon'ble NGT, New Delhi. The stone crushing unit held by M/s. Sri Jai Santhoshi Narasimha Stone Crusher is having valid CFO vide No. TSPCB-TECH/CFO/14/2023-TECHNICAL-TSPCB, dated:08.03.2023 which is valid for a period upto 28.02.2032.

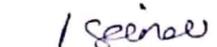
In light of the above facts and submissions, it is therefore prayed the Hon'ble National Green Tribunal (Southern Zone) Chennai to close the O.A No.115 of 2023 (SZ) and pass such order or other order (s) as deemed fit in the circumstances of the case in the interest of justice.

Date: .07.2024.

Place: Khammam.

  
ATTESTOR

  
Asst. Geologist  
O/o. Asst. Director of  
Mines & Geology, Khammam

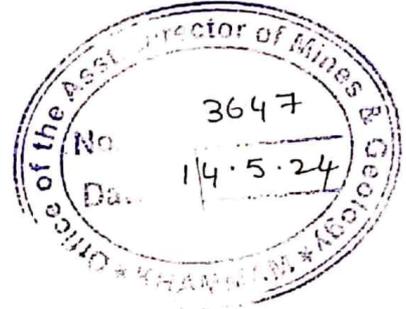
  
DEPONENT

  
ASST. DIRECTOR OF MINES & GEOLOGY  
KHAMMAM

8 RE  
1 samow  
14/5/24

Dated:14.05.2024.

To  
The Asst. Director of Mines and Geology,  
Khammam.



Sir,

Sub: Submission of original challans - Reg.

Ref:9477/RVEO-Wgl/2022 dt:22.10.2022 issued by the Regional Vigilance  
and Enforcement Office, Warangal .

<>

I submit that with regard to above reference, I have paid the following  
amounts mentioned in the Demand notice issued by the Regional Vigilance and  
Enforcement Office, Warangal and herewith enclosed original challans for kind  
perusal .

Sl.No.	Challan.No/Ref.No.	Date	Amount	Towards.
1	6400365562	14.05.2024	142025	Normal.S.fee
2	6400365546	14.05.2024	113620	Permit fee
3	KKBKH24135779109	14.05.2024	42607	DMFT
4	KKBKH24135778017	14.05.2024	2840	SMET

Thanking you sir.

Yours faithfully,

M/s Ravi Teja Projects  
Garlotu Vg, Enkooor (Mdl),  
Khammam District .



### Transfer Details

Reference No. (UTR No/RRN)  
~~XXXXXXXXXX~~ KKBKH24135779109

Date & Time  
14-May-2024 - 2:09 PM

*1 series  
12/5/24*

Transfer Amount  
₹42,607.00

Beneficiary Name  
DMFT

Bank Name  
STATE BANK OF INDIA

Account Number  
62461315108

IFSC  
SBIN0020780

Remarks  
RAVITEJA PROJECTS DMFT

**Transfer Details**

Reference No. (UTR No/RRN)

**KKBKH24135778017**

Date &amp; Time

**14-May-2024 - 2:05 PM**

Transfer Amount

**₹ 2,840.00**

Beneficiary Name

**SMET**

Bank Name

**STATE BANK OF INDIA**

Account Number

**38462413079**

IFSC

**SBIN0020263**

Remarks

**RAVITEJA PROJECTS SMET**



GOVERNMENT OF TELANGANA

ORIGINAL

STO : Khammam

TREASURY/PAO Code:

3 1 0 1

Treasury Challan No :

6400365562

Major Head :

0 8 5 3 Non-Ferrous Mining and Metallurgical Industries

Sub-Major Head :

0 0

Minor Head :

1 0 2 Mineral Concession Fees Rents and royalties

Group Sub-Head:

0 0

Sub-Head :

0 2 Royalty on Minor Minerals

Detailed Head :

0 0 0

Sub-Detailed Head :

0 0 0

Non-Plan/Plan :

N

Charged/Voted :

V

Non-Contingency/Contingency :

N

DDO Code:

31011307001

Amount Rs. :

142025

in words Rupees :

ONE LAKH FORTY TWO THOUSAND TWENTY FIVE ONLY

Purpose :

S Fee

Remitter's Name & Address:

RAVITEJA PROJECTS Sy No.200TA, Garlavoddu Village, Enkooor , 7780205348

Remitter's Signature:

Head of Account verified

Dated 30-04-2024

S.T.O/T.O

Received Rs

S.T.O/Bank Manager

by transfer through RTGS/NEFT.....

Bank Branch Code :

[Redacted]

Note: Seperate challan should be used for each detailed head

Handwritten initials: SC

Stamp: 6369545 B. SUBBANNA

Stamp: 14 MAY 2024

Stamp: CASH/TRANSFER

Stamp: Initials

Stamp: Journal No. / Cheque ID No.

Stamp: User ID No. / Queue No.

Stamp: Khammam

Stamp: Treasury

