

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
I.A. No. 712 of 2025
IN
EXECUTION APPLICATION No. 2 of 2025
IN
APPEAL No. 148 of 2015**

IN THE MATTER OF:

E.A.S. SARMA

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

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THROUGH



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PLACE:- NEW DELHI

DATE: 18.04.2026

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH AT NEW DELHI****I.A. No. 712 of 2025****IN****EXECUTION APPLICATION No. 2 of 2025****IN****APPEAL No. 148 of 2015****IN THE MATTER OF:**

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**REJOINDER TO REPLY BY RESPONDENT NO. 3 IN I.A. NO. 712 OF
2025****MOST RESPECTFULLY SHOWETH:**

1. That the above-titled I.A. No. 712 of 2025 has been filed on behalf of the Applicant in the above-titled Execution Application seeking directions from this Hon'ble Tribunal under Section 19(4)(b) of the National Green Tribunal Act, 2010 praying for the Respondent No. 2 and 3 to produce documents as mentioned in their Reply dated 24.07.2025 and 29.07.2025.
2. That vide Order dated 07.11.2025, this Hon'ble Tribunal directed the Respondents to file their Reply to the concerned I.A. The Respondent No. 3 (hereinafter referred to as Project Proponent) filed its Reply to the I.A. on 02.02.2026 stating that all documents have been uploaded on their website on dates such as 01.02.2026, 21.01.2026, 09.01.2026, 18.11.2025 and 15.10.2025 in Para 5 of the Reply. It is submitted that the Respondent has not provided any link to the key portions of the website to access the required documents which has been relied upon by them. It is pertinent to point out that the Applicant is facing difficulty in navigating through the website of APCRDA to locate the requisite

information and is not sure, if such documents are available on the website or not. The Applicant was able to access interim report of hydro-geomorphological but was not able to locate the other documents which the project proponent has relied upon to show the compliance of the judgement dated 17.11.2017 of this Hon'ble Tribunal.

3. That the Applicant is unable to find on their website or even in the record of this Hon'ble Tribunal, the following documents which the Respondent No. 3 is relying upon to show the compliance:

- (i) Report of the International Council for Local Environmental Initiatives as stated to be submitted by October, 2025 (Item (7), Para 46 at relevant page 252-253, Reply by Respondent No. 3).

It is submitted that Respondent No. 3 states that the Report was uploaded on APCRDA website on 21.01.2026, however, no link to access the Report was provided. The Applicant herein tried to locate this Report however, was not able to find any such Report.

- (ii) Report of the Advisory Committee chaired by Prof. C.R. Babu constituted by the Respondent No. 3, for greenery guidelines for the Capital Region, with specific focus on conservation and ecological restoration of hills and hillocks (Item (8), Para 46 at relevant page 254-255, Reply by Respondent No. 3)

In this regard, the Respondent No. 3 has submitted that the Committee was not mandated to give any such Report. However, in this regard, it is submitted that in order to show compliance of direction of this Hon'ble Tribunal, the Respondent No. 3 should submit a copy of Report before this Hon'ble Tribunal. Further, it is pertinent to point out that no minutes of discussion either filed with the Reply or

found uploaded on the official website of Respondent No.

3.

- (iii) Compliance and Status Report of Supervisory Committee dated 16.04.2018 submitted before this Hon'ble Tribunal [vide Covering Letter No. 453/Sec.I/2018 dated 16.04.2018 of the EFS&T Department, Govt. of Andhra Pradesh] (Para 48 @ relevant page 258, Reply by Respondent No. 3).

It is submitted that the Respondent No. 3 states in their Reply about observation of this Hon'ble Tribunal that Applicant may approach on the administrative side for any reference to such documents. In this regard, it is submitted that the Applicant first perused the official website of this Hon'ble Tribunal but was unable to find any such Reports. Thereafter, the counsel for the Applicant went to the Registry and inspected the entire record of Appeal No. 148 of 2015 and also enquired the Registry regarding availability of the documents. However, the copy of same was not available on the records. The Applicant herein was also sent an email on 17.01.2026 to the counsel of Respondent No. 3 for providing the copy of the Reports however, no response was received. The Applicant also applied for certified copy on 19.01.2026 for the Reports submitted before the Hon'ble Tribunal. The counsel for the Applicant only received Report dated 21.04.2025 and not any other Report, particularly the Report dated 16.04.2018. It is pertinent to point out as per direction of this Hon'ble Tribunal, the Committee were required to submit Report every six months and the first Report was to be submitted after expiry of three months.

- (iv) Minutes of the Meetings of the Implementation Committee held on 14.02.2018, 03.12.2018, 21.01.2025 and 10.07.2025 (Para 49 @ relevant page 259, Reply by Respondent No. 3).

It is submitted that the Respondent No. 3 stated in their Reply that copy of the Minutes of Meetings are available with APPCB. It is submitted that no link was provided by Respondent No. 3 to access those Minutes of Meetings. Further, when Applicant tried to locate those Minutes was not able to find on the website of APPCB. The Applicant has applied for certified copy of these Minutes of Meetings to this Hon'ble Tribunal however, have not received the copy of same.

- (v) Latest Reports of the Supervisory and Implementation Committee as mentioned in both Para 50 of Reply by Respondent No. 3, and Para 9 of Reply by Respondent No. 2, respectively (Para 50 @ relevant page 259, Reply by Respondent No. 3; Para 9 @ relevant page 310, Reply by Respondent No. 2).

It is submitted that in this regard, the Respondent No. 3 states in their Reply about observation of this Hon'ble Tribunal that Applicant may approach on the administrative side for any reference to such documents. In this regard, it is submitted that the Applicant first perused the official website of this Hon'ble Tribunal but was unable to find any such Reports. Thereafter, the counsel for the Applicant went to the Registry and inspected the entire record of Appeal No. 148 of 2015 and also enquired the Registry regarding availability of the documents such as the Supervisory Committee Reports dated 16.04.2018 and 21.04.2025, as well as the

Implementation Committee Reports as mentioned in both Para 50 of the Reply by Respondent No. 3. However, the copy of same was not available on the records. The Applicant herein was also sent an email on 17.01.2026 to the counsel of Respondent No. 3 for providing the copy of the Reports however, no response was received. The Applicant also applied for certified copy on 19.01.2026 for the Reports submitted before the Hon'ble Tribunal. The counsel for the Applicant only received Report dated 21.04.2025 and not any other Report, particularly the Report dated 16.04.2018.

The Respondent No. 3 also states that Reports of the Implementation Committee are available with APPCB, however, the Applicant was unable to locate any such Report.

4. It is submitted from the above, that the Respondent No. 3 has made no effort to submit a link or copy of any of the documents, they have alleged to have uploaded on their official website to support their contentions.
5. It is submitted that the majority of the Reports mentioned above have been alleged to have been uploaded only after the hearing on the last date i.e. 07.11.2025. Hence, it is incorrect to suggest that the Applicant is pursuing the present proceedings with the intention to prolonging the litigation. It is submitted that the Applicant has filed this present Application with only bonafide intention to safeguard the environment and ensure that the directions of this Hon'ble Tribunal in Order dated 17.11.2017 are complied with.

A. NECESSITY OF PRODUCING THE COPY OF REPORTS AND MINUTES OF MEETINGS BEFORE THIS HON'BLE TRIBUNAL

6. That this Hon'ble Tribunal by order and judgement dated 17.11.2017 applied principle of Sustainable Development, Precautionary Principle and Polluter Pays Principle while allowing this project and also ensuring protection of environment and ecology of the city in question. The Hon'ble Tribunal by applying these principles directed for constitution of Supervisory Committee and Implementation Committee in Para 3 of the direction. The Hon'ble Tribunal also directed that the Supervisory Committee shall meet at least once in three months and Implementation Committee shall meet every month. The Committee was also required to ensure timeframe of compliance and do comprehensive inspection of the project. The Hon'ble Tribunal in Para 168(vii) specifically directed for submission of Report by the Committee every six months and also directed that as and when the Reports are received the Registry shall place on record for directions. The direction No. VII of order dated 17.11.2017 reproduced here for reference:

"VII. The Committee shall submit its report to the Tribunal in every six months. However, the first report of the Committee should be placed on record after expiry of three months from the date of pronouncement of this judgment. As and when the reports are received by the Registry, the same shall be placed on record for directions."

As per the above-mentioned directions of this Hon'ble Tribunal, the Committee is required to submit reports every six months. Further, as and when the Committee reports are received by the Registry, the same were required to be put on record for directions. However, as on date, and as per the records available, in Para 48 and 49 at Pg 259, the Project Proponent mentioned that post formation of the new government, the Supervisory Committee met only once i.e. on 09.04.2025, and report

submitted before this Hon'ble Tribunal on 21.04.2025. Further, the Implementation Committee met on 21.01.2025 and 10.07.2025 and no further meetings have been mentioned so far as per the available records. Also, they have not submitted any report as required in Para 168.VII of the order dated 17.11.2017.

7. That further, the Implementation Committee was required to meet every month as per directions in Para 168.III.II. However, they met on two occasions i.e. on 21.01.2025 and 10.07.2025 with a gap of six months. This clearly shows that the Project Proponent has not complied with the directions of this Hon'ble Tribunal.

B. ISSUE OF HYDROGEOMORPHOLOGICAL STUDY:

8. That as per the directions of this Hon'ble Tribunal, the Project Proponent was required to comply with the following:

II. We direct that the following conditions shall be read as part of the environment clearance:

1) The project proponent shall conduct or cause to be conducted a comprehensive study on hydrogeomorphology of the area with a view to effectively plan water retention ponds/reservoirs, storm water drains and their interconnectivity, so as to optimize water conservation, both surface and sub surface.

2) Any alteration of the flood plains by construction of storm water drains, retention ponds and related development within the capital city should be done only after conducting a study.

9. That the purpose of preparing such a hydrogeomorphology report was to ensure that planning of water retention ponds/reservoirs, storm water

drains and others are effectively done to optimize water conservation. Hydrogeomorphology studies the complex interactions between hydrological processes (water movement) and landforms (geomorphology). It focuses on how water shapes landscapes and how landforms influence water flow, analyzing erosion, sediment connectivity, and channel morphology across various spatial scales, often using geospatial data for landscape analysis.

10. That however, the interim report was submitted on 1.02.2026 and the final and revised report was also uploaded on 1.02.2026 as well (Pg 554). However, by this time major work on the Kondaveeti Vaghu had already started by January, 2025. This renders the exercise of undertaking the entire hydro-geomorphological study infructuous and useless.

11. That further, the Supervisory Committee had met on 9.04.2025, and the Interim Report was submitted by the Report agency- M/s BlueEnergy Build Pvt. Ltd. (BBPL) on 21.04.2025. This clearly shows that the Committee had no chance to review the findings of the study and oversee the conditions imposed by the Hon'ble Tribunal.

12. That the hydro-geomorphological study conducted by BBPL is required to be implemented before the works are undertaken because the main area where the deepening of the water way channel is being undertaken- the natural stream Kondaveeti Vaghu, it gets heavily inundated during monsoon, which then meets River Krishna; and hence, both together cause massive submergence to the nearby areas including key proposed government sites such as the High Court and General Administration Department buildings.

13. That further, this Hon'ble Tribunal vide judgement dated 17.11.2017 in Para 168.II.3) had directed that:

"3) No alteration of the river or natural storm water morphology, flow pattern and location by way of straightening shall be permitted, as such alteration may result in increase of soil erosion, sediment transport due to raised velocity and decrease in ground water recharge which may reduce base flow during the dry season."

14. That as per the above-mentioned order, they could not have undertaken any work on the Kondaveeti Vagu or any other ancillary stream in the city. However, in violation of the directions of this Hon'ble Tribunal, the Project Proponent undertook widening and deepening of Kondaveeti Vagu (Ananthavaram to Vundavalli, 23.60 km); and widening and deepening of Pala Vagu (Dondapadu to Krishnayapalem, 16.70 km) as mentioned in the notification No. G.O. Rt. No. 968 dated 10.12.2024 (Annexure A-1, Rejoinder Pg 496) and Notice Inviting Tender NIT No. 301/ADCL/IPD/2024-25 issued dated 3.01.2025 (Annexure A-2, Rejoinder Pg 502).

15. That the order passed by this Hon'ble Tribunal for allowing the project to continue was with the intention to ensure proper compliance of principle of sustainable development, precautionary principle and polluter pays principle. However, in the present case, the Respondent has miserably failed to comply with the conditions on which the project was allowed to continue. This Hon'ble Tribunal in ***Social Action for Forest and Environment (SAFE) v. Union of India & Ors. (2019 SCC OnLine NGT 392)***, has held that this Hon'ble Tribunal has the powers, right as well as the duty of getting its Orders executed:

"21. 'Polluter Pays' principle can be applied by every regulatory authority and compensation can be and must be recovered from every polluter and the amount which is

*to be recovered spent for the restoration of the environment. **Mere passing of orders by the Tribunal is of no value unless the same are faithfully executed. Execution is in the hands of the authority. As executing court, it is not only the right but also the duty of this Tribunal to take such measures as may ensure compliance.** Mode of execution is laid down in CPC (Section 51), i.e., arrest and detention, appointment of a receiver or in such manner as nature of relief may require. There are provisions for prosecution, including of heads of departments of the Government. On 'Polluter Pays' principle, damages can be recovered not only from the polluters but also from the State functionaries who collude with the polluters. The authorities have not been fully successful in their performance of duties to protect environment."*

16. That the Hon'ble Supreme Court has held in ***State of Madhya Pradesh v. Centre for Environment Protection Research and Development & Ors. (2020) 9 SCC 781***, that an Order of National Green Tribunal are binding and enforceable on governmental authorities. It was held:

*"59. **The orders passed by the learned Tribunal are binding on and enforceable against the Appellant State.** As observed above, the learned Tribunal had the power, authority and jurisdiction to direct the Appellant State to strictly implement compliance with Rules 115 and 116. **An order of the Tribunal under the National Green Tribunal Act is enforceable in the manner provided in Section 25 of the NGT Act."***

17. In these facts and circumstances of the case, the Hon'ble Tribunal may pass direction to place on record all relevant documents including the six-monthly Report as directed in Para 168(vii) of order and judgement dated 17.11.2017 and other documents relied on by Respondent No. 3 to ensure proper compliance of the directions of this Hon'ble Tribunal.

18) Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.


APPLICANT

THROUGH







RITWICK DUTTA RAHUL CHOUDHARY SHREEPURNA DASGUPTA
ADVOCATES

COUNSELS FOR THE APPLICANT

N-73, LOWER GROUND FLOOR,

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MOBILE NO: 9312407881

Email: litigation@dclawchambers.com

Place: New Delhi

Date:

VERIFICATION:

Verified by Emani Anantha Satyanarayana Sarma, s/o Emani Lakshmi Narayana, aged about 84 years, R/o 14-40-41, Gokhale Road, Maharani-peta, Vishakhapatnam-530002 that the contents of Paragraphs 1 to 18 are true to my personal knowledge and nothing material has been concealed therefrom.



My Commission Expires
on 26-05-2029

SANTI SUBRAHMANYAM
ADVOCATE & NOTARY
45-35-26/1, Sri Sai Residency
Bhagannadhapuram, Akkayyapalem,
VISAKHAPATNAM -530 016




APPLICANT

NOTARY
VISAKHAPATNAM
ANDHRA PRADESH
INDIA

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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EAS SARMA

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AFFIDAVIT

I, Emani Anantha Satyanarayana Sarma, s/o Emani Lakshmi Narayana, aged about 84 years, R/o 14-40-41, Gokhale Road, Maharani-peta, Vishakhapatnam-530002, do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the above titled I.A. and conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of the accompanying Rejoinder to Reply in the above-titled I.A. are true and correct and nothing material has been concealed therefrom.

17/04/2026
**NOTARY
VISHAKHAPATNAM
ANDHRA PRADESH
INDIA**

[Signature]
DEPONENT

VERIFICATION

Verified on this 17th day of April, 2026 that the contents of the present affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.



**My Commission Expires
on 26-05-2029**

[Signature]
DEPONENT

17/04/2026
**NOTARY
VISHAKHAPATNAM
ANDHRA PRADESH
INDIA**

**GANTI SUBRAHMANYAM
ADVOCATE & NOTARY
45-35-26/1, Sri Sai Residency
Jagannadhapuram, Akkayyapalem
VISHAKHAPATNAM -530 015**

Rejoinder on behalf of the Applicant in EA No. 02 of 2025 E A S Sarma Versus. Union of India & ors.

1 message

Litigation . <litigation@dclawchambers.com>

Sat, Apr 18, 2026 at 11:59 AM

To: Pramod Kumar Guntur <gunturpramodkumar@gmail.com>, "rahulpratap.adv@gmail.com" <rahulpratap.adv@gmail.com>, Gautam Singh <gautamsinghh.ind@gmail.com>

Cc: Shreepurna Dasgupta <shreepurnadasgupta@proton.me>

Dear Sir/madam,

Please find attached- Rejoinder on behalf of the Applicant in EA No. 02 of 2025 E A S Sarma Versus. Union of India & ors.

Thanks & Regards

Counsel for the Applicant



Rejoinde to R-3 on behalf of the Applicant.pdf

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