

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

ORIGINAL APPLICATION NO. 107 OF 2020 SEZ

Between:

AnumulaRevanthReddy

... Applicant

- Vs-

Union of India & 9
Others

.. Respondents

RUNNING INDEX

Sl. No.	Particulars	Page Nos.
1.	Reply dated. 08.04.2021 of Respondent No. 3 (R&B Department, Govt. of Telangana)	1 — 6
2.	Annexure - 1 Greater Hyderabad Municipal Corporation (GHMC) proceedings dated 04.07.2020.	7 — 8
3.	Annexure - 2 Certificate from the Chief Engineer, Minor Irrigation (Krishna Basin), Hyderabad.	9 — 10
4.	Annexure - 3 Environmental Clearance (EC) Order dated 01.09.2020 issued by State Level Environment Impact Assessment Authority (SEIAA), Telangana for proposed Secretariat Complex of Telangana State Government.	11 — 20
5.	Annexure - 4 Amendment Environmental Clearance(EC) Order dated 25.09.2020 issued by SEIAA for proposed Secretariat Complex of Telangana State Government.	21— 22
6.	Annexure - 5 Consent for Establishment (CFE) Order dated 09.09.2020 issued by TSPCB.	23 — 28
7.	Annexure - 6 Amendment to Consent for Establishment (CFE) Order dated 27.10.2020 issued by TSPCB.	29 — 30
8.	Annexure - 7 Hon'ble High Court, Telangana disposal Order dated 17.07.2020 in WP (PIL) No.155 of 2020.	31— 53
9.	Annexure - 8 Hon'ble NGT, Chennai Order dated 20.07.2020.	54— 65

Date: 08.04.2021.

Place: Hyderabad.

Counsel for the Respondent No. 3

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No: 107 of 2020

Anumula RevanthReddy

Applicant

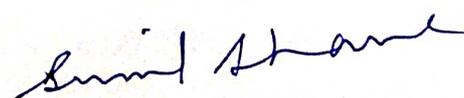
- Vs-

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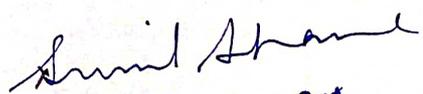
REPLY FILED BY THE 3rd RESPONDENT

1. I, Sunil Sharma, IAS, S/o Sri Rama Datt Sharma, aged about 57 years, Designation: Special Chief Secretary, Roads & Buildings Department, State of Telangana, do hereby solemnly and sincerely affirm and state as follows:
2. I am the 3rd respondent herein and as such I am well acquainted with the facts of the case.
3. It is respectfully submitted that, all the allegations, averments and statements contained in the Application are denied, except those specifically admitted herein. The applicant has prayed, declaring violations of the respondents, as illegal and contrary to the Environment Impact Assessment Notification 2006, Air (Prevention and Control of Pollution) Act 1981, Water (Prevention and Control of Pollution) Act 1974.
4. It is submitted that with regard to the averments in paragraphs 2 & 3 that the GHMC, 5th Respondent herein in its proceedings dated 04.07.2020 accorded permission to the Waste generator (Roads & Building Department) for demolishing of existing buildings with certain conditions. The copy of the permission accorded by the 5th respondent on 04.07.2020 is filed as (Annexure-1). Further it is submitted that the averments contained in paras 2 & 3, as far as the demolition of Secretariat Building is concerned, the 3rd respondent - the Roads & Building Department, who is the waste generator has obtained permission for dismantling of existing Secretariat complex to take up the new structure along with the Construction and Demolition Waste Management plan as per Rule 4 (3) of the Construction and Demolition Waste Management Rule, 2016. Therefore, prior to the demolition of existing buildings, necessary permissions were taken, issued in compliance of the law.



Special Chief Secretary to Govt.,
TR & B Department
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Secretariat, Hyderabad.

5. It is submitted that in response to the para 9, the Regulatory Authority i.e., State Level Environment Impact Assessment Authority (SEIAA), Telangana State, issued Environmental Clearance (EC) to the proposed Secretariat Construction to Telangana State Government on 01.09.2020 vide Order No. SEIAA/TS/OL/HYD-47/2020-297 (ANNEXURE- 3). Subsequently the SEIAA issued amendment to the Environment Clearance due to increase of built up area on 25.09.2020 vide Order No. SEIAA/TS/OL/HYD-47/2020-367 (ANNEXURE - 4). The Telangana State Pollution Control Board (TSPCB) issued Consent for Establishment (CFE) vide Order dated 09.09.2020 (ANNEXURE-5) to the Roads & Buildings Department, Government of Telangana for construction of Secretariat Complex of Telangana State Government. Subsequently, the Respondent Board issued CFE Amendment Order dated 27.10.2020 (ANNEXURE - 6).
6. It is false to state that the 3rd Respondent has not obtained prior clearance from MOEF&CC / SEIAA before initiating the preparation for construction of new Secretariat Building as per EIA notification, 2006. It is submitted that The Regulatory Authority i.e., MoEF & CC, GoI, the 1st respondent herein in his vide letter dated 17.07.2020 issued clarification regarding issue of Environmental Clearance in the case of WP (PIL) No. 155 of 2020. The Hon'ble High Court has taken on record the MoEF&CC letter dated 17.07.2020 and dismissed the WP (PIL) No. 155 of 2020 filed by Prof. P.L. Vishveshwar Rao & another Vs MoEF&CC, GoI. The applicant filed an appeal against the above order, before the Hon'ble Supreme Court of India in S.L.P.(Civil) Diary No:19574 of 2020 and the same was dismissed by the order dated 28.10.2020. Further it is reiterated that, the 3rd respondent has taken all necessary, relevant and statutory permissions from the concerned authorities for demolition of existing buildings.
7. Further it is humbly submitted that All the Draft Plans and Designs were very much ready with the Department, before dismantling the existing structures.
8. It is submitted that the C & D Waste Management Plan was submitted to the GHMC and obtained approval, and the same was scrupulously followed. It is very much wrong to state that the debris is dumped at Jawahar Nagar Dump Yard, but actually the C&D Waste was transported to Jeedimetla where sufficient dump yard is available.



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9. It is submitted that the averment contained in para graph 10 is false and further submitted that the Hon'ble High court dismissed the WP (PIL) No.155 of 2020 on 17.07.2020 after taking into consideration all the relevant aspects.
10. As regards the averments in para 13.1 are concerned, it is respectfully submitted that statutory permissions as per the Construction & Demolition Waste Management Rules 2016 are obtained by this department (Annexure - 1). Further it is humbly submitted that the Hussain Sagar Lake is not falling with the Wetland Rules, 2017. The Roads & Building Department has obtained clarification from the Chief Engineer, Minor Irrigation (Krishna Basin) Department (Annexure-2) that the Wetland Rules, 2017 do not apply to Hussain Sagar Lake as per the definition mentioned in rule 2 (g) of the Wetlands (Conservation and Management) Rules, 2017. (*"Wetland" means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human -made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes*). Hence, Hussain Sagar Lake does not come under the Wetlands (Conservation and Management) Rules, 2017.
11. It is submitted that the averment contained in paragraph 13.2 is totally false and further it is submitted that all the duties of the Waste Generator are responsibly followed and executed in disposing the demolition waste generated by this respondent. The demolition waste and debris was segregated category-wise and transported duly following the rules and safety measures. The Construction and Demolition Waste Management Plan was approved and permitted by the GHMC (Respondent no. 5).
12. It is submitted that the averment contained in paragraph 13.3, 13.5, 13.6 are totally false and incorrect. The Construction and Demolition Waste Management Plan was approved and permitted by the GHMC (Respondent no. 5), duly following all the regulations and permitted with strict guidelines. And the R&B department has scrupulously followed the rules and conditions put-forth by the issuing authority, and all other rules in vogue were strictly followed by the R& B Department.
13. In response to the paragraphs 13.7, 13.8, 13.9 and 13.10 it is baseless, and further submitted that the Hussain Sagar Lake does not fall in the


Special Chief Secretary to Govt.,
TR & B Department
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Wetland Rules 2017 as clearly specified by the concerned department and also it is once again reiterated that all necessary Statutory Permissions were obtained by the Roads & Buildings department, before taking up demolition work. Further it is submitted that all the measures and precautions as suggested by authorities have been scrupulously followed during demolition and while transporting the debris from the site to the C&D Waste processing unit. The debris was segregated category-wise viz., plastic, wood, steel, electrical and others and transported with utmost care. Water was continuously sprinkled during dismantling to suppress the dust, not to fly in the air. Further, it is humbly submitted that all the measures and precautions as per the Environment Impact Assessment Notification 2006, Air (Prevention and Control of Pollution) Act 1981, Water (Prevention and Control of Pollution) Act 1974 and the MoEF were followed throughout the activity of dismantling and transportation of C&D Waste.

14. It is respectfully submitted that the Joint Committee appointed by this Hon'ble Tribunal by order dated 20/07/2020 has filed a Report dated 24/09/2020 wherein the Committee observed that all necessary precautions have been taken to safeguard and protect the environment including the Hussain Sagar Lake. Therefore, the averments and allegations of the applicant are incorrect.

15. As per the Joint Committee report filed before the Hon'ble NGT on 24.09.2020, some of the suggestions and conclusions of the Committee are as follows:-

a. The old Secretariat Administrative Blocks (A, B, C, D, G, H-North, H-South, J, K & L) were demolished during July 6, 2020 to July 19, 2020. The entire Construction & Demolition waste of 1,14,447 MT generated during demolition was transported to M/s Hyderabad Construction & Demolition Waste Private Limited, Jeedimetla during 20.07 2020 to 29.08.2020.

b. During the inspection, the Joint Committee observed that the total demolition was completed. However, the documents provided by the Roads & Building Dept., and the State Ambient Monitoring Project (SAMP) data by TSPCB indicates that, sufficient precautions were taken while demolishing and disposing the Construction & Demolition Waste.


Special Chief Secretary to Govt.,
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- c. Hussain Sagar Lake is situated about 80 metres away from the Secretariat Building Complex and in between, a four lane road (Necklace Road) is situated and there is no possibility of Construction & Demolition Waste run-off to the Lake which causes pollution.
- d. M/s. Hyderabad Construction & Demolition Waste Private Limited, Jeedimetla has received about 1,14,447 MT of Construction & Demolition waste generated from the demolition of Secretariat buildings and the facility is processing the waste.
- e. The waste generated during the demolition of the existing Secretariat building has been sent to the Construction & Demolition facility. However, if any Construction & Demolition waste is further generated during the construction of new Secretariat building, the R&B Department shall dispose the Construction & Demolition waste as per the Construction and Demolition Waste Management Rules, 2016 and the CPCB Guidelines on Environmental Management of Construction & Demolition Waste, 2017.”

16. It is submitted that the applicant has approached this Hon'ble Tribunal on the basis of vague allegations which are contrary to the actual facts. There are no merits in the above application. I have the right to file the additional reply affidavit, if it is necessary.

For the reasons state above, I pray that this Hon'ble Tribunal may be pleased to dismiss the O.A and pass such other or further or orders as are deemed fit and proper of the circumstances of the Case.

Solemnly affirm and sincerely
Singed before me on this the
8th day of April, 2021 at Hyderabad.



Deponent
Special Chief Secretary to Govt.,
TR & B Department
Government of Telangana,
Secretariat, Hyderabad.

VERIFICATION

I, Sunil Sharma, IAS, S/o Sri Rama Datt Sharma, aged about 57 years, Designation: Special Chief Secretary, Roads & Buildings Department, State of Telangana, verified on this the 8th day of April, 2021 that the contents of the reply affidavit all stated above are true and correct as per the records available in the office.

Verified at Hyderabad on this the 8th day of April, 2021.



Deponent

Special Chief Secretary to Govt.,
TR & B Department
Government of Telangana,
Secretariat, Hyderabad.