

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
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.**

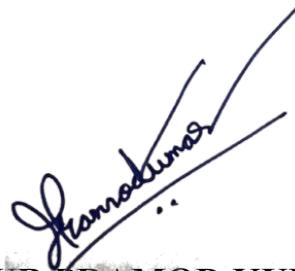
**... RESPONDENTS**

**REPLY/COMPLIANCE AFFIDAVIT ON BEHALF OF  
RESPONDENT NO.3/ANDHRA PRADESH CAPITAL  
REGION DEVELOPMENT AUTHORITY**

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**GUNTUR PRAMOD KUMAR**

**ADVOCATE FOR RESPONDENT NO.3**

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**PLACE:** NEW DELHI

**DATE:** 24.07.2025

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I, K. Kannababu, IAS, S/o Sri K Subba Rao, aged about 56 years, O/o Andhra Pradesh Capital Region Development Authority, Lenin Center, Vijayawada, Krishna District, Andhra Pradesh, do hereby solemnly affirm and sincerely state as under:

1. Presently, I am the Commissioner of the Andhra Pradesh Capital Region Development Authority/Respondent No.3 herein and as such I am well aware of the facts and circumstances of the case based on the records available, and I am authorised and competent to affirm this affidavit.



2. In compliance with the Judgment passed in Appeal No. 148 of 2015 and batch by this Hon'ble Tribunal, the Respondent No.3 respectfully states hereinbelow:
3. Without prejudice to the above, the Respondent respectfully denies all unsubstantiated allegations, averments, and contentions made by the Applicant in the Execution Application, save and except those specifically admitted herein. Any statement not expressly dealt with shall be deemed to have been denied. All submissions herein are made without prejudice and may be read in the alternative wherever so required.

**I. BACKGROUND OF THE CASE:**

4. The Parliament enacted the Andhra Pradesh Re-organisation Act, 2014 (*hereinafter referred to as the "Reorganisation Act"*) which came into force with effect from 02.06.2014, bifurcating the erstwhile State of Andhra Pradesh into two new states i.e. the States of Telangana and Andhra Pradesh.
5. Following the bifurcation of the erstwhile State of Andhra Pradesh in 2014 under the Reorganisation Act, a significant challenge was the designation and location of the capitals of the successor States. Hyderabad had historically served not only as the political capital of the erstwhile State of Andhra Pradesh but also as the seat of the Nizams of the erstwhile



Hyderabad State and therefore, the seat of legislative, administrative and judicial functions of the State. Over the decades it naturally became the educational, financial, industrial and technological hub of the erstwhile State.

6. The importance of Hyderabad can be seen from the fact that immediately after bifurcation, Telangana became only the second State after Gujarat to achieve a revenue-surplus status, whereas the newly created State of Andhra Pradesh became revenue-deficit. This stark fiscal imbalance is intrinsically linked to the absence of a developed capital city and urban infrastructure in Andhra Pradesh. The State continues to be predominantly agrarian, with no major urban centres capable of catering to the educational, employment, industrial, and institutional needs of its population. As a result, a large number of people, specifically the government officials, employees, etc., showed their reluctance to migrate outside Hyderabad after bifurcation.
7. With Hyderabad becoming part of the newly formed State of Telangana, the newly created State of Andhra Pradesh was left with no functional capital or developed urban centre to anchor its administration. This deepened the public sentiment against bifurcation, particularly in the Coastal Andhra and Rayalaseema regions, where loss of Hyderabad as the capital was a permanent loss to the people and the State, which was then the only developed metropolitan hub.



8. Although Section 5 of the Reorganisation Act stipulated that Hyderabad would serve as the common capital for both States for a period not exceeding ten years, this arrangement was merely transitional. In practice, Hyderabad was situated approximately 180 kilometres deep within Telangana territory from the Andhra-Telangana border, making its use as the seat of governance for Andhra Pradesh not only logistically inefficient and administratively impractical, but also politically and operationally insecure.
  
9. Recognising these structural deficiencies, the new Andhra Pradesh Government undertook a decentralised development strategy across the State, with the development of Amaravati as one of its key components. This project is not only critical for equitable regional development but also for building a capital city that meets the long-term administrative, economic, and environmental needs of the State.

A. SIVARAMA KRISHNAN COMMITTEE:

10. The first challenge was to secure a suitable location as the capital. As Hyderabad was made the common capital for both States for a period not exceeding ten years after the bifurcation. Recognizing the enormity of this task, the Central Government constituted an Expert Committee under the Chairmanship of Shri K.C. Sivarama Krishnan on 28.03.2014, as per Section 6 of the Reorganisation Act. The



Committee undertook a systematic assessment based on extensive consultations and field studies, applying key parameters such as water availability, disaster vulnerability, connectivity, land suitability, and potential for regional development.

11. Based on this evaluation, the Committee formulated a Capital Zone Suitability Index, which highlighted four broad location clusters as feasible options for the new capital :- Vijayawada–Guntur, Greater Visakhapatnam, Nellore, and Tirupati–Kalahasti.

**B. DECISION AS TO THE LOCATION OF THE CAPITAL CITY:**

12. Pursuant to expert consultations and public feedback, the State Government identified the Vijayawada–Guntur region as the most suitable zone for establishing the new Capital City. This choice was reinforced by public opinion, with the Vijayawada-Guntur area receiving the highest number of votes. To avoid urban congestion, a greenfield site along the Krishna River, spanning 217.23 sq. km across 24 revenue villages in Thulluru, Mangalagiri, and Tadepalli mandals, was selected.



C. ADVANTAGES OF THE LOCATION OF THE CAPITAL CITY:

13. The selected location for the Capital City offered strategic advantages, including seamless multi-modal connectivity through major national highways (NH-16 and NH-65), proximity to the Vijayawada Railway Junction on key national routes, access to nearby seaports at Kakinada and the proposed Machilipatnam Port, and linkage to National Waterway 4 for inland cargo movement. Additionally, its location along the Krishna River ensured abundant freshwater availability, while its location being proximate to Vijayawada further enhanced its viability.

D. LAND POOLING SCHEME FOR PROCURING LAND FOR THE CAPITAL CITY:

14. Taking into account the Expert Committee's recommendations and the larger interests of the State, the Government of Andhra Pradesh adopted a Land Pooling Scheme (LPS) as a participatory model for procuring land for the capital city. This approach allowed landowners, primarily farmers, to voluntarily contribute land in exchange for a pre-determined share of developed residential and commercial plots, annual annuity payments for 10 years, pensions, skill development, and other benefits.



15. Over 34,000 acres were voluntarily pooled under this initiative. To provide statutory backing for the capital development and the LPS framework, the State enacted the Andhra Pradesh Capital Region Development Authority (APCRDA) Act, 2014, which came into force on 30.12.2014 following the passage of the APCRDA Bill by the State Assembly on 22.12.2014.

E. CONCEPT PLANS:

16. To ensure a world-class planned city, the Government of Singapore voluntarily extended its support in the planning and development of Amaravati at no cost. The Government of Andhra Pradesh entered into a MoU with the Government of Singapore for preparing a master plan. M/s Surbana Jurong of Singapore prepared the three-stage plans: Capital Region Plan, Capital City Master Plan, and Seed Capital Area Detailed Plan. Global consultants including Foster+Partners, UK were engaged for iconic government complexes and infrastructure design. Institutions from UK, Japan, Switzerland, China, and Uzbekistan contributed technical collaboration.



F. EIA REPORT AND ENVIRONMENTAL CLEARANCE:

17. Once the proposal of capital city was approved based on the concept plan, Environmental Impact Assessment (EIA) was conducted by M/s TATA Consulting Engineers and on 05.09.2015, the EIA Report, along with the requisite documents, was submitted to the State Expert Appraisal Committee.
18. On the recommendation of the Committee, the State Environment Impact Assessment Authority (hereinafter referred to as the "SEIAA"), *vide* its Order dated 09.10.2015, granted the Environmental Clearance for the Amaravati Capital City. As per the conditions of said Environmental Clearance, a separate Environmental Clearance had to be obtained for all the individual interlinked projects (downstream) projects in terms of the EIA Notification, 2006.
19. On 19.10.2016, Consent for Establishment for the Capital City was accorded by the Andhra Pradesh Pollution Control Board.
20. In accordance with the condition that a separate Environmental Clearance has to be obtained for all the individual interlinked projects (downstream) projects in terms of the EIA Notification, 2006, the APCRDA applied for an Environmental Clearance for the Interim Government



Complex and the same was accorded on 09.02.2016. The APPCB also granted Consent for Establishment to the Interim Government Complex.

21. On 19.03.2016, the Environmental Management Regulatory Authority (hereinafter referred to as the “EMRA”) was set up by the APCRDA as per the conditions of the Environmental Clearance for monitoring all developmental activities and their environmental aspects.

**G. MASTER PLAN:**

22. Based on the Concept Plan, a draft Master Plan for the Capital City was prepared, taking into consideration all the laws and the needs of the People. The draft Master Plan was published in the newspapers and also in the Gazette in compliance of Section 39 of the APCRDA Act, 2014.
23. The APCRDA also conducted Grama Sabhas in all the villages of the Capital City Area from 12.01.2016 to 21.01.2016 to explain and to create awareness about the Master plan.
24. The APCRDA received objections/ suggestions from various sources during the Grama Sabhas, online, through post and by hand. All the objections/ suggestions received were carefully evaluated by a technical committee constituted for



the purpose. Based on the recommendations of the committee, the draft Master Plan was modified in compliance with the process contemplated under the APCRDA Act, 2014.

25. The Detailed Master Plan of the Capital City was notified on 23.02.2016 and published in the newspapers and on the website of APCRDA as required u/s 39(6) of APCRDA Act, 2014. In line with the vision for sustainable and inclusive urban development, the Master Plan had envisioned the integration of all existing villages within the Capital City by upgrading their infrastructure to match urban standards. It placed strong emphasis on environmental preservation, while 616 acres of existing water bodies were protected, an additional 1,215 acres of new water bodies were proposed, resulting in an overall increase of over 197%. The Plan promoted non-motorized transport through dedicated and segregated bicycle tracks, with safe crossings and parking at key public locations. Community-centric planning was adopted, wherein schools and green spaces were designed as the focal point of each neighbourhood, complemented by provisions for utilities and religious spaces. Commercial development was strategically concentrated near the town centre and proposed MRT junctions. Further, all roads were designed with dedicated underground stormwater drainage systems and separate underground sewer system connected to zonal treatment facilities, thereby reinforcing the city's environmental sustainability and resilience.



H. CHALLENGE TO THE ENVIRONMENTAL CLEARANCES:

26. The decision to locate the Capital City in Amaravati was challenged before this Hon'ble Tribunal in July, 2015 alleging environmental violations and concerns. Subsequently, the Environmental Clearances granted to the Amaravati Capital City as well as the Interim Government Complex were also challenged before this Hon'ble Tribunal.

During the pendency of the aforementioned appeals, no stay was granted by this Hon'ble Tribunal on the execution of the Amaravati Capital City development project continued without any interruption.

27. This Hon'ble Tribunal, after a thorough scrutiny during various hearings, which took place over a period of almost two years, upheld the Environmental Clearance and while doing so imposed certain additional conditions.
28. During the pendency of the proceedings before this Hon'ble Tribunal, the project proponent took up various studies, developmental and constructions works. During this period, the buildings were built to house the Assembly and the Secretariat till the construction of designated buildings earmarked in the Master Plan.



29. During the intervening period, in the Civil Appeal No.10992 of 2018 filed before the Hon'ble Supreme Court involving issues relating to the establishment of the High Court for the State of Andhra Pradesh titled *Union of India v. T. Dhangopal*, the State disclosed, in an affidavit filed before the Hon'ble Supreme Court, that the contract for the construction of the Integrated Judicial Complex at Amaravati had been awarded to L&T and giving all the details of the said Complex. It was also brought to the Hon'ble Supreme Court's notice that the construction of bungalows for the High Court Judges has started and expected to be completed by August 2019 and the flats for the Non-Gazetted Officers would be completed by 31.03.2019. The Hon'ble Supreme Court, approving this, passed an order dated 29.10.2018 allowing the proposal for the establishment of the High Court for the State of Andhra Pradesh. Accordingly, a notification separating the High Courts for both the States was issued by 01.01.2019.

A true copy of the Judgment dated 29.10.2018 passed in Civil Appeal No.10992 of 2018 is annexed hereto and marked as **Annexure-R1**.

30. The construction of housing for the Judges of the Hon'ble High Court, the Ministers, MLAs & MLCs, All India Services Officers, Secretariat and High Court employees were started. Works of roads, drainage, drinking water, sewage and electricity infrastructure, including studies and



works to make the city environmentally sustainable, had also commenced.

31. However, following the 2019 Assembly elections and the subsequent change in Government, the newly elected government decided to halt all ongoing works. As an instrumentality of the Government, the APCRDA was obligated to comply with this decision and was therefore unable to proceed with the Amaravati Project as earlier planned.
32. Multiple petitions were filed before the Hon'ble High Court challenging this government action by several petitioners including the aggrieved farmers/landowners. The landowners who had given their land under the land pooling scheme who largely consist of the local farmers led a movement against the decision of the then Government to abandon the project. This movement, which continued for 1631 days, was led by the local women who were resident of the 29 villages which constitute the Capital City area and received widespread coverage across various media platforms.
33. The Hon'ble High Court allowed the writ petitions holding, *inter alia*, that the Development Agreement-cum-Irrevocable General Power of Attorney executed in Form 9.14 is a statutory contract, whose terms bind both the State and the APCRDA. It was held that the petitioners, having voluntarily surrendered their agricultural land, which is their sole means



of livelihood, based on solemn promises made by the State and APCRDA, had altered their legal position. The failure to develop the capital city as promised amounts to a breach of legitimate expectations and is violative of the petitioners' fundamental rights under Articles 21 and 300-A of the Constitution.

The Hon'ble High Court rejected the State's plea for stoppage of the Project, holding that:

*"...the present Government is under statutory legal obligation to complete the projects undertaken by the earlier government, unless they are contrary to any statutory or constitutional provisions. The State shall account for the amount spent on the constructions and other activities undertaken by the earlier government to the public, since Rs.15,000 crores was spent on development activities and for the grounding works worth Rs.32,000 crores. Sudden stoppage of the developmental activities due to an alleged financial crisis or otherwise is impermissible and thereby, the State and APCRDA are held responsible for the total amount spent on the development activities as on date to the public in general under the Doctrine of Public Trust. When the State and APCRDA failed to maintain the trust and acted against good governance and violated the constitutional trust, the Court while exercising extraordinary jurisdiction under Article 226 of the Constitution of India, can issue appropriate direction to complete the development activities including infrastructure in the land pooled within the specified time."*

34. Accordingly, in its landmark judgment dated 03.03.2022, the Hon'ble High Court, while issuing a continuous mandamus, directed the Government and APCRDA to honour their obligations and resume the Amaravati project as per the



Master Plan. The Court also explicitly held that the Master Plan could not be unilaterally altered, and that the Legislature lacked competence to bifurcate or trifurcate the capital.

A true copy of the relevant extract of the Judgment dated 03.03.2022 passed in W.P. No.13203 of 2020 and batch by the Hon'ble High Court of Andhra Pradesh at Amaravati is annexed hereto and marked as **Annexure-R2**.

This Judgment was subsequently challenged by the then State Government before the Hon'ble Supreme Court.

35. After the assembly elections, 2024, there has been a change in the Government. The newly formed State Government has taken a policy decision to honour and implement the Judgment of the Hon'ble High Court in letter and in spirit, and develop and construct the Amaravati Capital City as per the master plan and as directed by the Hon'ble High Court. An affidavit, to this effect, has been filed before the Hon'ble Supreme Court to comply with the order of Hon'ble High Court as stated above.

A true copy of the Affidavit dated 10.12.2024 filed on behalf of the State of Andhra Pradesh in SLP (C) No.s 18823-18884 of 2022 before the Hon'ble Supreme Court is annexed hereto and marked as **Annexure-R3**.



36. Aforesaid developments in context are placed in the following table in the chronological manner:

Period	Development
October 2015	Environmental Clearance (EC) granted by SEIAA, Andhra Pradesh.
November 2017	This Hon'ble Tribunal upheld the EC and imposed additional environmental safeguards.
2018-March 2019	Committees constituted under NGT directions convened; preliminary steps taken for compliance studies.
June 2019	Project and compliance works halted following change in government after election and subsequent change in the State Government policy.
2019-2024	Development activities remained suspended due to administrative decisions and litigation.
March 2022	Hon'ble High Court directed implementation of Amaravati Master Plan; matter under challenge before the Hon'ble Supreme Court.
Post-May 2024	New Government elected; policy affirmed in favour of Amaravati; affidavit filed in Hon'ble Supreme Court.
November 2024 onwards	Compliance activities recommenced; tendering, studies, and committee meetings revived in phased manner.



**II. STATUS OF COMPLIANCE AND DEVELOPMENTAL WORKS:**

37. It is respectfully submitted that significant progress in the development of the Amaravati Capital City had already been made prior to the policy reversal initiated by the then Government in 2019. Construction of the core infrastructure to house the present Secretariat, Assembly, High Court building is completed though the construction at the designated sites is yet to be completed consequent upon the policy decision taken by the Government. The Hon'ble High Court continues to function in the present location which is to be used as the City Civil Court after the completion of the designated site for the High Court. Few housing projects for public functionaries are near completion, and significant progress has been made in the development of civic infrastructure including major road networks, utility corridors, and trunk services. At present, the activities being undertaken or proposed are limited to completion of the housing and infrastructure works, environmental compliance and infrastructure components such as drainage networks, footpaths, cycle tracks, retention ponds, and other measures specifically aimed at fulfilling the conditions imposed by this Hon'ble Tribunal and the Environmental Clearance. These are remedial, regulatory or sustainability-focused works which neither introduce any fresh ecological disturbance nor deviate from the approved Master Plan. In view of the above, there remains no component of the project that could be



considered non-compliant, invasive, or environmentally violative.

A document elucidating the Progress Report of the core infrastructure as on June 2019 in tabular form is annexed hereto and marked as **Annexure-R4**.

38. The answering Respondent undertakes to develop the Amaravati Capital City in compliance of the conditions imposed in the Environmental Conditions and the Additional Conditions imposed by this Hon'ble Tribunal.
39. As already explained above, substantial progress has been made in the development of the city in accordance with the master plan, and thereafter, the project got stalled by the then government. However, presently initiative has been taken to restart the project and the Answering Respondent undertakes to ensure that all the developmental activities will be done in accordance with the master plan, the conditions in the Environmental Clearance and additional conditions imposed by this Hon'ble Tribunal.
40. This Hon'ble Tribunal may consider that the applicants have remained silent all this time, and only after the work has resumed, they intend to stall further progress in the establishment and functioning of all the important institutions, *inter alia*, the High Court, State Legislature, and the Secretariat.



41. The Applicant seeks execution of directions issued in the year 2017, despite having remained silent from 2019 to 2024, when project activity was effectively suspended due to official policy decisions and attendant judicial developments. No grievance was raised during this period, and no plea for execution was preferred before this Hon'ble Tribunal.

It is only now, when developmental activity has resumed and structured environmental compliance has been reinitiated under supervision of the Supervisory and Implementation Committees, that the Applicant has chosen to invoke the jurisdiction of this Hon'ble Tribunal. Such conduct does not demonstrate *bona fides* and appears intended more to obstruct the implementation of a critical public infrastructure project than to ensure environmental accountability.

42. That the Applicant is trying to reagitate the case put up by him in Appeal No.148 of 2015 and conveniently brush aside the fact that his contentions were rejected by this Hon'ble Tribunal. In fact, aggrieved by the Judgment dated 17.11.2017 passed by this Hon'ble Tribunal, the Applicant had filed Review Application No.34 of 2017 and the same was rejected *vide* Order dated 20.07.2018. Thereafter, the Applicant filed Appeal in the Hon'ble Supreme Court, which was also dismissed *vide* Order dated 04.01.2019, finding no merit in his grievance.



A true copy of Order dated 04.01.2019 passed in Civil Appeal Diary No.44241 of 2018 by the Hon'ble Supreme Court is annexed hereto and marked as **Annexure-R5**.

43. The land for the Amaravati Capital City was obtained under the land pooling scheme, whereunder, the farmers/landowners surrendered their land and, in return, they were to get developed residential and commercial plots. These plots have been allocated to the farmers/landowners. Further the major portion of the land which came to be vested in the share of the answering Respondent, has been earmarked for roads, footpaths, cycle tracks, parks, drainage and other essential infrastructure. The remainder land falling in the share of the answering Respondent has been/will be allotted to Government and other institutions/organisations for the overall development of the city to provide education, employment and essential public services.
44. The Amaravati Capital City project is a "*Townships and Area Development Project*", the scope of the project is to provide key infrastructure to ensure that the Amaravati Capital City becomes an environmentally sustainable city. The constructions/development of various buildings for government officers, residential, commercial, educational and other purposes will be interlinked projects and separate ECs are to be obtained by the project proponents.



45. In fact, many of the conditions in the Environmental Clearance and some of the Additional Conditions stipulated in the Judgment of this Hon'ble Tribunal, were part of the commitments made by the project proponent with a view to develop an environmentally sustainable city. After completion, it would be an environmentally sustainable city.

### III. COMPLIANCE:

46. The status of Compliance with the additional conditions imposed in Paragraph 168. II. of the Judgment are being listed in the table below:

PARA NO.	ADDITIONAL CONDITION	STATUS
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.	<p>In compliance with the directions of this Hon'ble Tribunal, APCRDA has taken steps to conduct a comprehensive hydrogeomorphological study of the Amaravati Capital City area, with the objective of planning water retention ponds/reservoirs, storm water drains, and their interconnectivity to optimize both surface and subsurface water conservation.</p> <p>APCRDA approached National Geophysical Research Institute (NGRI), Hyderabad, for conducting hydrogeomorphology study for which NGRI had submitted a preliminary proposal on 08.10.2018 and sought further clarifications and information,</p>



which were duly provided. NGRI estimated the cost of the study at Rs. 5.86 crores (excluding GST @18%). However, owing to the policy shift following the change in government in 2019, all capital city development activities were halted, and the proposal remained unimplemented.

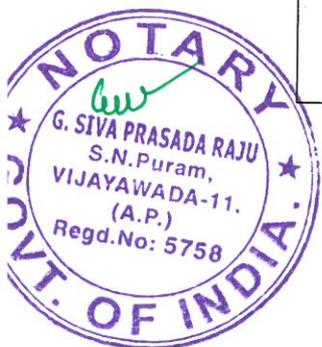
Pursuant to the Government's renewed commitment in 2024 to resume the works of development of Amaravati as a planned capital city, APCRDA re-engaged with NGRI, which had submitted a revised proposal quoting Rs. 16.55 crores (excluding GST). Considering the fiscal and time constraints, APCRDA had to invite fresh tenders. Consequently, after following due process, the work was awarded to M/s BlueEnergy Build Private Limited (BBPL), Hyderabad, in April 2025. The Letter of Acceptance was issued to BBPL on 10.04.2025 followed by a formal confirmation. BBPL submitted its interim report on 21.04.2025.

Ground-level surveys have been completed, and the modelling and preparation of technical reports are currently underway. The final report is expected to be submitted by end of July 2025.

The findings and recommendations emerging from this study will be incorporated into the City Master Plan, forming the basis for a data-driven and sustainable urban planning strategy.



2)	<p>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.</p>	<p>The APCRDA has not proposed or undertaken any alteration of the flood plains within the embankment of the River Krishna, either by way of construction of storm water drains, retention ponds, or related development within the Capital City area. Since no such alterations have been proposed or carried out, the question of conducting a fresh or additional study does not arise.</p> <p>In line with the directions recorded in paras 95 and 165(5) and (6) of this Hon'ble Tribunal's Judgment, and as a proactive step towards sound environmental planning, APCRDA had engaged leading expert agencies like Tata Consulting Engineers and Arcadis, to conduct hydrological studies prior to the incorporation of various projects and constructions in the Capital City. The studies were conducted by the said expert agencies and they had submitted the reports thereon.</p> <p>The findings in these studies were duly submitted to the Implementation Committee and the Supervisory Committee constituted pursuant to the orders of this Hon'ble Tribunal in 2018.</p> <p>It may also be mentioned that this Hon'ble Tribunal in its judgment passed in Appeal No. 148 of 2015, vide Para 81, has categorically ruled that the floodplains of the river do not go beyond the embankment and, thus, there is no floodplain within the area</p>
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		<p>earmarked for the Capital City development.</p> <p>Para 81 of the judgment is relevant in this context, which reads as follows:</p> <p><i>“81. ... Therefore, we have no hesitation in holding that as flood from river Krishna does not cross the embankment, there is no flood plain beyond it. Consequently, the contentions raised by the applicants that the flood plains of river Krishna are extended to the capital city needs to be rejected.”</i></p>
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.	<p>No alteration of the course of the River Krishna is proposed. The river flows within the bunds/embankments as noted by this Hon'ble Tribunal in paragraph 81 of its judgment.</p> <p>The APCRDA is undertaking only those works as noted/approved by this Hon'ble Tribunal in paragraphs 95 and 165(5) and (6) of its judgment.</p>
4)	No alteration to the pre-existing embankments, if any, should be permitted except as may be required for its strengthening for flood protection of the proposed Capital City. Even such exercise should be undertaken after detailed study of the flood pattern and hydraulics of the river or the storm water drains.	No alteration to the pre-existing embankments is being undertaken. However, as directed by this Hon'ble Tribunal, necessary studies will be undertaken in advance before executing any works related to the strengthening of the existing river bund.
5)	All bulk generators of municipal solid waste in the proposed	It is stated that, this condition is duly incorporated in the building permit



constructions, both residential and non-residential, must necessarily segregate waste at the source and process entire biodegradable waste by composting or bio-methanation within the premises.

conditions issued by APCRDA. All the buildings to be constructed in the Capital City must comply with this requirement, and any violations will be addressed accordingly.

Reference may be made to Condition Nos. 26 to 29 in the Building Permit Order No. 112/2018/Zone-IX.

A true copy of the Building Permit Order No. 112/2018/Zone-IX annexed hereto and marked as **Annexure-R6**.

It is stated that in all the building projects undertaken by the APCRDA, provision for onsite composting facility is provided for.

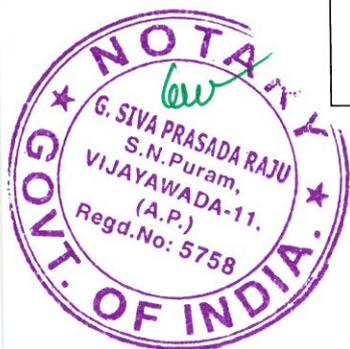
The Government Secretariat and the High Court buildings, as planned, have such facilities. These facilities will be set up when those buildings are constructed and compliance report will be submitted.

As the Capital City is currently in the initial phase of development, municipal solid waste generated from the existing villages is being managed through a Waste-to-Energy (WTE) plant with a processing capacity of 1500 TPD and a power generation capacity of 20 MW, located in Guntur District. This facility handles waste from 12 Urban Local Bodies (ULBs), including the Municipal Corporations of Vijayawada and Guntur.

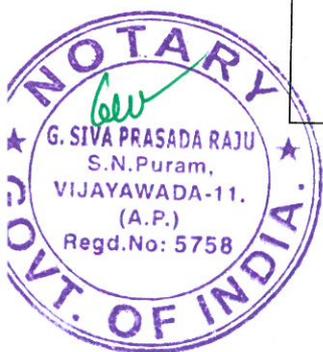
The power so generated offsets the burning of fossil fuels, thereby



		contributing to environmental sustainability.
6)	The State or its instrumentalities should notify Building Bye Laws for rain water harvesting, use of solar energy, to have water saving fittings and fixtures in buildings, including use of treated grey water for non-consumptive uses like flushing and gardening and other horticultural and agricultural uses.	<p>Construction of the Rainwater Harvesting structures has been made mandatory for every construction project within the Capital City by incorporating the said requirement into the Building Bye-laws. Provisions for the same have been incorporated in Section 606 – ‘Other Conditions’ of the Amaravati Zoning Regulations, 2016.</p> <p>In the case of apartment or group housing developments comprising 100 units or more, installation of water recycling systems is mandatory. Provisions for the same have been incorporated in Section 606 – ‘Other Conditions’ of the Amaravati Zoning Regulations, 2016.</p> <p>Guidelines for installation of solar panels, requiring allocation of at least one-third of the rooftop area, have been incorporated into the building permit procedures through various Building Permit Orders issued by APCRDA. Reference may be made to Condition No.s 24 in the Building Permit Order No. 112/2018/Zone-IX, annexed herein as Annexure-R6.</p> <p>It is stated that, in the Government Secretariat Complex, two solar trees of total capacity 20.8 KW are installed. Moreover, all the buildings of the Secretariat have Rooftop solar panels with a total capacity of 842.5 KW. Rooftop solar installations are also in place in the University buildings within the Capital City.</p>



		<p>These installations have been in operation for the past 6–7 years.</p> <p>Proposals for installation of rooftop solar panels in other public buildings, including the High Court Complex, are under consideration and implementation.</p> <p>All the projects undertaken by the APCRDA conform to Green Building norms as notified under the Amaravati Zoning Regulations, 2016. Provisions for the same have been incorporated in Section 505.2 – under ‘Green Strip Norms’ of the Amaravati Zoning Regulations, 2016.</p> <p>In all building projects undertaken by APCRDA, the norms laid down for Bill of Quantities and for the Green Certification have incorporated the Energy Conservation Building Code (ECBC) norms.</p> <p>In addition to the above measures, all conditions stipulated in the EC are being systematically integrated into the Amaravati Zoning Regulations, 2016. APCRDA has adopted the resolution, norms and conditions in the ECBC norms in the 48th Authority Meeting held on 02.06.2025 to ensure strict compliance therewith.</p>
7)	State should prepare a comprehensive City specific Action Plan to mitigate impact of climate change with a view to achieve carbon neutrality, as envisaged in the EC, within next	In compliance with the directions given by this Hon’ble Tribunal for preparation of a comprehensive climate change action plan, APCRDA has awarded a work to the International Council for Local Environmental



	<p>six months and prepare a sector specific road map for the same.</p>	<p>Initiatives (ICLEI), a Non-Profit organization, on 16.04.2025. ICLEI has already commenced this work under the assignment in April 2025 and it is expected to complete and submit the action plan by October, 2025.</p> <p>Prior to this, in compliance of this condition, APCRDA entered into an agreement on 16.08.2018 with The Energy and Resources Institute (TERI) for providing city level sustainable services and one of the deliverables was to prepare city climate action plan and road map including climate resilient and carbon neutral strategies for Amaravati. The work remained incomplete when the project was halted in 2019.</p> <p>After the Amaravati Capital City project resumed in 2024 and the capital city works are revived, the Government has re-tendered and awarded the work to ICLEI, as TERI declined to continue and complete the preparation of comprehensive climate change action plan.</p>
8)	<p>All the hills and hillocks in the catchment area of Kondaveeti Vagu, its tributaries and other storm water drains/channels should be treated with intensive soil and water conservation measures including afforestation so as to minimize surface run off and improve ground water recharge.</p>	<p>It is stated that APCRDA is coordinating with the state forest department and Amaravati development Corporation Ltd (ADCL) to take up soil and water conservation measures on the hills located in the Kondaveeti Vagu catchment area.</p> <p>Communications were issued by the Commissioner, APCRDA, dated 24.05.2018 and 07.08.2018, to the Chairperson &amp; Managing Director of Amaravati Development Corporation</p>

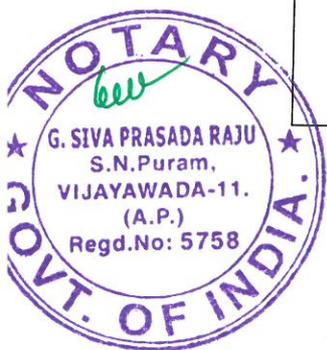


Ltd. (ADCL), the Divisional Forest Officer, Guntur, and the Project Director, District Water Management Agency (DWMA), Guntur, requesting initiation of comprehensive soil and water conservation measures, including afforestation, aimed at minimizing surface runoff and enhancing groundwater recharge. Now after reviving the project, the Chairperson & MD, ADCL, has confirmed that all such measures would be taken up as per the requirements. A further reminder was issued on 09.05.2025 to the MD, ADCL, to expedite implementation.

In addition, a letter dated 13.03.2025 was addressed to the Principal Chief Conservator of Forests, Andhra Pradesh Forest Department, for necessary action in areas under the jurisdiction of the Forest Department.

To guide long-term ecological planning, APCRDA has constituted an Advisory Committee Chaired by Prof. C.R. Babu, a renowned ecologist and former Vice Chancellor of the University of Delhi, with more than 40 years of expertise in biodiversity restoration and ecosystem development. He is instrumental in restoring Yamuna flood plains and Aravalli hills by developing biodiversity parks.

The Committee includes experts in Botany, Environmental Science, Landscape Architecture, and a retired Indian Forest Service officer. Its mandate includes advising on Greenery



Guidelines for the Capital Region, with specific focus on conservation and ecological restoration of hills and hillocks.

In compliance with the direction regarding afforestation and ecological treatment of hills and catchment areas, ADCL has undertaken extensive roadside plantation works across the Capital City area. As per the latest data, a total of 15,626 saplings of diverse species, including *Azadirachta indica*, *Swietenia mahagoni*, *Ficus religiosa*, among others, were planted during 2018-19 with an average sapling age of 2 years at the time of planting. These species were selected for their ecological benefits such as shade, air purification, biodiversity support, and water retention and enhancement qualities. This initiative forms part of the overall soil and water conservation strategy being implemented in coordination with ADCL and Forest Department.

ADCL has also undertaken the establishment of nurseries with the objective of raising saplings of native species required for the development of greenery and improvement of biodiversity within the Capital City area.

In this regard, two nurseries, have been established namely:

- a. Venkatapalem Nursery, established in the year 2017; and,



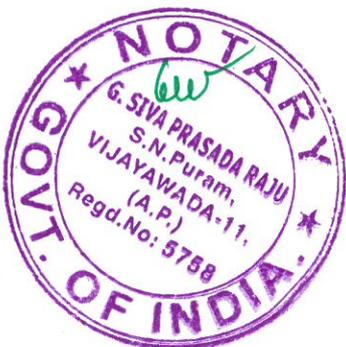
		<p>b. APCRDA Nursery, located within the Andhra Pradesh Secretariat Complex, established in the year 2020.</p> <p>Furthermore, works for the establishment of an additional nursery over an extent of 20 acres at Uddandarayunipalem have recently commenced, upon obtaining all necessary statutory and administrative approvals.</p>
9)	<p>The capital city has about 251 acres of forest land which should be preserved as green lungs of the city and not to be diverted for non-forestry uses or even for uses like parks or recreational activities as that will alter its natural characteristics and deprive the capital of the ecosystem services which a natural forest provides, as opposed to a plantation forests.</p>	<p>The forest area, about 251 hectares, in the city falls within a designated 'P3 Protected Zone' in the Capital City Master Plan.</p> <p>An extent of 251 hectares of forest land within the Capital City area has been earmarked for preservation as ecological 'green lungs' and shall not be diverted for any non-forestry purposes, including parks or recreational activities, so as to retain its undisturbed natural character.</p> <p>All efforts have been made to secure and preserve the entire forest area to serve as the city's 'green lungs.' All authorities are ensuring that these 'green lungs' are not tampered with, and that no parks or recreational activities are permitted within this area.</p> <p>P3 zone, as defined in Section 404.3 of the Amaravati Zoning Regulations, reads as under: -</p> <p><i>"P3' zoning classification has been specifically formulated to conserve and protect environmentally</i></p>



		<p><i>sensitive areas such as forests, rivers, and steep slopes, which are rich in biodiversity. It is further clarified that such areas are non-developable and that the zoning applicable to protected areas like forests shall override all other strategic or developmental considerations.”</i></p>
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47. The Supervisory Committee and the Implementation Committee were constituted by the judgment and order dated 17.11.2017 by this Hon'ble Tribunal. The Supervisory Committee consists of the following members:

- i. Mr. Amandeep Garg, IAS, Additional Secretary, Ministry of Environment, Forest & Climate Change – Chairman of the Committee;
- ii. Mr. G. Anantha Ramu, IAS, Additional/Special Chief Secretary, Environment of the State of Andhra Pradesh who shall be the Member-cum-Nodal Officer of the Committee;
- iii. Dr. Y.R. Satyajit Rao, Scientist 'G' and Head, Deltaic Regional Centre, Senior Scientist nominated by the Director of National Institute of Hydrology;
- iv. Prof. Madhavi Latha Gali, Senior Scientist nominated by the Director, Indian Institute of Science, Bengaluru;
- v. Mr. S. Sri Saravanan, IFS, Member Secretary of the Andhra Pradesh Pollution Control Board;



- vi. Professor N.J. Pawar, Vice-Chancellor, Dr. D.Y. Patil Vidyapeeth, Pune.

The Implementation Committee consists of the following members:

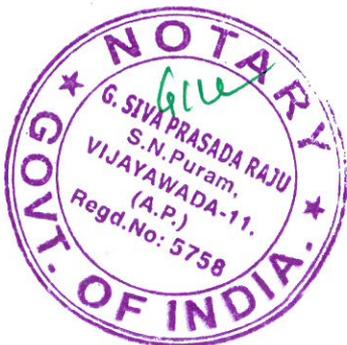
- i. Mr. G. Anantha Ramu, IAS, Additional/Special Chief Secretary, Environment of the State of Andhra Pradesh – Chairman of the Committee;
  - ii. Mr. Munna Kumar Shah, Member Secretary, IA (Infra-II) (IA-II) Scientist E, Nominee from the Ministry of Environment, Forest & Climate Change;
  - iii. Mr. S. Saravanan, IFS, Member Secretary of the Andhra Pradesh Pollution Control Board;
  - iv. Prof. Madhavi Latha Gali, Senior Scientist nominated by the Director, Indian Institute of Science, Bengaluru;
  - v. Dr. Venkateswarlu Kadiyala, former Professor of Microbiology, Sri Krishnadevaraya University, Anantapur, A.P.
48. The first meeting of the Supervisory Committee was held on 14.03.2018. The Compliance and Status Report was submitted by Supervisory Committee on 16.04.2018 in this Hon'ble Tribunal [*vide covering Letter No.453/Sec.I/2018 dated 16.04.2018 of the EFS&T Department, Government of Andhra Pradesh*]. Further progress was hampered due to the



policy decision taken by the then government. After the change in policy of the newly elected Government in 2024, the Government and the Answering Respondent took all steps to revive the project as originally envisaged. The second meeting of the Supervisory Committee was held on 09.04.2025. The Compliance and Status Report was submitted by Supervisory Committee on 21.04.2025 in this Hon'ble Tribunal [vide covering Letter No.453/Sec.I/2018 dated 21.04.2025 of the EFS&T Department, Government of Andhra Pradesh].

49. The first and second meetings of the Implementation Committee were held on 14.02.2018 and 03.12.2018 respectively. 3<sup>rd</sup> meeting of the Implementation Committee was scheduled to be held in the later part of 2019 for which APPCB had sent a communication to that effect on 15.07.2019. The Committee could not meet thereafter as the project was stalled. Subsequently, no further meetings were held and as stated above only after the change in Government in 2024, the works were taken up. The 3<sup>rd</sup> meeting of the Implementation Committee was convened on 21.01.2025, followed by the fourth meeting held on 10.07.2025.

50. These two committees, constituted upon the judgment of this Hon'ble Tribunal, had undertaken inspections of the entire city. The committees have, since, resumed its scrutiny of further progress of the project of Capital City of Amaravati. It is setting deadlines for various works to be undertaken for



implementation of the conditions imposed in the EC and the additional conditions imposed by this Hon'ble Tribunal, which is reflected in the reports submitted to the Hon'ble Tribunal

51. As stipulated in Paragraph 169. of the Judgment, a Bank Guarantee for Rs. 5 Crores was submitted on 14.02.2018 with a validity of 12 months. The validity of the bank guarantee was subsequently extended for 36 months i.e. till 13.02.2022 and then now for another 48 months i.e. till 13.02.2026.
52. It is respectfully submitted that due to the decision taken by the earlier government, the progress suffered considerably, both in terms of the financial as well as the developmental aspect. However, the project can continue in a full-fledged manner after taking into consideration certain components like escalation in costs due to inflation and hike in construction materials, GST hikes and other liabilities. Environmental works including green buffer zones, stormwater channels, energy conservation and biodiversity initiatives, which were delayed, have resumed now in full vigour.
53. Since July 2024, APCRDA has revitalised all efforts toward compliance and execution of all works in the project. The Supervisory and Implementation Committees have reconvened, and all the studies required have been undertaken. Processes relating to tendering and financial



mobilisation have been reinitiated. As on date, financial tie-ups amounting to approximately Rs. 31,000 crores have been secured through reputed external agencies including the World Bank, Asian Development Bank (ADB), and HUDCO.

54. The State of Andhra Pradesh is primarily an agrarian economy and has no major urban centres, unlike the State of Telangana. Hence, a large proportion of the population is compelled to travel outside the state for education and employment. Therefore, the State was keen to expediate the process of completion of building the Capital City of Amaravati in stipulated time.
55. It is, therefore, respectfully submitted that the Answering Respondent remains fully committed to complying with the EC and the directions issued by this Hon'ble Tribunal. All ongoing activities are confined strictly to works necessary for ensuring environmental safeguards and infrastructure compliance as mandated, and no new construction or development resulting in ecological disturbance is being undertaken.
56. In the aforesaid circumstances, it is respectfully submitted that the present Execution Application is devoid of any merit. It is further submitted that all works relating to the completion of the Amaravati Capital City project are presently underway in full swing and the State is committed to complete them soon. This commitment has also been



affirmed before the Hon'ble Supreme Court of India in the pending proceedings in Special Leave Petition (Civil) Nos. 18823-18884 of 2022.

57. It is, therefore, most humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the present Execution Application and pass any order(s) as it deems fit in the interest of justice.

*Muma*  
DEPONENT

COMMISSIONER  
AP CRDA, VIJAYAWADA

VERIFICATION

I, the deponent above named, do hereby verify that the contents of the affidavit are true to the best of my knowledge, belief and that no part of it is false and nothing material has been concealed there from.

Verified at Vijayawada on this the 24<sup>th</sup> day of July, 2025.



*GSP 24/7/2025*  
G. SIVA PRASADA RAJU  
B.Com., B.L.,  
ADVOCATE & NOTARY  
Regd.No: 5758  
# 23-5-6, Vandanapu Vari Street,  
Satyanarayanapuram,  
VIJAYAWADA-520 011.

*Muma*  
DEPONENT  
COMMISSIONER  
AP CRDA, VIJAYAWADA

**CORRECTED****IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. \_\_\_\_\_ OF 2018**  
**[@SPECIAL LEAVE PETITION (CIVIL) NO. D. 29890 OF 2018]**

UNION OF INDIA

.....APPELLANT(S)

VERSUS

T. DHANGOPAL AND OTHERS

.....RESPONDENT(S)

**ORDER****A.K. SIKRI, J.**

Leave granted. Delay condoned.

2. With the enactment of the Andhra Pradesh Reorganisation Act, 2014 (hereinafter referred to as the 'Act'), erstwhile State of Andhra Pradesh stand bifurcated into two States, viz., State of Andhra Pradesh and State of Telangana. This has happened with effect from June 02, 2014 as that is the effective date fixed for enforcing the aforesaid Act. The Act also makes a provision for separate High Courts for State of Telangana and State of Andhra Pradesh. City of Hyderabad, which was the capital of erstwhile State of Andhra Pradesh is now part of State of Telangana and has become the capital of State of Telangana. The High Court is located

at Hyderabad. It would, obviously, be housing the High Court of State of Telangana. Insofar as State of Andhra Pradesh is concerned it has decided to create and construct new city known as 'Amaravathi' which is going to be the capital of State of Andhra Pradesh. High Court of Andhra Pradesh would be located in that city.

3. Writ petition in the form of Public Interest Litigation (PIL No. 59 of 2015) was filed in the High Court of Judicature at Hyderabad seeking implementation of the aforesaid provisions of the Act so that bifurcation of the High Court takes place expeditiously in terms of the provisions of the Act. This petition was disposed of by the High Court vide its judgment dated May 01, 2015 directing the State of Andhra Pradesh to identify and locate the site where the permanent High Court of State of Andhra Pradesh would be constituted in the territory of Andhra Pradesh. Number of other directions were given including the feasibility of arranging temporary benches for sitting of the Hon'ble Judges of the High Court under Section 51(3) of the Act, pending constitution of permanent High Court etc.
4. Instant appeal is filed by the Union of India against the aforesaid order with emphasis that steps should be taken to have two separate High Courts as the functioning of two High Courts within the same premises (as directed by the High Court in the impugned judgment), is misplaced and impermissible under the provisions of Sections 30 and 31 of the Act.

5. Notices were issued to both the States of Telangana as well as Andhra Pradesh and respondents. Mr. Mukul Rohatgi, learned senior counsel appearing for State of Telangana took the position on an earlier date that State of Telangana was ready to provide a separate building in the city of Hyderabad itself where the High Court of Andhra Pradesh can be temporarily shifted till the time State constructs its own building in Amarawathi. However, at that juncture, Mr. Fali S. Nariman, learned senior counsel appearing for the State of Andhra Pradesh informed that the makeshift building in Amarawati for housing High Court is almost ready and would be completed by December 15, 2018. It was directed that affidavit to this effect may be filed. One thing is clear from the aforesaid narration. Union of India, State of Telangana as well as State of Andhra Pradesh want creation of two High Courts as early as possible.
6. The High Court of Judicature for the States of Telangana and Andhra Pradesh has filed the Affidavit, the relevant portion whereof reads as under:

“4. By a letter dated 27-12-2017, the Chief Minister of the State informed the High Court that in a period of 16 to 18 months, the buildings would be ready and that it will be in the interest of the litigant public to have the High Court established soon in Amaravathi. The Government also expressed willingness to carry out suitable modifications to the existing buildings in 3 colleges/universities, where the new High Court could be temporarily located till the completion of construction of the permanent buildings.

5. The letter was against placed before the Full Court and it was resolved to authorize the Chief Justice to constitute 3 committees, one for the inspection of the temporary buildings offered by the Government, another for bifurcation of employees and the third for digitization of the records.

6. The resolution of the Full Court was communicated to the Government by a letter dated 4-1-2018. Thereafter, the Committee of Judges constituted for the purpose of inspection of the buildings offered by the Government made a visit to Vijayawada on 10-2-2018. The committee inspected (i) the land and buildings at the NTR University of Health Science, Gannavaram (ii) the Building housing the Centre for Distance Education of the Acharya Nagarjuna University and (iii) the buildings at NIMRA Group of Institutions at Ibrahimpatnam (private educational institution) to see if they can be suitably modified to locate the new High Court temporarily till the construction of permanent structures. But the Committee of Judges found that these buildings would require a lot of modifications at a huge cost enormous time. Therefore, the CRDA came up with a proposal to build an Interim Judicial Complex of a built up area of about 2 laks sq. feet., with 18 court halls apart from a Chief Justice's Court hall. CRDA represented by adopting the same techniques as adopted for the construction of the Secretariat and the Assembly, the Judicial Complex could be built in a period of about 7 months.

7. The Committee of Judges, also visited Residential villas in 2 gates communities and found one of them to be suitable for accommodating the Judges.

8. After the visit of the Inspection Committee on 10-2-2018, the Secretary to the Government of A.P. wrote a letter dated 19-2-2018 to the High Court, communicating their decision to construct an Interim Judicial Complex where High Court can come up till a permanent structure is made ready.

9. The Report of the Inspection Committee of Judges and the letter of the Government dated 19-2-2018 were placed before the Full Court and the Full Court approved the proposal. The approval of the Full Court was communicated to the Government by a letter dated 5-3-2018.

10. By a letter dated 20-08-2018, the Chief Minister again requested the High Court to cause inspection of the progress of construction of the Interim Judicial Complex. By a reply dated 14.09.2018 the High Court requested the CRDA to depute a team of Officials for preliminary discussions with the Hon'ble Judges of

the Committee. Accordingly, the Officials of CRDA made a PPT on 10.10.2018 to the Committee of Judges, in the presence of the Hon'ble Chief Justice.

11. While what is stated above is the sequence of events that have taken place with regard to the construction of the High Court, another development also took place simultaneously. Options were invited from the sitting Judges of the High Court, way back in April 2016. The options exercised by the Hon'ble Judges were duly forwarded to the Supreme Court and the Government of India. By a communication dated 03.10.2017 vide notification No. K-11018/01/2014-US-I Department of Justice HGOI, the Union of India has informed the High Court of the acceptance of options. Therefore, the High Court has done whatever is required of them to do and the impression created as though the Hon'ble Judges are hesitant to shift, is factually incorrect. The moment the infrastructure is made ready and a notification is issued, the High Court is prepared to shift. In fact some of the Hon'ble Judges who expressed willingness to shift, have also retired in the past 2 years and more."

7. From the aforesaid, it can be discerned that the building where the High Court of Andhra Pradesh would be temporarily shifted would be ready by December 15, 2018. It is also clear that the Judges of the High Court, who would become Judges of High Court of Andhra Pradesh, are satisfied with the facilities in the said building inasmuch as Full Court of the High Court has approved the proposal after Inspection Committee of Judges submitted a report in this behalf. Mr. Nariman also made a statement at the Bar that the Government would be hiring villas to take care of the residential needs of the Judges at Amaravathi. We may place on record that in Amaravathi a very big complex known as 'Justice City' is under construction where the High Court and subordinate courts and even some tribunals would be accommodated and there is a

provision for construction of residential complex for the Judges of the High Court and judicial officers of the subordinate courts. The aforesaid arrangement is *ad hoc* arrangement till the Justice City gets completely constructed.

8. Since all the requirements stand fulfilled, there is no embargo for the Competent Authority to issue a Notification bifurcating the courts into the High Court of Telangana and High Court of Andhra Pradesh respectively.
9. We expect such a notification to be issued by January 01, 2019 so that the two High Courts start functioning separately and High Court of Andhra Pradesh also starts functioning in the new building at the earliest.
10. Appeal is disposed of in the aforesaid terms.

.....J.  
(A.K. SIKRI)

.....J.  
(ASHOK BHUSHAN)

**NEW DELHI;**  
**OCTOBER 29, 2018**

ITEM NO.57

COURT NO.4

SECTION XII-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 29890/2018

(Arising out of impugned final judgment and order dated 01-05-2015 in PIL No. 59/2015 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

UNION OF INDIA

Petitioner(s)

VERSUS

T. DHANGOPAL & ORS.  
IA 117606/2018,118767/2018,138659/2018  
(IN PERSON MATTER )

Respondent(s)

Date : 29-10-2018 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. K.K. Venugopal, AG  
Ms. Madhavi Divan, Adv.  
Mr. Sachin Sharma, Adv.  
Ms. L. Charanya, Adv.  
Mr. Arvind Kumar Sharma, AOR

For Respondent(s) Mr. Fali S. Nariman, Sr. Adv.  
Mr. D. Srinivas, AG  
Mr. Guntur Prabhakar, AOR  
Mr. Subash Sharma, Adv.  
Mr. G. Pramod Kumar, Adv.  
Mr. Y. Shiva Santosh Kumar, Adv.

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. K. Radha Krishnan, SR. Adv.  
Mr. J. Ramchander Rao, AAG  
Mr. S.. Udaya Kumar Sagar, AOR  
Mr. Mrityunjai Singh, Adv.

Respondent-in-person

Ms. Anitha Shenoy, AOR  
Ms. Srishti Agnihotri, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

Leave granted.

The appeal is disposed of in terms of the Signed order.

Pending application(s), if any, stands disposed of  
accordingly.

(ASHWANI THAKUR)  
COURT MASTER (SH)

(RAJINDER KAUR)  
BRANCH OFFICER

(Signed order is placed on the file)

**//A TRUE COPY//**

## ANNEXURE-R2

+IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA, CHIEF JUSTICE

HON'BLE MR. JUSTICE M. SATYANARAYANA MURTHY

AND

HON'BLE MR. JUSTICE D.V.S.S. SOMAYAJULU

W.P.Nos.13203, 13204, 13205, 13521, 13645, 13665, 13666,  
13887, 13919, 13925, 13966, 13983, 14003, 14053, 14054,  
14282, 14338, 14768, 14897, 14996, 15035, 15094, 15097,  
16514, 16830, 16840 OF 2020;

W.P. (PIL) Nos.184, 185, 200, 201, 208, 209, 215, 217, 230, 235,  
236, 239, 253, 256 OF 2020

WP (PIL) Nos.177 OF 2020

W.P.Nos.13206, 16634 OF 2020;

W.P.Nos.9154, 9528, 10700 OF 2020

WP (PIL) Nos.179 of 2019

WP (PIL) Nos.8, 24, 40, 102, 213 of 2020

W.P.Nos.925, 1207, 4004, 5057 of 2020

W.P. (PIL) Nos.7, 153 of 2020

W.P.Nos.932, 933, 8472 of 2020

W.P. (PIL) No.121 of 2020 & W.P.No.1388 of 2020

% Dated 03.03.2022

#

WRIT PETITION NO.13203 OF 2020 AND 62 OTHERS WRIT  
PETITIONS

Rajadhani Rythu Parirakshnana Samithi,  
Office at H.No.1194 Tullur,  
Amaravati, Andhra Pradesh  
Rep by its Secretary  
Sri Dhanekula Rama Rao and others

..... Petitioners

Versus

The State of Andhra Pradesh,  
rep by its Chief Secretary  
1<sup>st</sup> floor Secretariat, Velagapudi,  
Amaravati and others

.... Respondents

any area other than the Capital city notified under Section 3 of the Andhra Pradesh Capital Region Development Authority Act, 2014 and the land pooled under the Andhra Pradesh Capital City Land Pooling Scheme (Formation and Implementation) Rules, 2015.

508) In view of our foregoing discussion and findings on Point Nos. 1 to 10, we sum up the findings as follows:

- a) The Agreement in Form-9.14 is a Development Agreement-cum-Irrevocable General Power of Attorney and it is a statutory contract, and the violation of terms and conditions by the respondents - State and APCRDA, warrants interference of this Court, while exercising power under Article 226 of the Constitution of India, to issue appropriate directions.
- b) Similarly, the petitioners basing on the representation of the State and APCRDA that a capital city and capital region will be developed in the land pooled, they parted with their livelihood i.e. agricultural land which is the only source of their livelihood, voluntarily surrendered to the State and APCRDA with a hope that a capital city will be constructed within the notified area while developing capital region strictly adhering to the APCRDA Act and Land Pooling Rules, 2015, within the time limit. Thus, they altered their position. The inaction of the State and APCRDA as on the date of filing the writ petitions i.e. failure to develop the capital city and capital region as agreed in terms of Form 9.14 Development Agreement-cum-Irrevocable General Power of Attorney, is

nothing but a deviation from the promise made by the State, defeating legitimate expectation.

- c) Since the petitioners have no remedy elsewhere, more particularly, before a civil court or any other authority in terms of Development Agreement-cum-Irrevocable General Power of Attorney in Form 9.14, they are entitled to approach this Court for redressal. Moreover, the reason pleaded by the respondents – State and APCRDA that public interest overrides the Principle of Estoppel and Legitimate Expectation is no more available as on date, in view of repeal of Act Nos.27 & 28 of 2020 by Act No.11 of 2021. At the same time, Propriety Estoppel is also applicable to the present case, as discussed in the earlier paragraphs.
- d) When the respondents – State and APCRDA failed to keep up their promise and are acting to defeat the legitimate expectation of the petitioners, the Court can issue appropriate direction to the State and APCRDA, to comply with the terms of Development Agreement-cum-Irrevocable General Power of Attorney in Form 9.14, APCRDA Act, Land Pooling Rules, 2015 while exercising extraordinary power under Article 226 of the Constitution of India.
- e) As the respondents – State and APCRDA violated the fundamental rights of the petitioners, as they surrendered their only source of livelihood i.e. agriculture under the Land Pooling Scheme, while

expecting developed reconstituted plots according to their eligibility, the State is under obligation to complete the entire process within three years and thus expired on 2018 itself. Therefore, the respondents – State and APCRDA violated the fundamental right guaranteed under Article 21 and the right to property under Article 300-A of the Constitution of India.

- f) When the action of the respondents is arbitrary and violative of Articles 21 and 300-A of the Constitution of India, the Court is under an obligation to protect the right of the poor farmers by exercising power under Article 226 of the Constitution of India and issue appropriate direction(s).
- g) As discussed in Point No.5, change of Government is not a ground to change the policy. But the present Government is under statutory legal obligation to complete the projects undertaken by the earlier government, unless they are contrary to any statutory or constitutional provisions. The State shall account for the amount spent on the constructions and other activities undertaken by the earlier government to the public, since Rs.15,000 crores was spent on development activities and for the grounding works worth Rs.32,000 crores. Sudden stoppage of the developmental activities due to an alleged financial crisis or otherwise is impermissible and thereby, the State and APCRDA are held responsible for the total

amount spent on the development activities as on date to the public in general under the Doctrine of Public Trust. When the State and APCRDA failed to maintain the trust and acted against good governance and violated the constitutional trust, the Court while exercising extraordinary jurisdiction under Article 226 of the Constitution of India, can issue appropriate direction to complete the development activities including infrastructure in the land pooled within the specified time.

- h) At the same time, we hold that the Notified Master Plan cannot be modified suo motu.
- i) We also hold that the Legislature has no legislative competence to pass any resolution/law for change of capital or bifurcating or trifurcating the capital city.
- j) It is left open to the petitioners to challenge the reports of the various non-statutory committees in any separate proceedings.

In the result,

1. WP (PIL) Nos.177 OF 2020, W.P.Nos.13206, 16634 OF 2020; W.P.Nos.9154, 9528, 10700 OF 2020, are disposed of granting liberty to the petitioners to challenge the reports in any independent writ petition(s), whenever the petitioners find it necessary.
2. WP (PIL) Nos.179 of 2019, WP (PIL) Nos.8, 24, 40, 102, 213 of 2020, W.P.Nos.925, 1207, 4004, 5057 of 2020, are allowed with costs of

Rs.50,000/- (Rupees Fifty Thousands only) each, payable by the respondents to the petitioners.

3. W.P. (PIL) Nos.7, 153 of 2020, W.P.Nos.932, 933, 8472 of 2020, are allowed, while declaring that the State or APCRDA cannot exercise power suo motu to amend or vary Master Plan(s) with costs of Rs.50,000/- (Rupees Fifty Thousands only) each, payable by the respondents to the petitioners,
4. W.P. (PIL) No.121 of 2020 & W.P.No. 1388 of 2020, are allowed with costs of Rs.50,000/- (Rupees Fifty Thousands only) each, payable by the respondents to the petitioners.
5. While declaring that the A.P. State Legislature has no legislative competence to enact any law for shifting the three organs of the State, we find it appropriate to issue continuous mandamus with the following directions, while keeping the W.P.Nos.13203, 13204, 13205, 13521, 13645, 13665, 13666, 13887, 13919, 13925, 13966, 13983, 14003, 14053, 14054, 14282, 14338, 14768, 14897, 14996, 15035, 15094, 15097, 16514, 16830, 16840 OF 2020; W.P. (PIL) Nos.184, 185, 200, 201, 208, 209, 215, 217, 230, 235, 236, 239, 253, 256 OF 2020, pending for further direction(s).
6. Interim directions issued earlier in pending writ petitions shall continue to operate until further orders.

In view of the findings summed up above, we issue a continuous mandamus with following directions:

- 1) The State and APCRDA are directed to discharge their duties enshrined under Schedule II and III and Land Pooling Rules, 2015;

- 2) The State and APCRDA are directed not to alienate/mortgage or create any third party interest on the land pooled, except for the construction of capital city or development of capital region;
- 3) The State and APCRDA are directed to complete the process of development and infrastructure in the Amaravati Capital City and Region providing basic amenities like roads, drinking water, drainage, electricity in terms of Section 58 of APCRDA Act read with Rule 12(6) of Land Pooling Rules, 2015 within one month from the date of this order.
- 4) The State and APCRDA are directed to complete the Town Planning Schemes as per Section 61 of APCRDA Act.
- 5) The State is directed to construct and develop Amaravati capital city and capital region within six months time, as agreed in the terms and conditions of Development Agreement-cum-Irrevocable General Power of Attorney in Form 9.14, provisions of APCRDA Act and Land Pooling Rules, 2015.
- 6) The State and APCRDA shall develop the reconstituted plots belonging to land owners in Amaravati capital region by providing approach roads, drinking water, electricity connection to each plot, drainage etc. to enable the same to be fit for habitation in the Amaravati Capital city.
- 7) The State and APCRDA are further directed to deliver/handover the developed reconstituted plots in Amaravati capital region, on ground, to the land holders who surrendered their land as promised by the State, within three months from the date of this order.

The State and APCRDA are directed to file separate affidavit(s) with regard to progress of development in terms of direction issued herein above.

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**JUSTICE PRASHANT KUMAR MISHRA**

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**JUSTICE M. SATYANARAYANA MURTHY**

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**JUSTICE D.V.S.S. SOMAYAJULU**

Date: 03.03.2022

Note: LR copy to be marked.

B/o

KSP/KLP/SSV/SP

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ANNEXURE-R3

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

(Under Article 136 of the Constitution of India)

SPECIAL LEAVE PETITION CIVIL NO.S18823-18884 of 2022

**IN THE MATTER OF:****THE STATE OF ANDHRA PRADESH ... PETITIONERS  
& ANR. ETC. ETC.****VERSUS****RAJADHANI RYTHU PARIRAKSHANA... RESPONDENTS  
SAMITHI & ORS. ETC. ETC.****AN AFFIDAVIT ON BEHALF OF THE STATE OF  
ANDHRA PRADESH**

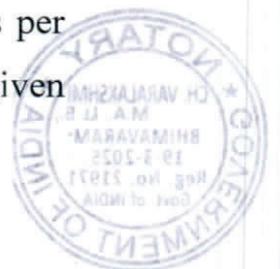
I, Neerabh Kumar Prasad S/o Shri Govind Prasad, aged about 60 years, Chief Secretary, Government of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh, do hereby solemnly affirm and sincerely state on oath as under:

1. That the Government of Andhra Pradesh has examined the issue and firmly concluded that Amaravati is the Capital of Andhra Pradesh and in light of the same has decided to take up development activity as per the Master Plan and as per its legal obligations towards the persons who have given their land under the land pooling scheme.



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NOTARY M.A., LL.B.  
ADVOCATE Cod. 2/2/24  
HIGH COURT, A.P.  
Cell. 91009 579



**BRIEF FACTS:**

2. The Government of Andhra Pradesh enacted the Andhra Pradesh Capital Region Development Authority Act 2014 (Act 11 of 2014), (“the Act” or “the APCRDA Act”) and formed the Andhra Pradesh Capital Region Development Authority (“APCRDA” or “the Authority”). The Act received the assent of the Governor, and was published in Andhra Pradesh Gazette on 30.12.2014 *vide* G.O.Ms.No.252, MA&UD. The objective of the Act is:

*“Thus, there is an absolute need to establish a new capital, to develop the capital region for the State of Andhra Pradesh in a planned manner, to ensure comprehensive development of area and for locating the capital for the State, it is decided to establish the Andhra Pradesh Capital Region Development Authority (APCRDA) for the capital region by undertaking specific legislating for giving statutory back up”*

3. The capital city area was identified by the State of A.P, between Vijayawada and Guntur, along the River Krishna, comprising 24 revenue villages covering an area of 53,748 Acres. By G.O.Ms.No.254, MA & UD, dated 30.12.2014, the State of A.P, acting under Section 3(3) of the Act, notified 122 Sq.kms as detailed in the schedule appended thereto, as the Andhra Pradesh Capital City Area. The Government thereafter issued G.O.Ms.No.141, MA & UD, dated 09.06.2015 duly notifying 217 Sq.kms. instead of 122 Sq.kms. as the Andhra Pradesh Capital City Area.



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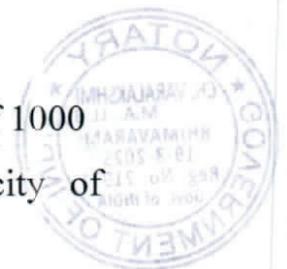


4. Section 38 of the Act provides that the APCRDA shall prepare a perspective plan and a master plan for the capital city area within the stipulated time, and that the said draft plans be published for inviting comments from the public. Section 39 provides that after following the procedure prescribed thereunder, the master plan for the capital city should be approved and notified.
5. Accordingly, a draft master plan for the capital city area (Amaravati) was prepared under Section 38 of the Act, and was notified in Part 1 of the AP extraordinary gazette *vide* Notification No.408, dated 26.12.2015, inviting objections and suggestions from the public within a period of 30 days from the date of notification.
6. On 23.02.2016, the Authority after scrutinizing all objections and suggestions received within the stipulated period and making certain modifications - approved and notified the detailed master plan for the capital city - Amaravati ("Master Plan")- by following due procedure u/s of 39 of the Act.
7. The State of Andhra Pradesh made the following assurances

in the Master Plan:

L.B.

- a. Amaravati is envisioned to be not only a government administrative city, but also an economic hub.
- b. There will be 27 townships within Amaravati, of 1000 acres each with a planned population capacity of



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around 1 lakh to 1.5 lakh persons for each town. Each township is in turn divided into 4 neighbourhoods of 250 acres. Primary school, local shopping will be at walkable distance for all residents.

- c. The Central Business District (CBD), at the riverfront, shall house all important corporate and financial establishments.
  - d. All roads will have pedestrian and cycling tracks, totalling 3,200 kms.
  - e. Underground utilities infrastructure shall be provided.
8. According to the Master Plan the city of Amaravati was to grow through 9 economic thematic cities:
- a. Financial City: The Finance City will be the economic core within the iconic waterfront (CBD). Covering about 2091 Ha, the finance city primarily houses commercial and mixed-use developments.
  - b. Government City: Government City is planned along the north-south cardinal axis. Housing several government functions and residential areas the city covers a land area of about 1093 Ha encompassing medium to high density townships that support the government core.



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- c. Justice City: Planned south of the government city along the north south cardinal axis, the Justice City will house the various judiciary functions and their support facilities. The Justice City covers a land area of about 1339 Ha.
- d. Knowledge City: Knowledge city is planned south of the Justice and Finance Cities. Housing a university campus, several colleges, and a knowledge park, the city covers a land area of about 3459 Ha.
- e. Media City: The Media and Cultural City is planned close to the famous temple town of Anantavaram.
- f. Sports City: Planned along the north western riverfront, the Sports city is aimed to be a dynamic waterfront attraction accommodating large stadiums, arena, and event venues for international-scale sports events, covering a land area of 1679 Ha.
- g. Health City: A dedicated Health city compliments the well distributed health facilities, covering a land area of 2647 Ha.
- h. Electronics City: Planned in the south, the Electronics City will thrive on the well-established IT and electronics industry in southern India, covering a land area of 2663 Ha.



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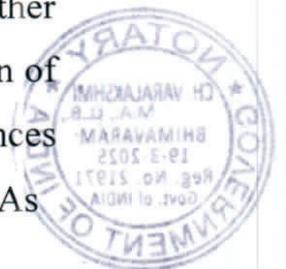
12. The draft LPS was published in Form 9.20 for each village between 29.04.2016 and 15.12.2016. The Final LPS was published in Form 9.22 for 22 villages between 30.09.2016 and 27.01.2017. The final LPS after notification stood incorporated into the Master Plan by operation of law.
13. That as per the Land Pooling Scheme, the Land Owners who have surrendered the Land, would in return get reconstituted Residential and Commercial Plots along with the LPS Infrastructure in the Capital City in terms of the notified and agreed formula. After returning the reconstituted plots to the land owners and after demarcating the land for the infrastructure as per the Master Plan, the remaining land will vest in the APCRDA. This land will be used to develop the Capital City in terms of the 9 economic thematic cities, thereby bringing investments, generating employment and creating social infrastructure. Keeping this in mind, the Land available with the APCRDA will be allocated/transferred to various institutions/companies.

14. That after getting the land under the Land Pooling Scheme, the reconstituted Plots were allotted to the landowners and development was undertaken in terms of the Master Plan. Buildings for temporary accommodation of the High Court of Andhra Pradesh, Andhra Pradesh Legislative Assembly and Legislative Council and the Andhra Pradesh Secretariat have been constructed, which would be used for other purposes, once the final buildings are ready. Construction of these final buildings along with construction of residences for the Hon'ble Judges of the High Court, Ministers, MLAs

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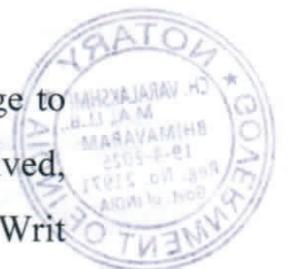
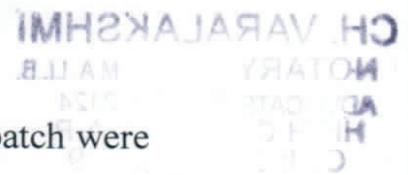


& MLCs, Officers or All India Services and other Government Officers had begun in 2018-2019.

15. However, following the General Assembly Elections conducted in May, 2019 and the formation of a new Government in the State of Andhra Pradesh - the development work in Amaravati had been wholly abandoned.
16. Thereafter, the State enacted the Andhra Pradesh Capital Region Development Authority Repeal Act, 2020 ("Repeal Act") and the Andhra Pradesh Decentralisation and Inclusive Development of All Regions Act, 2020 ("Decentralisation Act").
17. Aggrieved by the Repeal Act & the Decentralisation Act and the actions of the State of A.P in not developing Amaravati as per the Master Plan, the Respondents herein filed W.P. No.13202 of 2020 & batch on the ground that the said actions of the State of Andhra Pradesh violated their fundamental rights.
18. Whilst the hearings in W.P No.13203 of 2020 & batch were ongoing, the State of Andhra Pradesh repealed the Repeal Act and the Decentralisation Act.
19. Since various other prayers not concerning the challenge to the Repeal Act and the Decentralisation Act still survived, the Hon'ble High Court of Andhra Pradesh heard the Writ Petitions, and ultimately, by a common judgement dated



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03.03.2022 allowed W.P. No.13203 of 2020 & batch. The Hon'ble High Court whilst allowing the writ petitions – issued the following directions:

- 1) *The State and APCRDA are directed to discharge their duties enshrined under Schedule II and III and Land Pooling Rules, 2015;*
- 2) *The State and APCRDA are directed not to alienate/mortgage or create any third party interest on the land pooled, except for the construction of capital city or development of capital region;*
- 3) *The State and APCRDA are directed to complete the process of development and infrastructure in the Amaravati Capital City and Region providing basic amenities like roads, drinking water, drainage, electricity in terms of Section 58 of APCRDA Act read with Rule 12(6) of Land Pooling Rules, 2015 within one month from the date of this order.*
- 4) *The State and APCRDA are directed to complete the Town Planning Schemes as per Section 61 of APCRDA Act.*
- 5) *The State is directed to construct and develop Amaravati capital city and capital region within six months time, as agreed in the terms and conditions of Development Agreement-cum Irrevocable General Power of Attorney in Form 9.14, provisions of APCRDA Act and Land Pooling Rules, 2015.*
- 6) *The State and APCRDA shall develop the reconstituted plots belonging to land owners in Amaravati capital region by providing approach roads, drinking water,*

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*electricity connection to each plot, drainage etc. to enable the same to be fit for habitation in the Amaravati Capital city.*

*7) The State and APCRDA are further directed to deliver/handover the developed reconstituted plots in Amaravati capital region, on ground, to the land holders who surrendered their land as promised by the State, within three months from the date of this order."*

20. The present SLPs have been filed challenging the said common judgement dated 03.03.2022 allowing W.P. No.13203 of 2020 & batch.
21. Having examined the current situation in Andhra Pradesh and having due regard to the promises made to the people of Andhra Pradesh and especially the stakeholders of the Land Pooling Scheme, the Government has decided to fulfil its contractual and statutory obligations, made to the persons who have pooled their land, and to comply with the judgement and order of the Hon'ble High Court of Andhra Pradesh in Writ Petition No.13203 of 2020, dated 03.03.2022.
22. In particular, the State of Andhra Pradesh will undertake to complete the development as per the provisions of the APCRDA Act, 2014, the Rules and Regulations there under and specific performance of the terms of the Development Agreement cum Irrevocable Power of Attorney in Form 9.14.



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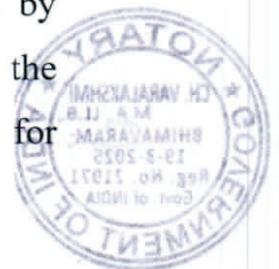


23. The State of Andhra Pradesh states that, in accordance with the terms of the aforesaid Development Agreement, and in compliance with the aforementioned judgement and order of the Hon'ble High Court of Andhra Pradesh, it will continue with, and complete construction of, a single capital city for the State of Andhra Pradesh, located at Amaravati. As per (i) the Land Pooling Scheme, (ii) the Agreements with the stakeholders and (iii) the promises made to such stakeholders by the State of Andhra Pradesh - the single capital city shall house the offices of all three civic wings of the State and it shall be developed in terms of the notified Master Plan dated 26.02.2016 & the core developmental plans contained therein including but not limited to the development of the nine thematic cities.

24. Following the construction of the said capital city, the State will comply with the remaining terms of the Development Agreement pertaining to land-pooling.

25. The State of Andhra Pradesh respectfully submits that the timelines for completion of remaining aspects of the Land Pooling Scheme and LPS Infrastructure development in terms of Schedule II to the Andhra Pradesh Capital City Land Pooling Scheme (Formulation and Implementation) Rules, 2015 as set out in the judgement of the Hon'ble High Court of Andhra Pradesh have since been overtaken by events. Keeping in mind issues of technical feasibility, the State respectfully suggests a modified schedule for completion, set out below:

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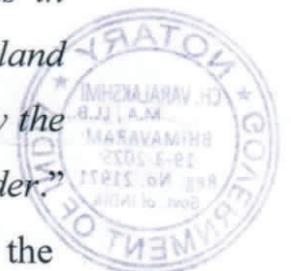
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- i. Vide direction 3), the Hon'ble Court directed that *"The State and APCRDA are directed to complete the process of development and infrastructure in the Amaravati Capital City and Region providing basic amenities like roads, drinking water, drainage, electricity in terms of Section 58 of APCRDA Act read with Rule 12(6) of Land Pooling Rules, 2015 within one month from the date of this order."* It is submitted that the State and the APCRDA will complete the same within 3 years.
- ii. Vide direction 5), the Hon'ble Court directed that *"The State is directed to construct and develop Amaravati capital city and capital region within six months time, as agreed in the terms and conditions of Development Agreement-cum Irrevocable General Power of Attorney in Form 9.14, provisions of APCRDA Act and Land Pooling Rules, 2015."* It is submitted that the State and the APCRDA will require 3 years' time to construct and develop the Amaravati capital city and capital region as per the provisions of the Development Agreement.
- iii. Vide direction 7), the Hon'ble Court directed that *"The State and APCRDA are further directed to deliver/handover the developed reconstituted plots in Amaravati capital region, on ground, to the land holders who surrendered their land as promised by the State, within three months from the date of this order."* With regard to this direction, it is submitted that the



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NOTARY  
M.A., L.L.B.  
ADVOCATE Code No. 2124  
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State and APCRDA will deliver the reconstituted plots within a period of 3 years

26. Therefore, it is humbly stated that the State of Andhra Pradesh undertakes to complete the remaining aspects of the Land Pooling Scheme and LPS Infrastructure development in terms of Schedule II to the Andhra Pradesh Capital City Land Pooling Scheme (Formulation and Implementation) Rules, 2015 within 3 years.

27. Further, the State of Andhra Pradesh undertakes to develop the City of Amaravati in terms of the Detailed Master Plan for the Capital City-Amaravati Master Plan approved and notified on 23.02.2016. This development will be in line with the above mentioned 9 economic thematic cities, in a phased manner till 2050, depending on the needs and opportunities, which would arise.

28. As stated above, as part of the Land Pooling Scheme, after returning the reconstituted plots to the land owners and after demarcating the land for various infrastructure as per the Master Plan, the remaining land will vest in the APCRDA.

This land will be used to develop the Capital City in terms of the 9 economic thematic cities and bring investments, generate employment and create social infrastructure.

Keeping this in mind, the land available with the APCRDA will be allocated/transferred to various institutions/companies as deemed fit by the APCRDA/State of Andhra Pradesh.

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29. The State of Andhra Pradesh undertakes to comply with any further directions that this Hon'ble Court may see fit to issue.
30. In the premises mentioned above, it is prayed that the present Special Leave Petitions may be disposed off in the interest of justice.

**VERIFICATION:**

I, the above named deponent do hereby verify that the contents of this affidavit as true and correct to the best of my knowledge and that no part of it is false and nothing material is concealed therefrom.

Verified at Amaravati on this the 10<sup>th</sup> day of December, 2024



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**CH. VARALAKSHMI**  
**NOTARY** M.A., LL.B.  
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*Signature*  
**DEPONENT**

10/12  
**CHIEF SECRETARY**  
 Government of Andhra Pradesh  
 Velagapudi, Amaravati,  
 Guntur District - 522 238.

*Signature*  
**DEPONENT**

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**CHIEF SECRETARY**  
 Government of Andhra Pradesh  
 Velagapudi, Amaravati,  
 Guntur District - 522 238.



**1. Physical Progress of Building Projects: Status as on June, 2019**

<b>SR. NO.S</b>	<b>BUILDINGS</b>	<b>PHYSICAL PROGRESS</b>
1	IGC	Under Operation
2	Group D Staff Housing Project	67%
3	MLA & MLC Housing Project	67%
4	Gazetted Officers Housing Project	57%
5	Secretariat Staff Housing Project	57%
6	AIS Officers Housing Project	67%
7	High Court Building Project	8%
8	HOD Staff Housing Project	57%
9	Infrastructure Sector Office Complex	13%
10	Industry Sector Office Complex	13%
11	Service Sector Office Complex	13%
12	Hon'ble CM's Office Complex	13%
13	Legislative Assembly Project	Construction not started
14	Amaravati Happy Nest	Construction not started
15	Judicial Complex	Building is under operation. APCRDA will obtain EC and consent as per the current rules

**2. Physical progress of Trunk Infrastructure –status as on June 2019**

<b>SR. NO.</b>	<b>MAJOR ROADS</b>	<b>ACTUAL PROGRESS (IN PERCENTAGE)</b>
1	Seed Access Road (E3)	73
2	Package 1 (E8) Road	35

3	Package 2 (N9) Road	55
4	Package 3 (N4, N14) Roads	39
5	Package 4 (E10, E14, E16) Roads	27
6	Package 5 (E6) Road	16
7	Package 6 (E12) Road	8
8	Package 7 (N11) Road	16
9	Package 8 (E10, E14, N16) Utilities	16
10	Package 9 (N4, N9, N14) Utilities	39
11	Package 10 (E6, E8, E13, N11) Utilities	30
12	Package 11 (E2, E4, N7) Roads and utilities	31
13	Package 12 (E7, E9, E11, N3A, N3B) Roads and Utilities	37
14	Package 13 (N8, N10) Roads and Utilities	17
15	Package 14 (E16, N12, N15, N17) Roads and Utilities	23
16	Package 15 (E3, N10) Roads and Utilities	21
17	Package 16 Iconic Bridge	1
18	Package 17 E13, E 15, N1, N2, N5, N16, N18	-Nil-
19	Package 18 E5, N13	-Nil-

### 3. Physical Progress of Zone wise LPS infrastructure works - Status as on June 2019

SR. NO.	LPS ZONE	PHYSICAL PROGRESS (IN PERCENTAGE)
1	1	7.6
2	2	10.09
3	3	4.51
4	4	Not yet commenced
5	05A	Not yet commenced

6	05B	Not yet commenced
7	05C	Not yet commenced
8	05D	Not yet commenced
9	6	16.14
10	7	18.17
11	08A	Not yet commenced
12	9	Not yet commenced
13	09A	Not yet commenced
14	10	12.3
15	12	Not yet commenced
16	12A	Not yet commenced

#### 4. Ground Status of Parks as on June 2019

SR. NO.	WORKS	ACTUAL PROGRESS (IN PERCENTAGE)
1	Development of Shakamuru Park- 300 acres	10
2	Development of Ananthavaram Park- 34 acres	10
3	Development of Malkapuram Park- 13 acres	10

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL D. NO. 44241 OF 2018

EAS SARMA

APPELLANT(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

O R D E R

We do not find any merit in these appeals.

The civil appeals are dismissed both on the ground of delay as well as on merits.

Pending applications, if any, stand disposed of.

.....J.  
(A.K. SIKRI)

.....J.  
(S. ABDUL NAZEER)

NEW DELHI,  
JANUARY 4, 2019

ITEM NO.19

COURT NO.2

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 44241/2018

(Arising out of impugned final judgment and order dated 17-11-2017 in A No. 148/2015 20-07-2018 in RA No. 34/2017 passed by the National Green Tribunal)

EAS SARMA

Appellant(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.182447/2018-CONDONATION OF DELAY IN FILING and IA No.182448/2018-EX-PARTE STAY )

Date : 04-01-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Ms. Anitha Shenoy, Adv.  
Ms. Rashmi Nandakumar, AOR  
Ms. Srishti Agnihotri, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

The appeals are dismissed both on the ground of delay as well as on merits, in terms of the signed order.

Pending applications, if any, stand disposed of.

(SUSHIL KUMAR RAKHEJA)  
AR-CUM-PS

(RAJINDER KAUR)  
BRANCH OFFICER

(Signed order is placed on the file.)

//A TRUE COPY//

File No.CRDA-12029(50)/7/2017-ASST PLNG OFF-DEVC-APCRDA

Andhra Pradesh Capital Region Development Authority Vijayawada

**BUILDING PERMIT ORDER No. 112 /2018/ZONE-IX**

To

Smt. Puvvadda Lavanya W/o P.Rambabu,  
Sri Puvvadda Rambabu S/o P.Subbarao &  
Sri Jammula Sambasiva S/o J. Lakshmaiah  
3-13, Library Centre, Thulluru Panchayat  
(Vi)  
Thulluru Mandal Guntur District

Rc.No.CRDA-12029(50)/7/2017

DATE: 11/03/2019

Sir,  
Sub:

**APCRDA**-Building Permission-Proposal for construction of Cellar, Ground floor for parking & three upper floors **Kalyanmandapam** -Banquet Hall (Commercial Building) in an extent of 3160.33 Sqm in D.No.54/2, 55 & 69/1A of Thulluru Village, Thulluru Mandal, Guntur District-Permission Sanctioned- Regarding.

Ref:

1. Application dt. 31/10/2017 of **Puvvada Lavanya & others**
2. Minutes of the open forum meeting dated 10/11/2017
3. This office letter dt.26/11/2017
4. Your letter for Revised drawings dt.23/01/2018
5. Minutes of the open forum meeting dated 30/01/2018
6. Note orders of Commissioner dated 01/03/2018
7. This office letter dt.07/03/2018
8. Your letter for Revised drawings dt.15/03/2018
9. This office letter dt.13/04/2018 for payment of fees
10. Your letter dt.20/06/2018 for payment of fees
11. This office letter dt.16/07/2018 for Fire NOC
12. Your letter dt.05/11/2018 with provisional Fire NOC
13. Your letter dt.07/01/2019 with revised drawing as per provisional Fire NOC
14. Amaravati Capital city ZR-2016

\*\*\*\*\*

The Application submitted in the reference has been examined with reference to the rules and regulations of Amaravati Capital City Master plan & Zoning regulations-2016 and permission is hereby sanctioned conditionally as detailed below:

<b>A</b> <b>APPLICANT AND LICENSED PERSONNEL DETAILS:</b>
---

Reviewed copy.  
G. Sankar naidu  
11/3/2019

DESPATCHED  
Dt: 12/3/19

File No.CRDA-12029(50)/7/2017-ASST PLNG OFF-DEVC-APCRDA

Applicant	Smt. Puvvadda Lavanya W/o P.Rambabu, Sri Puvvadda Rambabu S/o P.Subbarao & Sri Jammula Sambasiva S/o J. Lakshmaiah		
Developer / Builder	P.Sankararao	Lic No.	12012(59)/42/17
Licensed Technical Person	Lakshmanrao M.	Lic No.	222/2014
Structural Engineer	Sri Srimannarayana	Lic No.	License No:12021/(57)37/16
Others	---		---

B SITE DETAILS			
D No.	D.No. 54/2, 55 & 69/1A	Premises No	
Plot No	---	Layout/RLP/ULP	---
Street	---	Locality	---
Name of Village	Thulluru	Mandal	Thulluru
District	Guntur	State	Andhra Pradesh
C Details Of Permission Sanctioned As For Zr Of Amaravati Capital City Master Plan			
1	Site area (Sqm) (as per documents)		3255.07
2	Site area proposed for construction of Kalyanmandapam with Cellar, Ground floor for parking & Three upper floors (Cellar +G+3) (as on ground)		3223.58
3	Road Affected Portion (Sqm)		63.25
4	Net Site Area (Sqm)		3160.33
5	Floors		Parking floors
	Built up area (m2)	Area (Sqm)	Level No
	Cellar(Parking)	860.94	On site 36stalls
	Ground floor(Parking)	855.94	Cellar 17 stalls
	First floor	874.68	Ground floor 17 stalls
	Second floor	874.68	Total 70 stalls
	Third floor	484.26	
	Total Built Area (Sqm)	3950.50 Sqm	Net built up area excluding parking floors = 2233.62 Sqm
6	Usage	Commercial – Kalyanmandapam ( Banquet Hall)	
7	Cellar Height(m)	3.54m	8 Building Height(m) 16.00m

9	(i) Set-backs		Front (m)	Rear (m)	Side-1(m)	Side-2 (m)
			North	South	East	West
	Provided		12.69	6.67	6.35	12.60
	(ii) Coverage:	As per rules 60%	As per plans		27.68%	
(iii) F.S.I	As per rules 1.4	As per plans		0.71		

## File No.CRDA-12029(50)/7/2017-ASST PLNG OFF-DEVC-APCRDA

10	No. of Units	-	11	Recreational open space (m2) (%)	5 %
12	Green coverage (%)	15.04%	13	Water tank	---

D DETAILS OF FEES PAID				
1	Building application fee		Rs. 20,160/-	Paid
2	Development charges		Rs. 1,77,889/-	Paid
3	Open space cost		Rs. 5,29,166/-	Paid
4	Road formation cost		Rs. 54,720/-	Paid
5	Building Permit fee		Rs. 1,61,283/-	Paid
6	Labour welfare cess		Rs. 3,78,811/-	Paid
7	Green Fee		Rs. 1,30,204/-	Paid
8	Compounding fee		Rs. 4,75,937/-	Paid
E OTHER DETAILS:				
1	Contractor's All risk Policy No:		Dt:	Valid up to:
2	Reg. Mortgage Deed No/Dated: 3350/2018,  Dt: 19/06/2018 at SRO, Thulluru	Local body: APCRDA	Floor handed over : First Floor  10% Site area	Area (m2): 236.90  Area (m2): 316.033
F FIRE NOC DETAILS				
1	Provisional Fire NOC for File No.4975/GNT/MSB/2018 dt 02/11/2018			
F	Construction to be Commenced Before : /02/2020			
G	Construction to be Completed Before : /01/2022			

**The Building permission is sanctioned subject to following conditions:**

1. The permission accorded does not confer any ownership rights. As per Sec 113 of APCRDA Act, the Commissioner or the Authority or the Government, may revoke any development permission issued under this Act, whenever it is found that there has been any false statement or wrong permission is issued or any misinterpretation of any material fact or rule on which the permission was granted.
2. Limitations of Building Sanction:

Sanction of building permission by this Authority shall not mean responsibility or clearance of the following aspects:

- Title or ownership of the site or building.
- Easement Rights.
- Variation in area from recorded area of a plot / site or building.
- Structural Reports, Structural Drawings and structural stability.
- Workmanship, soundness of structure and materials used.
- Quality of building services and amenities in the construction of building.
- The site/ area liable to flooding as a result of not taking proper drainage arrangement as

**File No.CRDA-12029(50)/7/2017-ASST PLNG OFF-DEVC-APCRDA**

- per the natural lay of the land, etc.
- Other requirements or licenses or clearances required for the site /premises or activity under various other laws.
3. If any dispute litigation arises in future, regarding the ownership of a land the applicant shall be responsible for the settlement of the same, APCRDA or its employees shall not be a part to any such dispute / litigation.
  4. This permission does not bar any public agency including APCRDA to acquire the lands for public purpose as per law
  5. As per the undertaking executed:
    - The construction shall be done by the owner, only in accordance with sanctioned Plan under the strict supervision of the Architect, Structural Engineer and site engineer failing which the violations are liable for demolition besides legal action.
    - The owner, builder, Architect, Structural Engineer and site engineer are jointly & severally responsible to carry out and complete the construction strictly in accordance with sanctioned plan.
    - The Owner, Builder, Architect, Structural Engineer and Site Engineer are jointly and severally are held responsible for the Structural Stability during the building construction and should strictly adhere to all the conditions mentioned in the rules.
    - The Owner / Builder should not deliver the possession of any part of mortgaged built up area of the building unless and until Occupancy Certificate is obtained from Andhra Pradesh Capital Region Development Authority after providing all the regular service connections to each portion of the building and duly submitting the required documents.
  6. Structural Safety and Fire Safety Requirements shall be the responsibility of the Owner, Builder/Developer, Architect and Structural Engineer and shall provide all necessary Fire Fighting installations as stipulated in National Building Code of India – 2016.
  7. Construction shall be covered under the contractors all risk Insurance till the issue of occupancy certificate and Proper care to avoid risk and injury to persons working on site and passers-by shall be taken by owner / applicant. The owner / builder shall be responsible for safety of construction workers.
  8. Architect / Structural Engineer if changed, the consent of the previous Architect / Structural Engineer is required and to be intimated to the APCRDA.
  9. The Services like Sanitation, Plumbing, Fire Safety requirements, lifts, electrical installations etc., shall be executed under the supervision of Qualified Technical Personnel.
  10. The permit Order remains valid for three years during which time the development works or layout works or construction and civil works shall be completed, and if not completed, such permission shall be got revalidated for another two years only on submitting an application and on payment of the additional fees and charges as may be prescribed.
  11. If the works are not commenced within one year from the date of issue of Permit Order, the Development Permission stands lapsed: Provided that such lapse shall not bar any subsequent application for fresh Development Permission under the Act, however, such application shall be subject to the rules / regulations and payment of fees and charges which are in force as on that date of fresh application.
  12. Neither the granting of the development permission or the approval of the drawings and specifications, nor the inspections made by the Sanctioning Authority during development shall, in any way, relieve the licensed professional or developer from full responsibility for carrying out the development in accordance with these Regulations.

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13. If during the execution any deviation is made from the Sanctioned Permit Order and if the same are in accordance with the provisions of the Act or Plans or Schemes or any rules or regulations made under the Act, the revised Development Permit shall be obtained without fail.
14. Sanctioned Plan copy as attested by the APCRDA shall be displayed at the construction site for public view and Results of tests of materials, records of the test data shall be kept available for inspection during the construction of the building and for such a period thereafter as required by the Sanctioning Authority.
15. Commencement Notice shall be submitted by the applicant before commencement of the building.
16. Basement and designated areas approved for parking in the plan should be used exclusively for parking of vehicles without partition walls & rolling shutters and the same should not be converted or misused for any other purpose at any time in future and parking stalls shall be striped.
17. No. of flats as sanctioned shall not be increased without prior approval of APCRDA at any time in future.
18. All greenery and live landscaping as shown in the approved plan shall be completed before occupancy of building and shall be properly maintained. All dead or dying landscaping shall be replaced immediately and all sodden areas mowed, fertilized and irrigated on a regular basis.
19. Stocking of Building Materials on footpath and road margin causing obstruction to free Movement of public & vehicles shall not be done, failing which permission is liable to be suspended.
20. A safe distance of minimum 3.0mts Vertical and Horizontal Distance between the Building & High Tension Electrical Lines and 1.5mts for Low Tension electrical line shall be maintained.
21. Green building norms, energy efficiency guidelines (ECBC) and Environmentally sustainable development shall be followed
22. Rain Water Harvesting Structure (percolation pit) and plantation of trees shall be taken up as per stipulations in Water, Land and Trees Act.2002.
23. Buildings shall be designed for compliance with earth quake resistance and resisting other natural hazards.
24. Owner / Builder shall install roof top solar plants in the 1/3 of the roof top areas of all buildings to meet 10% of the total energy demand of the buildings.
25. Builder / owner shall ensure to meet 15% of the external lighting load and 5% of the lighting load through renewable energy and this is in addition to 20% of the hot water energy needs from renewable energies.
26. Owner / Builder shall ensure to establish site level waste management facility with adequate space accommodating space for sorting, storage in segregated forms, processing and composting.
27. Owner / Builder shall ensure to establish multiple bin system in all the activity areas for segregation at source level.
28. Owner / Builder shall ensure to establish composting facility for the processing of the biodegradable waste within the site.
29. Owner / Builder shall ensure to handing over the recyclable, biomedical and hazardous wastes to the authorize recyclers and Reuse / Handing over of the composted manures of greenery development and the wastes for filling operations in the Capital City development project works.
30. The functional/line agencies dealing with electric power, water supply, drainage and sewerage shall not give regular connections to the building unless such Occupancy Certificate is produced, or alternatively may charge the tariff as prescribed till such

**File No.CRDA-12029(50)/7/2017-ASST PLNG OFF-DEVC-APCRDA**

- time Occupancy Certificate is produced.
31. The Registration Authority shall register only the permitted built up area as per the sanctioned building plan and only upon producing and filing a copy of such sanctioned building plan. On the Registration Document it should be clearly mentioned that the registration is in accordance with the sanctioned building plan in respect of setbacks and number of floors.
  32. The Financial Agencies and Institutions shall extend loans facilities only to the permitted built up area as per sanctioned plan.
  33. Owner/builder shall ensure the Requirements for accessibility in built environment for elders and disabled persons as per norms in NBC 2016.
  34. Owner / Developer shall not change or convert the building usage/ part of the building usage without prior approvals by this Authority.
  35. **Owner /Builder/ Developer shall comply with all the conditions as specified in the Provisional Fire NOC issued by Ap state Disaster Response and Fire Services Department vide File n. 4975/GNT/MSB/2018 Dt. 02.11.2018.**
  36. **Owner /Builder/ Developer shall comply with conditions in NGT Orders in Original Application No. 171 of 2015 Dt. 17<sup>th</sup> November, 2017, the conditions in SEIAA/AP/GTN -151/2015 - Environmental Clearance dt. 09.10.2015, conditions in enclosed Annexure without fail/deviation.**
  37. Occupancy Certificate shall be mandatory for all buildings. No person shall occupy or allow any other person to occupy any building or part of a building for any purpose unless such building has been granted an Occupancy Certificate by the Sanctioning Authority.
  38. The owner through the licensed professional who has supervised the construction shall give notice to the Commissioner regarding completion of work described in the development permission. The completion certificate shall be submitted in the prescribed form and shall be accompanied by six sets of completion plan.
  39. Issue of completion certificate misrepresenting the facts shall be an offence punishable under section 114 under the Act and such licensed professional shall be black listed permanently.
  40. Occupancy Certificate will be issued only on submission of Fire Occupancy from Fire Department and Mortgage shall be released only upon issue of Occupancy Certificate by the Commissioner, APCRDA.
  41. **Owner/Builder/ Developer shall comply with all the guidelines as specified in Amravati Capital city Zoning Regulations.**
  42. The applicant shall pay the short fall of payment if any, noticed by the Authority at any time.
  43. **The conditions mentioned in Annexure (NGT order) shall be complied during execution of work without fail.**

Enclosure: Annexure

By order

**DIRECTOR**  
For COMMISSIONER  
APCRDA

File No.CRDA-12029(50)/7/2017-ASST PLNG OFF-DEVC-APCRDA

Copy to:  
The Panchayat Secretary,  
Thullur Gram Panchayat,  
Thullur Mandal,  
1. Guntur District

**//A TRUE COPY//**

**Signature valid**

Digitally signed by Nava  
Sundari K  
Date: 2019.03.11 11:47:57 IST  
Reason: Approved



Pramod Kumar Guntur &lt;gunturpramodkumar@gmail.com&gt;

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**EA No.2 of 2025**

1 message

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**Pramod Kumar Guntur** <gunturpramodkumar@gmail.com> Thu, Jul 24, 2025 at 7:59 PM  
To: "litigation@dclawchambers.com" <litigation@dclawchambers.com>  
Cc: Gautam singh <gautamsinghh.ind@gmail.com>, Raghavendra Sreyas TVS <sreyas.tvsr@gmail.com>, rahul pratap <prataprahul7@gmail.com>

Sir,

Please find attached a copy of the Reply/Compliance Affidavit on behalf of Respondent No.3.

Thanks

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**GUNTUR PRAMOD KUMAR****ADVOCATE-ON-RECORD,  
SUPREME COURT OF INDIA**

**CHAMBER:** 312,C.K. DAPHTARY CHAMBERS,  
SUPREME COURT, NEW DELHI-110001,  
**TEL:** 011 23070717,  
**MOBILE:** +91-9873914009.

**OFFICE:** G-33, LOWER GROUND FLOOR,  
JANGPURA EXTENSION,  
NEW DELHI-110014,  
**TELFAX:** 011-41541050.

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 **Reply-Compliance Affidavit of Respondent No.3.pdf**  
25477K