

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 171/2015
(M.A. No. 510/2015)**

Pandalaneni Srimannarayan & Anr. Vs. State of Andhra Pradesh & Ors.

**CORAM : HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present:

Applicant /Appellant	:Mr. Sanjay Parikh, Sr. Adv. with Ms. Parul Gupta, Sarvan Kumar, Ninni Susan Thomas, Advs.
Respondent Nos. 1	:Mr. Ganguli, Sr. Adv. and Mr. Guntur Prabhakar, Guntur Pramod Kumar, Advs.
Respondent Nos. 2	:Mr. S. Guru Krishna Kumar, Sr. Adv. Mr. Prashant Mathur, Mr. Guntur Prabhakar, Guntur Pramod Kumar, Advs.
Respondent No. 3	:Mr. Vishwendra Verma, Pranay Verma, Shivali Singh, Advs.
Respondent No. 4 MOUD	:Mr. A. Kumar Prasad, Priyanka Swami, Jigdal Chankapa, Advs.

	Date and Remarks	Orders of the Tribunal
	Item No. 9 October 10, 2015	<p>Only Respondent No. 3 – MoEF has to file reply. Others have filed the replies and the rejoinder thereto is on record.</p> <p>Learned Counsel appearing for the State of Andhra Pradesh makes a statement on instructions that the wetlands in the State of Andhra Pradesh including the area in question have been duly identified as per Rule-6 of the Wetland (Conservation & Management) Rules, 2010. He further makes a statement on instructions that the flood plains of river Krishna in the State of Andhra Pradesh have been demarcated.</p> <p>Learned Counsel appearing for the Applicant submits that the additional affidavit filed by the State of Andhra Pradesh points out that the State of Andhra Pradesh has taken steps for obtaining environmental clearance in respect of the project in question. Awaiting this environmental clearance, he submits that the work of ground clearance is commenced by the State of Andhra Pradesh in the project area. He invites our</p>

attention to the photographs showing bulldozers at work engaged in ground clearance at annexure- A-27 to the rejoinder dated 21.09.2015. He admits that the location of the activity as seen in the photographs has not been clearly disclosed in the applicant's sworn statement. However, he submits that the affidavit in support of these photographs would be placed on record in course of the day.

On instructions, he submits that these photographs were taken on 14.09.2015 at Udandraipalam an area which falls in the project area. He further invited our attention to an order passed by the Chief Engineer, Vijaywada at annexure A-28 at page 260 directing the dismantling of the LT Lines and DTRs feeding electricity supply to the agricultural services in Thulluru & Tadepalli Mandals in the area which falls in the project areas. If this be true, this runs contrary to the commitment made by the State of Andhra Pradesh on 27.07.2015 that the State shall abide by all statutory requirements which are necessary to protect the environment.

Environment Clearance Regulation 2006, requires prior environmental clearance before commencing any construction activity or preparation of land at the site by the applicant. Going by this mandate of law, it is an obligation upon the State, the Project Proponent not to indulge in any clearing activity within the project area before obtaining necessary environmental clearance. We, therefore, direct the State of Andhra Pradesh not to carry out any operations of the clearing of the land falling in the project area without obtaining the EC to the project in question.

Two weeks time is granted to the MoEF to file the reply. Advance copy of the reply be furnished to the

applicant who may file rejoinder thereto, if any, within a week thereafter. Liberty is granted to the State to file additional affidavit, if any in response to the contentions raised by the Applicant. The State shall also place before us the details of the demarcation of the flood plains and the identification of the wetlands on the next date of hearing.

List this matter on 5th November, 2015.

.....,JM
(U.D. Salvi)

.....,EM
(Ranjan Chatterjee)

