

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), CHENNAI**

Appl. No. 6 of 2013

Leo. F.Saldanha

...Applicant

- Vs -

Union of India  
Rep.by its Chief Secretary &  
Others

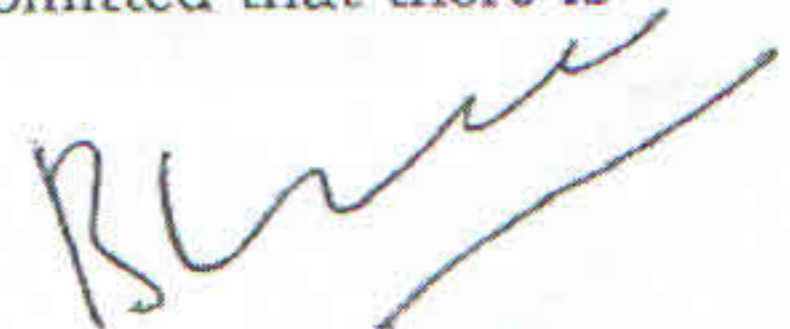
...Respondents

**COUNTER FILED BY THE 14<sup>TH</sup> RESPONDENT M/s SAGITOUR  
VENTURES INDIA PVT. LTD.**

The 14<sup>th</sup> Respondent submits as follows:

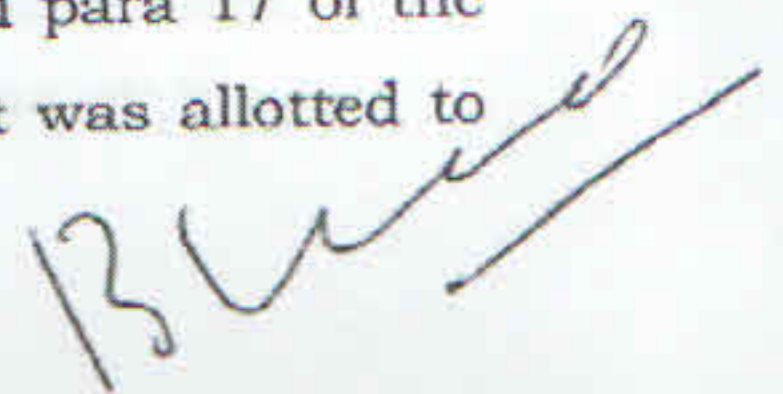
The address for service on the 14<sup>th</sup> Respondent is that of their counsel M/s S.Siva Sangarane, R.Kanchana and Uttam Cheriyan, Advocates, No.16/2, Old No.23/2, Pycrofts Garden Road, Nungambakkam, Chennai - 600 006.

1. The 14<sup>th</sup> Respondent denies all the allegations and averments made in the application except those that are all expressly admitted herein and put to the Applicant to strict proof of the same.
2. The 14<sup>th</sup> Respondent in respect of para 1 submits that the same deals Geographical Position of the district which the lands is situated and further there are no allegations against the 14<sup>th</sup> Respondent.
3. The 14<sup>th</sup> Respondent submits that the averments made in para 2, 3, 4, 5 & 6 are in general for the entire district and without any material proof. Further all the averments are in respect of the Geographical diversification and the ground water information and agricultural contingency plan of the entire district which comprises of 7,70,000 hectares of lands. It is further submitted that there is



no specific averment in respect of the Village or Taluk of the land allotted to the 14<sup>th</sup> Respondent. It is submitted that the land allotted to the 14<sup>th</sup> Respondent is a barren land with sparse amount of shrubs which cattle grazing is not dependent upon.

4. The 14<sup>th</sup> Respondent in respect of the averments made in para 7 & 8 of the application submits that the land classified for the grazing of special breed of Amrit Mahal Cattle was transferred in 1971 to the custody of the sheep and wool development corporation of the department of animal husbandry for the advancement of sheep rearing which shows to prove that the land is no longer for grazing of Amrit Mahal Cattle and the land has been transferred to the management of Karnataka Sheep and Wool Development Corporation.
5. The 14<sup>th</sup> Respondent submits that the averments made in para 9, 10 & 11 are without any basis made for the purpose of the case. It is further reiterated it is a barren land which contains small shrubs which has no other vegetation in and around the land.
6. The 14<sup>th</sup> Respondent submits that the averments made in para 12, 13, 14, 15 & 16 is with respect to the land allotted to the 13<sup>th</sup> Respondent (Indian Institute of Science). The 13<sup>th</sup> Respondent who conducted a rapid bio-diversity survey in its own campus comprising of 1500 acres has made this report with respect to its own campus. Whereas the land allotted to the 14<sup>th</sup> Respondent for setting up solar (PV) panels for producing solar energy which is a barren land to enable easy implementation of the solar energy project.
7. The 14<sup>th</sup> Respondent deny the allegations made in para 17 of the Application and submits that the 14<sup>th</sup> Respondent was allotted to



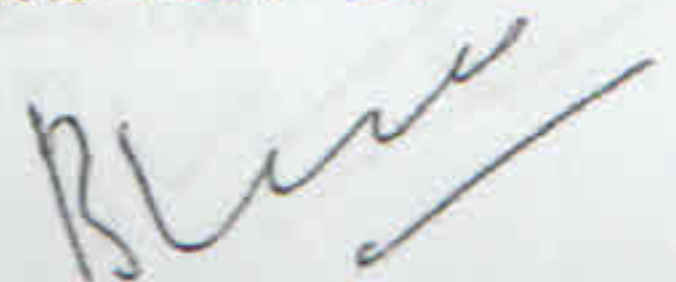
the land after following the required statutory procedures and there was no violation in allocating the land to the 14<sup>th</sup> Respondent.

8. The 14<sup>th</sup> Respondent in respect of para 18 & 19 of the application submits that the 14<sup>th</sup> Respondent has been allotted with 1000 acres of land in R.S.No.343 of Varavu Kavalu Village of Naikanahatti Hobil Challakere Taluk, Chitradurga District vide G.O.No.RD13LGC2013 dated 14.02.2013 for the purpose of development of solar park subject to pending High Court Writ Petition No.26144 to 26147 of 2012 and other relative petitions subject to the final order passed by the Court.

It is further submit that the land allotted to the 14<sup>th</sup> Respondent does not come under Rule 33 of Karnataka Forest Rule of 1969 since the government transferred 12000 acres to Karnataka Sheep and Wool Development Corporation, under the Department of animal husbandry for the advancement of sheep rearing.

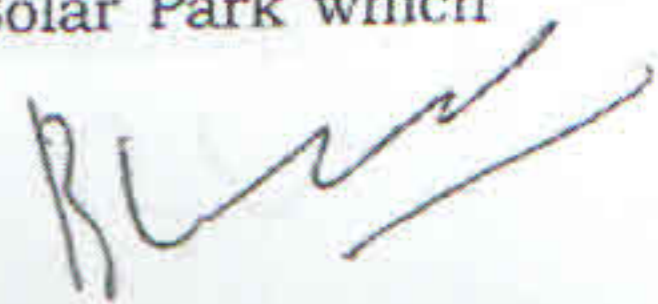
9. The 14<sup>th</sup> Respondent in respect of para 20, 21, 22, 23 & 25 do not comment on the same as the same is not relating to the 14<sup>th</sup> Respondent.

10. The 14<sup>th</sup> Respondent in respect of para 24 submits that the allotment was ordered only on 14.02.2013 and the copy of the GO was received by the 14<sup>th</sup> Respondent subsequently and therefore the 14<sup>th</sup> Respondent could not coordinate with the environmental officer and because of the same the said notice has been issued. The 14<sup>th</sup> Respondent further submits that the government of India Ministry of Environment and Forest by the letter dated 13.05.2011 have clarify regarding the applicability of EIA Notification 2006 in respect of Solar Photo Voltaic (PV) power projects that the same or not covered under the ambit of EIA Notification, 2006 and no environmental clearance is required for such projects under the



provisions thereof. As such no environment clearance is required for the 14<sup>th</sup> Respondent solar power project.

11. The 14<sup>th</sup> Respondent in respect of para 26, 27, 28, 29, 30, 31 & 32 submits that the provisions of the forest (conservation act 1980) and the Karnataka Forest Act 1963 does not apply to the land allotted to the 14<sup>th</sup> Respondent as the said land even as of 1971 when transferred to the Karnataka sheep and Wool Development Corporation for the advancement of sheep rearing and it lost its identity as Amrit Mahal Kaval.
12. The 14<sup>th</sup> Respondent denies the averments made in para 33 of the application and submits that the allegation is without any basis in respect of the 14<sup>th</sup> Respondent.
13. The 14<sup>th</sup> Respondent in respect of para 34, 35, 36 & 37 submits that the averments made there under are bald and baseless and without any relevancy with the case and the issue in the hand.
14. The 14<sup>th</sup> Respondent does not comment on para 38 as the allegations are not against the 14<sup>th</sup> Respondent.
15. The 14<sup>th</sup> Respondent in respect of para 39 & 40 submits that the allegations are baseless made for the purpose of the case.
16. The 14<sup>th</sup> Respondent submits that any averments in respect of the Amrit Mahal Kaval claiming to be forest under the Karnataka Forest Act is barred by limitation as the cause of action for the same would have arose as of 1971 when the land was transferred to the Karnataka Sheep and Wool.
17. The 14<sup>th</sup> Respondent submits that the project of the 14<sup>th</sup> Respondent has been to develop and Karnataka Solar Park which



will provide an opportunity for small and medium entrepreneurs to set up solar project which will have a major social impact as it will help many small and medium entrepreneurs to the part of the solar park as well as help promote green energy in the state of Karnataka. The 14<sup>th</sup> Respondent further submits that the government has rightfully allotted the land to the 14<sup>th</sup> Respondent since it is barren land and the best suitable land for a solar project would require low cost dry land with solar radiation. The solar power is the foremost fighter for sustainable development as it is a source of renewable energy, which will help the State of Karnataka in sustaining the power scarcity in the future. Further the renewal power will also foster industrial growth in the village and thereby leading to increased employment and improved economy in the village.


18. The 14<sup>th</sup> Respondent further submits that a group of farmers, who are members of the Karnataka Rajya Raitha Sanga (KRRS) staged a dharna wanting the solar power plant to be set up to help the farmers in the district. Further they also submitted application to the Deputy Commissioner for the implementation of the solar power project.


19. The 14<sup>th</sup> Respondent further submits that the application is not maintainable since each of the Respondents are diversified and the approvals for each of them are also diversified. The Respondent further submits that the environmental clearance for each of the Respondents would differ and therefore the 14<sup>th</sup> Respondents cannot be looked in par. On this count the above application ought to be dismissed.

20. Further the prayers in the Application are not maintainable as the same is pre-matured since the 14<sup>th</sup> Respondent have not commenced any construction activity.

Therefore it is prayed that this Hon'ble Tribunal may be pleased to dismiss the above application and thus render justice.

Dated at Bangalore on the 28<sup>th</sup> Day of February 2013.

  
**Counsel For the  
14<sup>th</sup> Respondent**

  
**14<sup>th</sup> Respondent**

#### **Verification**

I B.V. Naidu, the Managing Director of the 14<sup>th</sup> Respondent do hereby verify and declare that the statements made in para 1 to 20 are true to the best of my knowledge belief and information,

Dated at Bangalore on the 28<sup>th</sup> of February 2013.

  
**14<sup>th</sup> Respondent**