

**BEFORE THE HON'BLE NATIONAL GREEN  
TRIBUNAL, SOUTHERN ZONE, CHENNAI**

**PRESENTATION FORM**

**APPLICATION NO. 06/2013 (SZ)**

Serial No. \_\_\_\_\_  
Advocate Sri

**BETWEEN**

**LEO F. SALDHANA,  
VAJRAHALLI**

D.NAGARAJ  
ADVOCATE  
# 608/A,  
DR.RAJKUMAR ROAD,  
2<sup>ND</sup> BLOCK, RAJAJINAGAR,  
BANGALORE -560010.  
MOB - 9448881513

**AND**

**UNION OF INDIA &  
OTHERS**

---

<b>Sl No.</b>	<b>Description Of Paper Presented</b>
---------------	---------------------------------------

---

- |    |  |
|----|--|
| 1. | Statement of Objections by Respondent No.6.  |
| 2. | Affidavit verifying the Statement of Objections.   |
| 3. | <b>ANNEXURE-'R2':</b> Copy of the Notification dated<br>01-10-2010 issued by the MOEF GOVT. OF india<br>constituting SEIAA for Karnataka State.. |

**PLACE: CHENNAI**

**DATED:15-04-2013**

**ADVOCATE FOR 6TH RESPONDENT  
D.NAGARAJ**

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

**APPLICATION NO.06 / 2013 (SZ)**

**BETWEEN:**

**LEO F. SALDHANA, Vajrahalli,  
Bangalore.  
Party-in-person**

**..APPLICANT**

**AND:**

**UNION OF INDIA AND OTHERS**

**..RESPONDENTS**

**INDEX**

<b>SL. NO.</b>	<b>PARTICULARS</b>	<b>PAGE NOS.</b>
1.	Statement of Objections by Respondent No.6.	1-4
2.	Affidavit verifying the Statement of Objections.	5
3.	<b>ANNEXURE-'R2':</b> Copy of the Notification dated 01-10-2010 issued by the MOEF GOVT. OF india constituting SEIAA for Karnataka State.	6-7

**PLACE: CHENNAI**

**DATED:15-04-2013      ADVOCATE FOR 6TH RESPONDENT  
D.NAGARAJ**

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

**APPLICATION NO.06 / 2013 (SZ)**

**BETWEEN:**

**LEO F. SALDHANA, Vajrahalli,**  
Bangalore.  
Party-in-person

**..APPLICANT**

**AND:**

**UNION OF INDIA AND OTHERS**

**..RESPONDENTS**

**STATEMENT OF OBJECTIONS BY  
RESPONDENT NO.6**

The Respondent No.6 above named submits as follows:

1. It is submitted that in this application, the Applicant has sought for various directions against the Respondents herein directing to maintain Amrit Mahal Kavals free from diversion/encroachment, to remove civil constructions illegally erected, and to restore the Amrit Mahal Kavals to its original state and that a direction to Respondents No.1 to 9 to commission the Regional Environment Impact Assessment to study carrying capacity and to comprehend the impact of all projects proposed in this region on bio-diversity, environment, and human settlement etc., before taking any decision for granting approval to any or all projects and further direction to commission a comprehensive study of Socio Economic Impacts of the proposed projects on Agrarian and Pastoral Community of the region and also to conduct a comprehensive study and audit of the land use, water use by each project from the point of view of the location, demand for land and such other consideration before granting environment clearance and consent for establishment for the proposed projects. The Respondent No.6 most respectfully submits that, in so far as this Respondent is concerned, the

application filed before this Hon'ble Tribunal is not maintainable either in law or on facts and therefore, the same is liable to be dismissed.

2. It is submitted that the Ministry of Environment and Forest, Government of India, in exercise of powers conferred by sub-section (1) and Clause V of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986, read with Clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 issued a notification (hereinafter referred to as "EIA Notification 2006"] wherein, the Central Government directed that on and from the date of the publication of the said notification, the construction of new projects or activities or expansion or modernization of existing projects or activities listed in the schedule to the said notification shall be undertaken in any part of India only after the prior environmental clearance from Central Government or as the case may be by the State Level Environment Impact Assessment Authority duly constituted by the Central Government.

3. Paragraph 3 of the said EIA notification 2006 provides for constitution of State Level Environment Impact Assessment Authority i.e. Respondent No.6 herein and pursuant to which, on 01-10-2010, Ministry of Environment and Forest, Government of India, issued a notification constituting the State Level Environment Impact Assessment Authority (SEIAA) for Karnataka State. A copy of the said notification is produced and marked as **ANNEXURE-'R2'**. Sub-para (3) of Para 3 of EIA Notification 2006 provides the eligibility criteria and qualifications two members which is given in Appendix-VI to the EIA Notification, 2006 and Sub-para (4) thereof, provides that one of the specified members in sub-para (3) who is an expert in the Environment Impact

Assessment process, shall be the Chairman of Karnataka State Environment Impact Assessment Authority. Appendix VI to the EIA Notification 2006, provides for eligibility criteria. Thus experts and professionals who fulfils the eligibility criteria in Appendix VI to the EIA Notification 2006, would be appointed as Chairman and Member of the Karnataka State Environment Impact Assessment Authority i.e. the Respondent No.6 herein.

4. Para 7 of the EIA Notification 2006, provides that the process of granting environmental clearance would comprise four stages and they are:

- Stage-1: Screening (only for Category-B projects and activities).
- Stage-2: Scope
- Stage-3: Public consultation.
- Stage-4: Appraisal.

5. The entire scheme of the EIA Notification 2006, and four stages of process provided thereunder for granting environmental clearance, if appreciated, the main function of this Respondent i.e. Karnataka State Environment Impact Assessment Authority would to act as an expert body while granting prior environmental clearance to any project or activities listed in the Schedule to the EIA Notification, 2006 and while considering the said aspect, it has to determine, the terms of reference comprehensively addressing all relevant environmental concerns for the preparation of EIA Report in respect of the projects or activities. The Respondent No.6 authority has no suo motu powers to take any action or to take cognizance of any violations of the provisions of the Environment (Protection) Act, 1986 and/or any notification

4

issued thereunder. The Respondent No.6 authority is only an expert body consisting of experts having qualification provided in Appendix VI to the notification. If at all any action is to be taken for the violators of the provisions as aforesaid, it is for the Ministry of Environment and Forest, Government of India, to take such action as has been provided under the Provisions of Environment (Protection) Act, 1986. Therefore, in so far as Respondent No.6 is concerned, the application is liable to be dismissed.

6. All other allegations which are not hereby traversed are denied as not correct.

Wherefore, Respondent No.6 respectfully prays that this Hon'ble Tribunal be pleased to pass such Order as this Hon'ble Authority deems fit in the facts and circumstances of this case, in the interest of justice and equity.

NWD

**PLACE: CHENNAI**

**DATED:15-04-2013 ADVOCATE FOR 6TH RESPONDENT  
D.NAGARAJ**

5

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

**APPLICATION NO.06 / 2013 (SZ)**

**BETWEEN:**

**LEO F. SALDHANA, Vajrahalli,**  
Bangalore.  
Party-in-person

**..APPLICANT**

**AND:**

**UNION OF INDIA AND OTHERS**

**..RESPONDENTS**

**AFFIDAVIT**

I, Dr.H.S.Ramesh, S/o Sri H.S.Shama Rao, Aged about 61 years, Chairman, Karnataka State Environment Impact Assessment Authority, 7<sup>th</sup> Floor, 4th Phaser, M.S.Building, Dr.Ambedkar Veedhi, Bangalore-560 001, today at Mysore, do hereby solemnly affirm and state on oath as follows:

1. I state that I am the Chairman of the 6th Respondent in this application and I know the facts of the case. Hence, I am swearing to this affidavit.
2. I state that the averments made in Paras 1 to 5 of the Statement of Objections are true and correct to the best of my knowledge, information and belief.

**VERIFICATION**

I Dr.H.S.Ramesh, Chairman of the 6th Respondent herein do hereby verify and declare that the averments made in the accompanying Statement of Objections are true and correct to the best of my knowledge, information and belief.

**IDENTIFIED BY ME**

**ADVOCATE**

**MYSORE**

**DATED:**

**NO. OF CORRECTIONS:-**

**DEPONENT**

**"Sworn to before me"**

## MINISTRY OF ENVIRONMENT AND FORESTS

## NOTIFICATION

New Delhi, the 1st October, 2010

S.O. 2402(E).— In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with paragraph 3 of the notification of the Government of India in the Ministry of Environment and Forests, number S.O. 1533(E), dated the 14<sup>th</sup> September, 2006 (hereinafter referred to as the said Gazette notification), the Central Government hereby constitutes the State Level Environment Impact Assessment Authority (SEIAA), Karnataka (hereinafter referred to as the Authority, Karnataka) comprising of the three Members, namely, Chairman, Member and Member Secretary as under:

- |    |  |  |
|----|--|--|
| 1. | Dr. H.S. Ramesh, Professor and Head, Department of Environmental Engineering, S.J. College of Engineering, Mysore  | Chairman, Project Management and EIA Process |
| 2. | Dr. H.R. Rajmohan, Scientist 'F' & Officer-in-charge, Regional Occupational Health Centre (Southern), Indian Council of Medical Research (ICMR Complex)    | Member, Project Management, Risk Assessment  |
| 3. | Secretary to Government (Ecology and Environment), Forest, Ecology and Environmental Department, Government of Karnataka, M.S. Building, Bangalore-560 001 | Member Secretary                             |

2. The Chairman and Members of the Authority, Karnataka shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.

3. The Authority, Karnataka shall exercise such powers and follow such procedure as are enumerated in the said Gazette notification.

4. The Central Government, to assist the Authority, Karnataka in consultation with the State Government of Karnataka, hereby constitutes the State Expert Appraisal Committee, Karnataka (hereinafter referred to as SEAC, Karnataka) comprising of the following Members, namely :-

1.	Dr. S. Ganjigatti, 522A, 2 <sup>nd</sup> Main, 3 <sup>rd</sup> A Cross, 3 <sup>rd</sup> Block, Rajmahal Vilas Extn-2, Bangalore - 560 094.	Chairman, Environment Quality, Environment Impact Assessment Process
2.	Dr. G. Srinikethan, Dean (Academic)/Professor of Chemical Engineering National Institute of Technology Karnataka, Surathkal,	Member, Environmental Impact Assessment and Risk Assessment

3852 GI/10-2

	Srinivasnagar P.O.-575025	
3.	Dr. Ravikumar B.N., Professor, Department of Environmental Engineering, Adichunchanagiri Instt of Technology, Jyothinagar, K.M. Road, Chikmagalur-577102	Member, Environment Quality
4.	Dr. B.S. Jai Prakash, Director, Institute of Environment and Harzardous Materials Management (IEHMM), V.V. Pura College of Science, Former Principal in Bangalore Institute of Technology	Member, Project Management
5.	Dr. Usha N. Murthy, Department of Civil Engineering, Bangalore University, Bangalore -560056.	Member, Project Management
6.	Dr. Vadaga Satya Gangadhara Rao, 68, Golden Homes, Liberty Acres, Indlabele Halli, Attibele Sarjapura Road, Attibele Hobli. Bangalore -562 107.	Member, Environment Quality, Project Management
7.	Dr. C.G.Kushalappa, Professor, Department of Forest Biology and Tree Improvement, College of Forestry, Ponnampet-571216, Kodagu District Karnataka	Member, Forestry and Wildlife
8.	Dr. B. Manoj Kumar, Department of Environmental Engineering, Sri Jayachama-Rajendra College of Engineering, Mysore-570 006, Karnataka.	Member, Environment Quality, Project Management
9.	Dr. Bela Zutshi, Reader (Associate Professor), Aquatic Biology and Fish Endocrinology and Toxicology, Department of Zoology, Bangalore University, Bangalore	Member, Life Science
10.	Dr. S.K. Gali, Professor & Head, Department of Environmental Science, University of Agriculture Sciences, Dharward-580005.	Member, Project Management
11.	Shri M.B. Girish, Assistant Professor, Civil engineering Department, Bangalore Institute of Technology, K.R. Road, Bangalore	Member, Project Management
12.	Dr. S. Suryaprakash, Professor of Agricultural Economics, University of Agricultural Sciences, GKVK.	Member, Environmental Economics

	Bangalore-560065.	
13	Special Director (Technical Cell), Forest, Ecology and Environment Department, Government of Karnataka, M.S. Building, Bangalore -560001.	Secretary

5. The Authority, Karnataka shall take decision on the recommendations of the SEAC, Karnataka.
6. The Chairman and Members of the SEAC, Karnataka shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.
7. The SEAC, Karnataka shall exercise such powers and follow such procedures as are enumerated in the said Gazette notification.
8. The SEAC, Karnataka shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case, and if consensus cannot be reached, the opinion of the majority shall prevail.
9. The State Government of Karnataka shall notify an agency to act as secretariat for the Authority, Karnataka and shall provide all financial and logistic support including accommodation, transportation and such other facilities in respect of all its statutory functions.
10. Sitting fee, travelling allowance and dearness allowance to the Chairman and Members of the Authority, Karnataka shall be paid in accordance with the rules of the State Government of Karnataka.

[No. J-11013/16/2007-IA. II(I)]

NALINI BHAT, Scientist "G"