

**IN THE HIGH COURT OF KARNATAKA AT
BANGALORE**

WRIT PETITION No. 10300/2020 (GM- RES)/PIL

BETWEEN

United Conservation Movement
Charitable and Welfare Trust

... PETITIONER

AND

Ministry of Environment, Forest and
Climate change, Govt., of India & Another.

... RESPONDENTS

STATEMENT OF OBJECTIONS OF RESPONDENT NO.2:

The Respondent above named humbly submits as follows:

1. The Petitioners have sought a Writ of Certiorari for quashing the Office Memorandum dated 22-08-2013, which recommends exemption of EIA process which is claimed as environmentally detrimental and against the preamble of Environment (Protection) Act, 1986, and issue such other Writ, order or direction, as this Hon'ble court deems fit and proper. This Respondent submits that the rights and reliefs claimed under Article 48A, are impermissible

as every right under the Constitution of India are subject to reasonable restrictions, and further under the Constitution, these rights may be regulated and or curtailed in accordance with law. Hence, this Writ Petition is liable to be dismissed.

PRELIMINARY OBJECTIONS & SUBMISSIONS:

2. At the outset this Respondent submits that the Petitioner's challenge of the exemption from obtaining Environmental clearance under the 2013 Amendment, whereby expansion of national highways greater than 100 kms involving additional right of way greater than 40 Mts on existing alignments and 60 Mtrs on realignment, are not required to obtain Environmental clearance, is untenable. This Respondent submits the Petitioner as an Organization with vested interests cannot invoke fundamental rights granted under the Constitution of India, and allege violation of the Environment (Protection) Act, 1986. **The rights guaranteed to citizens of India cannot be abused by any organization alleging that it is working for the benefit of the people likely to be affected by it. Hence, it is submitted that this Writ Petition filed by the Petitioner Organization is not**

at all maintainable and the Writ Petition is liable to be dismissed.

3. It is also submitted that there is delay and laches in challenging the Amendment Notification dated 22-08-2006, which was in public domain ever since then, and has not been challenged all these years. Only when in W. P. No. 3350/2019, a copy of the Notification was filed by this Respondent, the Convener of the Petitioner, Mr. Joseph Hoover, who is Petitioner No.2 in W. P. No.3350/2019, has thought of challenging the Notification belatedly, with malafide intentions. **Hence, this Writ Petition is liable to be dismissed on grounds of delay and laches.** It is submitted that the Writ Petition is filed in furtherance of the Petitioners intentions to stall construction and widening of NH-4A.
4. It is submitted that there are many organizations in India, calling themselves as Environmental Action Groups and Human Rights Groups, such as Amnesty International etc., which are actively involved in attacking development projects, and challenging Govt. Policies & Notifications and doing anti national activities. There are many NGO's receiving funds from foreign sources and Church funds, in contravention of laws. This Respondent is relying on the

proceedings of W. P. No. 6111/2014, pending in this Hon'ble Court, **where the Petitioner therein, one M/s. Manasa Centre for Development & Social Action, which has challenged the action of freezing of the inward remittance of Funds from "Dan Church Aid"**. A copy of the Writ Petition is produced herewith as **Annexure R-1**. The Respondent No.1/ Bank therein has filed its Statement of Objections, producing a copy of the letter of the **Ministry of Home Affairs, Money Laundering Cell, barring inward remittance of Dan Church Aid**. A copy of the Statement of Objections is produced herewith as **Annexure R-2**. **Apart from Church funds other funds are also received from foreign sources by hawala means, which go undetected**. It is not known whether the Petitioner United Conservation Movement Charitable and Welfare Trust, being an Non-Governmental Organization, is receiving any such funds from abroad, in contravention of the Foreign Contribution (Regulation) Act, 2010 and whether, they are duly cleared by the Home Ministry.

5. The Respondent submits that the Petitioners are allegedly espousing lofty ideals of environment protection as provided under Article 48A of the Constitution of India, by falsely alleging that construction of roads and highways in forest areas are destroying

the environments, forests etc., selectively targeting only this Respondent/NHAI, as it is doing some good work of development.

As in respect of every right under the Constitution of India, every such right is subject to reasonable restrictions, which is the law. When State Governments construct roads and state highways, or lay electricity lines through Reserve Forests, there is absolutely no opposition or any Writ Petition filed challenging the decision of the State Governments. And no permissions or environment clearances are obtained by State Governments, either under the Environment (Protection) Act, 1986, or the Forest Conservation Act, 1980. But, when this Respondent undertakes improvement and widening of the State highways converted to National highways, there is a huge opposition by the so called Environmental groups, such as the Petitioners and others. The Petitioner herein and the Petitioners in W. P. No.3350/2019 have deliberately chosen to target NHAI, as it is involved in development of National Highways. **Hence, this Writ Petition filed with malafide intentions and with ill will and targeting this Respondent, is liable to be dismissed with costs.**

6. **This Respondent also submits that there are more than 20 Lakh people who have encroached upon Reserve Forests in**

India, and the State Governments have not taken any action to evict them, and **these encroachers are the real cause of denudation of large tracts of forests**, and all the ills associated with it, and not account of widening of any highway constructed by this Respondent. Most of encroachments are illegally protected under the Forest Rights Act, on the ground that the encroachers are Tribals, by filing Writ Petitions in High Courts and Supreme Court of India. **An NGO called Wildlife First Trustee (contrary to its aims) by its authorized signatory has filed in the Supreme Court of India Writ Petition (Civil) No.109/2008 and obtained stay on the eviction of lakhs of so called Scheduled Tribes and other traditional forest dwellers whose claims for forest land rights have been rejected under the Forest Rights Act (FRA) of 2006.** However, these NGO's are not concerned by large scale forest denudation by these so called Tribals, but are offended by widening of National Highways, for the benefit of all in need of road transportation. **Hence, it is clear these litigations are initiated by vested interests individuals and groups, with hidden aims and thereby discrimination against this Respondent.**

7. This Respondent further submits that the Petitioners are barred from challenging the impugned Notification dated 22-08-2013, of the Ministry of Environment and Forests, in so far as it relates to the amendment for National Highways, as it has been promulgated on practical grounds of permitting improvement and development of national highways. Under Section 22 of the Environment Protection Act, 1986, there is a bar on Courts from interfering with the action of the Central Govt. It reads as follows.

22. Bar of Jurisdiction.- No civil court shall have jurisdiction to entertain any suit or proceeding **in respect of anything done, action taken or order or direction issued by the Central Government** or any other authority or officer **in pursuance of any power conferred** by or in relation to its or his functions **under this Act.**

It is submitted that though the bar generally applies to Civil Courts, **the decisions of the Central Government are generally not to be interfered with, on any challenge by vested interest groups** and those inimical to public interest and also National Highways being improved or developed.

8. This Respondent submits that the purpose of enacting the Environment Protection Act, 1986, are as follows,

An Act to provide for the protection and improvement of environment and for matters connected there with: **WHEREAS the decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;**

Hence, the Act has been passed by Parliament not only for protection of environment but also at the instance of foreign powers. **And many NGO's are filing such Writ Petitions at the instance of foreign powers.** Foreign entities such as Amnesty International and Peoples Union for Civil liberties through its Indian counter parts have filed Writ Petitions directly under Article 32 of the Constitution of India, by passing High Courts, in furtherance of vested interests, **disregarding the law in India, i.e., all rights, are subject to reasonable restrictions.** Hence, this Writ Petitions being one such, in utter disregard of Indian laws of **reasonable restrictions** on all rights are not to be entertained and are liable to be dismissed.

9. It is submitted that most of the National Highways are Inter State highways, connecting two or more states. **And that development and widening of any National Highways as per needs may be restricted to portions where there is large traffic volume necessitating, widening of only portions or smaller sections. NHA or State Govt., may take up only small sections for Development of such portions or sections, which is not development of the entire National highway.** Therefore, where there is limited development of sections less than 100 kms., or the widening does not extend to 40 Mtrs., or 60 Mtrs on realignment the MOEF has relaxed the need to obtain Environmental clearance. **The object sought to be achieved is clear, and is to the effect, that where the expansion is not greater than 100 kms., and the additional land acquisition does not exceed 40 Mtrs or totally 60 Mtrs on realignment, no Environmental Clearance is to be obtained. The reason for the Amendment and enlargement to 100 kms from the earlier threshold of 30 Kms, is account of practical needs, as 30 Kms is too small and 100 Kms is ideal, though the recommendation was for 200 kms, as the earlier position of 30Kms was too small and was impractical.**

10. **This Respondent further submits that whether the threshold should be 30 Kms or 100 kms, and ROW should be 20 Mtrs or 60 is a policy decision of the Ministry, and it cannot be challenged by the Petitioner.** Further, the decision is taken pursuant to recommendations of the High Level Committee of the Planning Commission, to enhance it to 200 kms and 60 Mtrs ROW. In the case of Villianur Iyarkkai Padukappu Maiyam Vs. Union of India, (2009) 7 SCC 561, the Hon'ble Supreme Court in Para 169 was pleased to observe as under:-

169. It is neither within the domain of the courts nor the scope of judicial review to embark upon an enquiry as to whether a particular public policy is wise or whether better public policy can be evolved. Nor are the courts inclined to strike down a policy at the behest of a petitioner merely because it has been urged that a different policy would have been fairer or wiser or more scientific or more logical. Wisdom and advisability of economic policy are ordinarily not amenable to judicial review. In matters relating to economic issues the Government has, while taking a decision, right to "trial and error" as long as both trial and

error are bona fide and within the limits of the authority. For testing the correctness of a policy, the appropriate forum is Parliament and not the courts.

11. The Hon'ble Supreme Court of India again in the case of ParisonsAgrotech Private Limited Vs. Union of India, reported in (2015) 9 SCC 657 held as follows:

B. Constitution of India:- Arts. 14, 32 and 226 - Policy decision – Scope of judicial review – Principles summarized - **Notifications imposing selective restriction** and confirmed prohibition of import of crude palm oil only through ports in Kerala – **Validity of – Held once it is found that there is sufficient material for taking a particular policy decision, bringing it within four corners of Arts. 14 of the Constitution, power of judicial review would not extend to determine the correctness of such a policy decision or to indulge in exercise of finding out whether there could be more appropriate or better alternatives – Court will not ordinarily interfere with policy decision that are taken based on expert knowledge of the persons**

concerned – When a policy decision is taken in the public interest, courts ought not to tinker with the same.

The Policy decisions of Parliament empowering the Central Government, as can be seen from the provisions of the Environment Protection Act, 1986 **and the lawful exercise of power under it, by the Ministry, on the Report of the Planning Commission, cannot be challenged by filing a Public Interest Litigation or a Writ Petition by vested interest groups and the same is liable to be dismissed.**

12. The main ground urged in the Writ Petition, is that the Central Govt., has no power under Section 3 of the Environmental Protection Act, 1986 and Environmental Protection Rules, to grant exemption and is beyond the powers granted is untenable, as the Petitioner is relying on Section 3(2)(v). The Central Government has been empowered under Section 3(1), which states that "the Central Government **shall have power to take all such measures as it deems necessary or expedient** for the purpose of protecting and improving quality of the environment and preventing, **controlling and abating** environmental pollution. The

Central Govt., also has power under Section 3(2)(iii) of "**planning and execution of a nationwide programme for the prevention, control and abatement of environmental pollution**". Therefore, all aspects of planning and execution of a nationwide programme for abatement of environmental pollution, is covered under this power granted to it, and accordingly has been done by a Gazette Notification dated 14-09-2006 and Amendment dated 22-08-2013. Therefore, the contentions of the Petitioner, that Central Govt.'s power under Section 3(2) (v) is only to restrict operations in certain areas and not exempt activities, is totally misleading this Hon'ble Court. Likewise, the alleged claim that there is blanket exclusion of all expansion projects less than 100 kms, and is beyond the powers of the Central Govt., is totally erroneous. It is submitted that the **power of inclusion and exclusion is part of power** under "**planning and execution of a nationwide programme**". The Central govt., has the power to lay down standards, under this clause.

13. Earlier the Central Govt., had notified on 14-09-2006, the Rules under which Environmental Clearance could be granted as well as exemptions there under, from obtaining Environmental clearances. Over a period of time, it was found that it was impractical and it

does permit the object sought to be achieved by the exemption, as under the 2006 Notification schedule, under Clause 7 (f) (i) **all new Highways and** (ii) expansion of National Highways greater than 30 Kms., involving additional right of way greater than 20 Mtrs., involving land acquisition and passing through more than one State, required **Environmental Clearance**. Therefore, restrictions as above are as determined by the Central Government.

14. As this provision was found to be impractical, the **Central Government constituted a High Level Committee under the Chairmanship of Member (Environment and Forest and Science and Technology), Planning Commission**, vide Office Memorandum dated 11.12.2012 to review the provisions of Environmental Impact Assessment Notification 2006. One of the terms of reference (ToR) of the Committee was to review the requirement of Environmental Clearance for Highway expansion projects up to the Right of way of 60 Mtrs., and length of 200 Kms., under Environment Impact Assessment Notification. **The Committee recommended that expansion of National Highway Projects up to 100 Kms., involving Additional Right of Way or land acquisition up to 40 Mtrs., on existing**

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alignments and 60 Mtrs., on realignments or bypasses may be exempted from the per view of the Notification. Hence, the Committee recommended exemption, for highway projects with less than 100 Kms., and 40 Mtrs. This was carried out by way of an Amendment dated 22.08.2013, which is impugned herein.

15. **The real reason as can be made out from the Notification dated 22.08.2013, was that expansion of National Highways for 30 Kms., and 20 Mtrs., RoW, was impossible as the need was for exemption up to a distance of 200 Kms., and 60 Mtrs., RoW. But the Ministry, i.e., MoEF, reduced it to 100 Kms., and 40 Mtr., width.** It may be noted that in respect of National Highways, expansion up to 30 Kms., and Addl. RoW of 20 Kms., was far insufficient for development of any National Highway and widening.

Without prejudice to the above contentions, the rest of the reply of the Respondents is as follows:

PARAWISE REPLY

submits that the Petitioner is not entitled to challenge the Notification dated 22.08.2013, on account of delay and laches, of more than 7 years for which there is no explanation at all in this Writ Petition. The explanation, that it was produced in W. P. No.3350/2019 is no explanation at all. The Notification dated 22.08.2013, was in Public Domain ever since in Publication on 22.08.2013. Further, the amendment was suggested by the High Level Committee of the Planning Commission, Government of India. The Writ Petition is filed by vested interest group, with malafide intensions and ulterior motives. Hence, the Writ Petition is liable to be dismissed.

17. With reference to Para 2 of the Writ Petition, the Petitioner claims to be a United Conservation Movement, and the bonafide's of the Petitioner are not known to this Respondent. Further, since the Petitioner is seeking enforcement of Fundamental Rights granted to Citizens under the Constitution, the Writ Petition filed by the Petitioner organization is not maintainable. It has been found elsewhere, that Non-Government Organizations, are funded by foreign sources and they are involved in challenging Government Policies and Notifications, attacking development projects and

doing Anti-National activities. Hence, the Petitioner has yet to establish its bonafide's.

18. With reference to Para 3 of the Writ Petition, the claim that the Central Government has no power under the Environment Protection Act 1986, to exempt a Project from the requirement of Environment Impact Assessment, is not correct. The Central Government has been empowered under Section 3(1), which states that "the Central Government **shall have power to take all such measures as it deems necessary or expedient** for the purpose of protecting and improving quality of the environment and preventing, **controlling and abating** environmental pollution. The words **necessary** is to be read as whatever is required in the interests of controlling environmental pollution, as well as permitting activities. **The power granted to the Central Government is not only of prohibiting any class of activity, but also permitting any class of activity with suitable restrictions.** Hence, the claims of the Petitioners are totally contrary to Section 3 (1) of the Act. The Petitioner has tried to rely on Section 3 (2) (v) of the Act to impose restriction of areas and illegally claim that there is no power of granting exemption. It is denied that the Central Government by exempting expansion of all

National Highways up to 100 Kms., and involving additional right of way or land acquisition up to 40 Mtrs., on existing alignment and 60 Mtrs., on re-alignment, has acted contrary to the powers vested in the statute. It is denied that irrespective of ecological sensitivity of the area National Highway up to 100 Kms., can be widened. It is submitted that **"ecological sensitivity" cannot be used to deny or shut down each and every activity** at the whims and fancies of the Petitioner or such likeminded persons or organizations. It is denied that the exemption is contrary to law or has serious adverse impact on the environment in general and specifically on ecologically sensitive area.

19. With reference to Paras 4 & 5 of the Writ Petition, it is true that the Government of India had constituted a high level committee under the Chairmanship of Member (Environment and Forests and Science and Technology), Planning Commission, which went into all aspects as well as practical aspects, and needs of requirements before making a recommendation, which is incorporated in the Amendment. Being a Policy decision it cannot be challenged.

20. With reference to Para 6 of the Writ Petition, the averments in the Writ Petition are not relevant in respect of National Highway

schedule to the Notification dated 14.09.2006, **specifically required all new National Highways**, in clause 7 (f) (i), and **partly exempted expansion of National highways up to 30 kms and ROW of 20 Mtrs.** The restrictions regarding expansion projects of National Highways were found to be impractical. Therefore, the Government of India, Ministry of Environment and Forest contemplated exemption from Environmental clearance for a larger distance and ROW.

21. With reference to Paras 7 & 8 of the Writ Petition, the averments therein, do not take into account, the deliberate occupation of forest land illegally by people living peripherally and encroaching upon forests. In fact the destruction of forests by encroachments by villagers is far greater than by National Highway projects, which may be 90 to 95 times more **These so called environmentalists are not going after these people/villagers who have encroached forest lands but are targeting NHAI as they have vested interests. There are Reports on the disastrous effects of encroachments by villagers, resulting in complete destruction of forests, in India and other forest such as Amazon forests in Brazil etc., which are conveniently, ignored and suppressed, to pursue only a claim against**

these Respondents/NHAI. The Claim of the petitioner that landslides have occurred due to slope failure along roads, cannot be alleged against NHAI as, it has not taken up any projects in Kodagu District, but it is by the State Govt. Hence, this Writ Petition is filed with malafide intentions and therefore liable to be dismissed.

22. With reference to Para 9 of the Writ Petition, the averments therein are denied as the Petitioner has sought to highlight only certain aspects of alleged impediments of flow of stream of water affecting landscape, which cannot be alleged against this Respondent. **Further, the fact that the Petitioner has quoted passages from books written by Duniway and Herrick, 2011; Katz et al., 2014, shows that this Writ petition may have been filed at the instance of foreign vested interests.** There is an averment that road construction by altering streams dramatically reduces riparian streams. **The reference to foreign Authors, Bruizneel 2004, Slide et. al. 2006, Chadwick et.al.2006, in this Para all show that the Petitioner has relied on foreign Authors and their books as material for targeting the Respondents. It is well known that India is rising in the World economically, having achieved the status**

of having the 5th largest economy, and certain Western powers and India's enemy neighbors are envious of and want to hit development projects of the Central and State Govts. As also create large scale public unrest, and even funding them. The reference material extracted from the book of Sidle et al., 2006, confirms the above view, that vested interests may be involved.

23. With reference to Para 10 of the Writ Petition, the averments therein are denied and that the exemptions are not only on account of the need to expedite the projects, which results in reduced construction costs, but also that environment or its protection is not at all affected, in view of advanced engineering being used. The need for Environmental impact assessment is to satisfy the environmentalists of their obsessions. **National highways are connecting at least two States and it is a necessity, which cannot wait a long drawn Environment Impact Assessment (herein after referred to as EIA) spread over 2 to 3 years.** The process for EC clearance of NH-4A of NHAI, PIU, Dharwad obtained in 2007, started in 2005 and it took 2 and half years. It is common knowledge that construction costs shoot up by 25% to 30%, for a delay of 2 years. **Hence,**

considering all these economic aspects, as well as other aspects of necessity, and minimal environmental damage etc., for smaller projects of less than 100 kms and widening below 60 Mtrs., **there is actually no need for a EIA.** In fact, NH-48 (Bangalore – Mangalore) constructed during the Pre-Independence era did not have any adverse environmental impact, and likewise any widening will not have any adverse environmental impact. Therefore, the same holds good for NH-4A. **The Petitioners have not shown by any material, that widening of a National Highway, by this Respondent has caused any environmental damage. Except making bald and vague statements and producing extracts of foreign Authors, there is no real evidence of national highway widening causing environmental damage.**

24. With reference to Para 11 of the Writ Petition, the averments therein are not correct. A national highway expansion of less than 30 Kms and involving additional right of way of less than 20 Mtrs, did not require EC clearance, as per Schedule and Entry No. 7(f), in the 2006 Notification.

25. With reference to Para 12 of the Writ Petition, the averments therein are denied and do not reflect that it has any application to National Highways.
26. With reference to Para 13 of the Writ Petition, the averments that the Central Govt., has no powers to take any decision in respect of environmental protection is denied. The Petitioner has deliberately relied on Section 3(2) (v), which is only to restrict operations in certain areas and not exempt activities, and is totally contrary to Section 3(2)(ii) of the Central Govt., being empowered under the sub-section of **"planning and execution of a nationwide programme for the prevention, control and abatement of environmental pollution"**. Hence, all the alleged limited powers of Central Govt., as stated by the Petitioner is totally contrary to Section 3(2)(ii)& (iii). In fact, an attempt has been made to artificially restrict the Central Govt's., powers, by vested interest elements, inimical to the Govt. The Central Govt., has not only the power under Section 3(2)(ii) of the Act, but also executive power in respect of all matters not specifically provided for under any Statute under the Constitution of India.

27. With reference to Para 14 of the Writ Petition, the averments therein are not correct, as the Central Government has exercised power under Section 3 (2) (ii) and (iii), wrongly mentioned as sub rule (3), as there is no sub rule (3) under Section 3 (2) of the Environment Protection Act, 1986. Hence, the averments of the Petitioners in Para 14 are not correct and the Petitioner has again attempted to misguide this Hon'ble Court, regarding the source of power under Section 3 of the Act. The Central Government has also invoked the provision of Rule 5 (3) (d), where under the Central Government shall within a period of 120 days from date of publication of Notification in the Gazette, consider all objections and may within 545 days publish the Notification, which is duly done as per Notification dated 14.09.2006. Hence, the averments in the Writ Petition, Para 14 are totally wrong.
28. With reference to Para 15 of the Writ Petition, **the power under the Environment Protection Act, 1986, is not only to restrict dangerous activities but also to permit harmless activities and operations**, as also those with minimal environmental damage. Therefore, it cannot be said that it is only to prevent, control and abatement of environmental pollution.

29. With reference to Para 16 of the Writ Petition, the averments therein of power of exemptions being granted secretly are denied, as it amounts to total misrepresentation. **The Central Government has power under Section 3 (2) (ii) to lay down standards for the quality of Environment in all its various aspects. What amounts to acceptable standards and unacceptable standards are determined by the Central Government.** Such power necessarily involves inclusions and exclusions, which cannot be termed as granting secret exemption.
30. With reference to Para 17 of the Writ Petition **the averments of substantive ultra vires are denied. It again shows total animosity against the exercise of power by the Central Government and contrary to statute, with ulterior motives and with malafide intentions.** The Judgment of the Supreme Court of India in J. K. Industries V/s. Union of India, (2007) 13 SCC 673 Para 128, has no bearing on this case as specific power has been granted to the Central Government under section 3 (2) (ii) of the Act. In that case, the Power to alter the Schedule as well as power to fill in details was held as two distinct powers and both powers can be given to the Central Government.

31. With reference to Para 18 of the Writ Petition, this Respondent submits that the Writ Petition is filed with bad faith, malafide intentions and ulterior motives and not in public interest as falsely claimed by vested interests and therefore liable to be dismissed.
32. With reference to the Grounds in Para 19 of the Writ Petition, Article 48A cannot be availed to shut down all activities or operations, in the name of protecting and improving environment, forests and wild life of the country, as people living outside the forests, are entitled to basic needs of transportation by road to other parts of the state and the country.
33. With reference to the Grounds in Paras 20 & 21 of the Writ Petition, the averments therein are not correct, and falsely claimed as blanket exclusion of all National Highway Projects which are less than 100 Kms., without any reference to the practical aspects of needs and requirement to provide surface/road transportation.
34. With reference to the Grounds in Para 22 of the Writ Petition, the averments therein are not correct, as reasonable restrictions can be imposed on the rights under Article 48A of the Constitution of India, as has been held in a catena of decisions of the Hon'ble

Supreme Court of India. **Therefore, reasonable restrictions on the exercise of that right cannot be challenged collaterally, on the grounds of the sub ordinate legislation is alleged to be violative of the statute.**

35. With reference to the Grounds in Paras 23 to 25 of the Writ Petition, the averments therein are denied as it is made with malafide intentions, and to suit the Petitioners aim of targeting this Respondent in implementation of improvement of National Highways. It is submitted that the Judgments referred to are in-applicable and the Petitioners averments are one sided and made with ulterior motives and malafide intentions.
36. With reference to the Grounds in Para 26 of the Writ Petition, the averments therein of the Central Government not having the requisite power is denied. As submitted above power of inclusion and exclusion of standards, are within the scope of Section 3 (2) (ii) & 2(iii) of the Environment Protection Act, 1986.
37. With reference to the Grounds in Para 27 of the Writ Petition, it is denied that the Power under Environment Protection Rules, are limited only to protecting and improving environment and

imposing blanket ban, as sought to be made out by vested interests.

38. With reference to the Grounds in Paras 28 & 29 of the Writ Petition, the averments therein are denied, as it is a repetition of other Paragraphs. The interpretation sought to be imposed by the Petitioner is wrong and made with malafide intensions.
39. With reference to the Grounds for Interim Relief in Para 30 of the Writ Petition, it is submitted that since the Notification dated 22.08.2013, is applicable to the entire Country and has been acted upon in all Sates of the Country, the Petitioner is not entitled to stay of the said Notification, on the claims of vested interests persons and organizations.
40. With reference to the Prayer Clause (A) of the Writ Petition, seeking issue of a Writ of Certiorari, quashing the Office Memorandum dated 22.08.2013 as allegedly detrimental to the Act, is untenable, for the reasons stated above.

Wherefore, the Respondent prays that this Hon'ble Court may be pleased to dismiss the above Writ Petition with costs.

Bangalore

Dated: .01.2021

FOR RESPONDENT NO.2

Advocate for Respondent No.2

(3) I state that Annexures-R1& R2 are true copies of the original.

Bangalore
Dated: -01-2021

DEPONENT.

Identified by me,

Advocate.