

BEFORE THE NATIONAL GREEN TRIBUNAL FARIDKOT
HOUSE ,COPERNICUS MARG NEW DELHI.

ORIGINAL APPLICATION NO. 125/2017.

IN THE MATTER OF:

Court on its Own Motion

.....APPLICANT

Versus

State of Karnataka & Ors

..RESPONDENTS

Next D.O.H: 02.12.2019

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Service of Proof

2180

Filed By

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Date 28/11/2019

ADVOCATE

Place New Delhi .

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BEFORE THE NATIONAL GREEN TRIBUNAL
 PRINCIPAL BENCH, NEW DELHI
 ORIGINAL APPLICATION NO. 125 OF 2017

IN THE MATTER OF: -

Court on its own Motion

... Applicant(s)

: VERSUS:

State of Karnataka

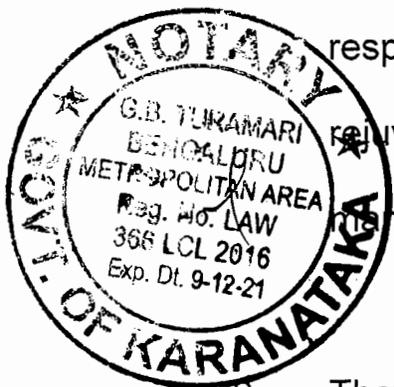
... Respondent(s)

AFFIDAVIT

I, N. NAGARAJ S/O LATE C. NANJUNDAPPA, the Chief Engineer, Minor Irrigation & Ground Water Development Department (South) Bangalore for the State of Karnataka, do hereby solemnly affirm that in my official capacity I am fully conversant with the facts and circumstances relevant to the present matter and also based on the official records maintained with the state. I further affirm that the contents of the affidavit are true and correct to the best of my knowledge, information and belief and no material is concealed therefrom:-

1. The State along with the concerned agencies have utmost respect towards this Hon'ble Tribunal and are determined to rejuvenate the lakes as per its directions in a time bound manner.

2. That in compliance of the order dated 6.12.2018 ("thesaid order") passed by this Hon'ble Tribunal the department has



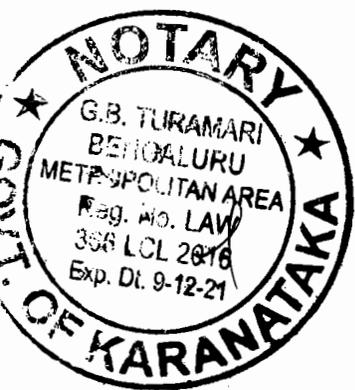
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taken concrete and substantial steps towards the rejuvenation of the said lakes which are as follows:

a. That the direction of this tribunal to remove the dumping of C & D debris upon the lake bed and within the boundary of Varthur lake has been complied by the answering respondent (Department of Minor Irrigation) and compliance report has been submitted vide letter No.TA3/ AE/ 15 no 2202 dated 17.08.2019 and further a report submitted to the National Green Tribunal on 19.09.2019. Copy of the satellite images reflecting the removal of the C & D debris dumping is marked and annexed herewith as **ANNEXURE R - 1**.

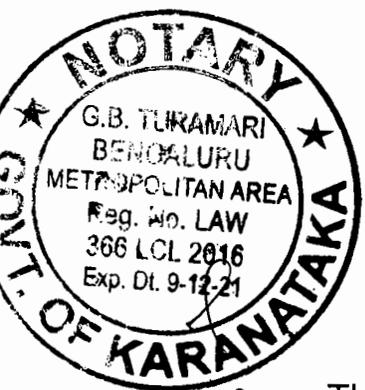
b. That in compliance with the direction passed by this Hon'ble Tribunal with regard to laying of the pipe line it is stated that the answering respondent submitted 3 options before the committee headed by the Hon'ble Justice Santosh Hegde, Former Judge, Supreme Court of India & chairman of the Committee ("**said committee**") constituted by this Hon'ble Tribunal. The said committee approved the **Option C** where in it was proposed "**that the pipeline would be laid/placed under ground at proper depth at the same place so that there will be a continuity of water sheet and the original area of the lake and topography would be restored/intact**". That the same has been extracted from the report submitted by the said committee before this Hon'ble Tribunal.



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N. N. N. N.

- c. That in adherence with the recommendation of the said committee the "option c" has been referred to Technical Appraisal Committee which is the highest technical advisory body consisting of experienced and eminent technocrats to inspect the site and to examine technical feasibility of the proposal.
- d. The Technical Appraisal Committee (TAC) inspected the site on 14-11-2019 and has suggested remedial measures by providing additional RCC vents below the existing rising main and to provide thrust / anchor blocks for the existing rising main. By providing vents to the fragmented area (about 19.67 acres.), fragmentation of water spread area is avoided and capacity of the tank is restored. An estimate amounting to Rs.800.00 Lakhs has been prepared. The above work will be taken up after de-silting of tank by BDA and the above work will be completed within six months (excluding monsoon) from the date of commencement.
- e. That regarding depositing an amount of Rs.5.00 Crores in the ESCROW account of Karnataka State Pollution Control Board, the proposal has been submitted to the Finance Department and after obtaining concurrence, the same will be deposited.



3. That the para wise detailed compliance report of the answering Respondent is marked and annexed herewith as ANNEXURE R-2

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4. That it is respectfully submitted that the above submissions may also be treated as comprehensive action taken report based on the scrutiny by the committee headed by Hon'ble Justice Shri N Santosh Hegde.
5. It is respectfully submitted that the answering Respondent will be obliged to provide any additional information if so, required by this Hon'ble Tribunal.

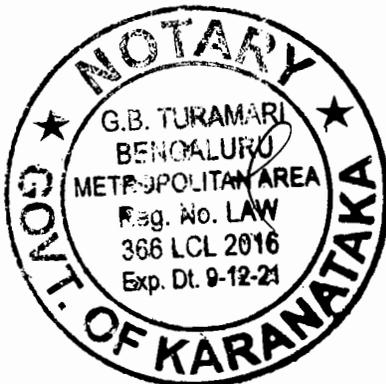
N. N. Hegde
DEPONENT

VERIFICATION:

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

Verified at Bengaluru this the 27th day of November, 2019

N. N. Hegde
DEPONENT



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SWORN TO BEFORE ME

27-11-19

G.B. TURAMARI
ADVOCATE & NOTARY
46/1, Behind Binny Mill,
1st Main Road, Ganganagar Extn
BENGALURU 560 032

GOVT. OF KARNATAKA
HAS DISCONTINUED THE
USE OF STAMPS W.E.F. 1-4-2009

2172

Annexure - 1

**IMAGE SHOWS THE SOIL (C&D DEBRIS) REMOVED
ALONG THE PERIPHERY OF VARTHUR LAKE**



2173

**IMAGE SHOWS THE SOIL (C&D DEBRIS) REMOVED
ALONG THE PERIPHERY OF VARTHUR LAKE**



2174

**IMAGE SHOWS THE SOIL (C&D DEBRIS) REMOVED
ALONG THE PERIPHERY OF VARTHUR LAKE**



275

ANNEXURE- R-2

Compliance to direction / orders of Sl.No.19 & 20 of National Green Tribunal dated 06-12-2018 issued in regard to Varthur Lake.

Sl. No.	Direction/order No.19 & 20 of NGT	Recommendation/ suggestions/ views of the Committee headed by Hon'ble justice Sri N. Santhosh Hegde in his report Dated 20-09-2019.	Status of the works / Action as on 15-11-2019.
1	2	3	4
1	19) The approximately over 1.5 km road lay upon the lake bed and within the boundary of Varthur lake by dumping of C & D debris should be removed forthwith. The entire project including lying of pipeline as per work order was to be completed with 24 months from June 2016.	<p>In compliance of the para 19 of the NGT order dated 06.12.2018 the Committee observes the following and recommend "option c" of the Minor irrigation Department to NGT for issue of appropriate direction.</p> <p>It is noted that by virtue of policy decision of the Government of Karnataka to fill the tanks/lakes of Kolar and Chikkaballapur Districts by supply of treated water from STPs at K&C Valley, the pipelines were laid through the Varthur lake. In that background laying of pipelines for carrying water to the districts was inevitable and also as per the policy of Government. It is true that in the process of laying the pipeline, C&D debris wastes</p>	<p>As per the direction/ order Sl. No:19 & 20 of NGT as mentioned in Sl No.1 & 2, the Department of Minor Irrigation has completed the work as per directions of NGT and compliance report has been submitted vide letter No.TA3/ AE/ 15 no 2202 dtd 17.08.2019 Office of the Chief Engineer, Minor Irrigation (South), Bangalore.</p> <p>as per synopsis report submitted to the National Green Tribunal on 19.09.2019.</p> <p>The matter has been referred to Technical Appraisal Committee the highest technical advisory body consisting of experienced and eminent technocrats to inspect the site and to examine technical feasibility of the proposal</p>

Sl. No.	Direction/order No.19 & 20 of NGT	<p style="text-align: center;">2176</p> Recommendation/ suggestions/ views of the Committee headed by Hon'ble justice Sri N. Santhosh Hegde in his report Dated 20-09-2019.	Status of the works / Action as on 15-11-2019.
2	20) Hon'ble Tribunal may order on independent enquiry to examine the guilt of the officers involved in the dumping of thousand of Cubic meter of C & D debris on the Varthur lake bed for an ostensible object of laying of pipe line.	<p>were dumped in the Varthur lake and a kaccha road structures were formed. This has also resulted in fragmentation of the lake bed, there by about 19.67 acres of land on the North West side has been separated from the main water sheet/body. After the intervention of this Committee and detailed discussions and site visits, the Minor Irrigation Department of the State Government has suggested 3 alternatives to comply with the directions of the Hon'ble National Green Tribunal as mentioned below.</p> <p>a) To shift the existing pipe line of 800 meters length to extreme boundary of the lake and anchoring, so as to avoid fragmentation of the lake area. It is noted that the outer boundary towards that side is in zigzag shape and consequently would result into the zigzag alignment of the shifted pipeline. The suggested cost is about Rs.7.5 Crores (not approved by competent authority).</p> <p>b) To retain the existing alignment of the pipeline by strengthening the current elevated structure and utilize the outer fragmented part of the lake (about 19.67 acres) by treating it as partially wetland, construct the pathway for jogging,</p>	<p>recommended by Hon'ble Santosh Hegde, Former Judge, Supreme Court of India & chairman of the Committee constituted by the NGT.</p> <p>Technical Appraisal Committee inspected the site on 14-11-2019 and has suggested remedial measures by providing additional vents below the existing rising main and to provide thrust / anchor blocks for the existing rising main. By providing vents to the fragmented area (about 19.67 acres.), fragmentation of water spread area is avoided and capacity of the tank is restored. An estimate amounting to Rs.800.00 Lakhs has been prepared . The above works will be taken up after desilting of tank by BDA and the above work will be completed with in six months (excluding monsoon) from the date of commencement.</p> <p>Regarding depositing an amount of Rs.5.00 Crores in the ESCROW account of Karnataka State Pollution Control Board, the proposal has been submitted to the Finance Department and after obtaining concurrence the same will be deposited.</p>

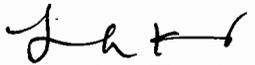
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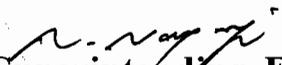
Sl. No.	Direction/order No.19 & 20 of NGT	Recommendation/ suggestions/ views of the Committee headed by Hon'ble justice Sri N. Santhosh Hegde in his report Dated 20-09-2019.	Status of the works / Action as on 15-11-2019.
		<p>create the water lagoons for recreation, planting the area and proper illumination for public utility and recreation. It is also suggested that the said portion of the land would be secured by proper fencing. The suggested cost- is about Rs.5.2 Crores (not approved by competent authority). c) Alternatively, it was further suggested that the pipeline would be laid/placed under ground at proper depth at the same place so that there will be a continuity of water sheet and the original area of the lake and topography would be restored/intact. This will also comply the spirit of the order dated 06.12.2018 of NGT. This would curtail any future encroachment. The cost of the proposal is about Rs.6.8 Crores (not approved by competent authority). This Committee after deliberating these 3 proposal of the Minor irrigation department referred above, has noted that the "proposal-a" is not technically sound as it will create zigzag alignment of the pipeline to be laid thereby hinder/restrict the flow of water. "Proposal-b" will reduce the water sheet area of the lake and also would be prone to encroachments/diversion etc. After detailed deliberations with the department,</p>	

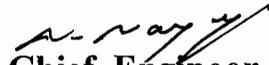
Sl. No.	Direction/order No.19 & 20 of NGT	Recommendation/ suggestions/ views of the Committee headed by Hon'ble justice Sri N. Santhosh Hegde in his report Dated 20-09-2019.	Status of the works / Action as on 15-11-2019.
		<p>the Committee came to the conclusion that the "proposal-c" for laying/placing the pipeline underground at a proper depth at the same place is found viable in terms of NGT order dated 06.12.2018. Moreover, it will not fragment and reduce the water sheet area and would avoid encroachments/diversions etc. At the same time the water sheet and the topography of the lake will be maintained in the original state. In the above background, this Committee recommends to Hon'ble National Green Tribunal that the "proposal-c" suggested by the Minor Irrigation department may be accepted and suitable direction be issued to carry out the work during the de-silting period. For this purpose, the Minor Irrigation department may be directed to deposit an amount of Rs.5.00 Crores in the ESCROW account of Karnataka State Pollution Control Board (KSPCB) within 4 weeks from the directions so issued by NGT so that the said amount would be readily available at the time of execution of the work. It is suggested that if any officer/official transfers/retires as stated in column 5 in this table the incumbent officer would be responsible for execution of works and liable for actions as if his</p>	

2179

Sl. No.	Direction/order No.19 & 20 of NGT	Recommendation/ suggestions/ views of the Committee headed by Hon'ble justice Sri N. Santhosh Hegde in his report Dated 20-09-2019.	Status of the works / Action as on 15-11-2019.
		<p>name is a part of the column 5. The names stated in column 5 may be accepted.</p> <p>If the concerned authorities (MI do not complete the works and take more time to complete; the para 26 (xiii) and (xiv) of the NGT order dated 06.12.2018 may be invoked.</p>	


Executive Engineer
MI & GWD
Kolar


Superintending Engineer
MI & GWD Circle
Bangalore


Chief Engineer
MI & GWD (South)
Bangalore

BEFORE THE NATIONAL GREEN TRIBUNAL
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ORIGINAL APPLICATION 125 OF 2017

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VERSUS

State of Karnataka

... RESPONDENTS

PROOF OF SERVICE

S. NO.	ADVOCATE NAME	SIGNATURES
1	<u>Keyur</u> no: 9899843774	<u>[Signature]</u>
2	<u>Atin Shukor Reddy</u> ME of forest.	<u>[Signature]</u> 9654491258
3	<u>Ray Kumar Adv. (CPCB)</u>	<u>[Signature]</u>
4		<u>29/11/19</u>
5		
6		
7		
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9		
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