

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

M.A.No.2 of 2021

in

M.A.No.3 of 2021-09-15

in

ORIGINAL APPLICATION No. 71 OF 2020

IN THE MATTER OF:

Gavinolla Srinivas

H. No.1-99, Bapanapally Village,

DamargiddaMandal, NarayanpetDistrict,

Telangana —509407.

...Applicant/Applicant

-Versus-

1. Union of India,

Rep. by itsSecretary,

Union Ministry of Environment,

Forest & Climate Change,

Indira Paryavaran Bhavan,

Jorbagh,New Delhi-110003.

...Respondents/Respondents

And 4 others

AFFIDAVIT FILED BY THE 4TH RESPONDENT

Date-15-09-2021



M/S MADHURI DONTI REDDY

E.NO.1485(a)1994

ADVOCATE

STANDING COUNCIL FOR GOVERNMENT OF

ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

T.T.D. SUPREME COURT OF INDIA

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COUNSEL FOR 4th RESPONDENT

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2. Union of India
 Rep. by its Secretary,
 Union Ministry of Jal
 Sakti Sramasakti Bhavan
 New Delhi - 110 001
3. State of Telangana
 Rep. by its Chief Secretary,
 Secretariat, Hyderabad – 500022.
4. State of Andhra Pradesh,
 Rep. by its Chief Secretary,
 Secretariat, Velagapudi,
 Guntur District, Andhra Pradesh – 522503.
5. Krishna River Management Board,
 Rep. by its Member Secretary,
 Government of India,
 Ministry of Water Resources,
 5^h Floor, Jalasoudha, Errum Manzil,
 Hyderabad - 500082.

...Respondents/Respondents

CHIEF SECRETARY
 Government Of Andhra Pradesh
 Velagapudi, Amaravati,
 Guntur Dist. - 522 238.

AFFIDAVIT FILED BY THE 4TH RESPONDENT

I, Aditya Nath Das, S/o Sri Gowrikantha Das, aged about 60 years, Occ: Chief Secretary, Government of Andhra Pradesh, Vijayawada, do hereby solemnly affirm and sincerely beg to state as follows:

1) I am the Chief Secretary of the State of Andhra Pradesh and I am well acquainted with the facts of the case. The above affidavit is filed by the 4th respondent State of Andhra Pradesh to initiate action against the 3rd Respondent State of Telangana having produced the fabricated false evidence of video clip before this Hon'ble Tribunal with a malafide intention to mislead this Hon'ble Tribunal and the same is punishable under Section.192 of I.P.C. The facts leading to filing of the above Application are as follows.

2) It is submitted that one Govinolla Srinivas filed O.A.No.71 of 2020, on the file of this Hon'ble Tribunal, against the Applicant herein and others, impugning the undertaking of construction of Rayalaseema Lift Scheme by the Applicant State, without obtaining the permission under EIA Notification, dated 14.09.2006. The said O.A. was partly allowed by this Hon'ble Tribunal by order dated 29.10.2020. Thereafter, the original Applicant filed I.A. No. 6 of 2020, which was dismissed by this


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Hon'ble Court by order dated 24.02.2021, stating that the works undertaken by the State of A.P are part and parcel of survey and investigation for the preparation of DPR to be submitted to the Central Water Commission.

3) I submit that thereafter, once again, the original Applicant filed I.A. No. 2 of 2021, alleging that the 4th respondent State violated the order dated 29.10.2020. The 3rd Respondent State of Telangana herein also filed I.A. No.3 of 2021 for the very same relief. The 4th State of Andhra Pradesh has filed its counter, stating that the works undertaken by the Applicant State of Andhra Pradesh with reference to RLS, are only survey and investigation for preparation of DPR including DPR for designs as per the guidelines of the Central Water Commission. The DPR submitted to the Central Water Commission on 30.06.2021, is incomplete without containing the design portion. It was further stated in the counter affidavit that the survey and investigation work in respect of designs is incomplete and was stopped on 07.07.2021 due to onset of the monsoon.

4) I submit that this Hon'ble Tribunal by order dated 23.07.2021 passed in I.A. No. 2 of 2021, directed Krishna River Management Board (KRMB) to submit a report as regards the stage of construction of RLS.KRMB submitted its report on 13.08.2021. Thereafter, the State of Andhra Pradesh has filed


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reply and objections to the report filed by KRMB. KRMB in its report categorically stated that no work is going-on on the project site at present. Thereafter, this Hon'ble Tribunal by order dated 27.08.2021, directed Ministry of Environment, Forests & Climate Control to file its independent report. The Ministry of Environment, Forests & Climate Control filed its independent report on 08.09.2021, stating that no work is going-on at the project site.

5) I submit that the 3RD Respondent State of Telangana filed video clippings before this Hon'ble Tribunal, without even serving a copy on the 4TH RESPONDENT State of Andhra Pradesh and submitted to this Hon'ble Tribunal to misleadingly show that the work is going on at RLS project site, knowing full well that no work is going on at RLS project site and also contrary to the contentions in the counter affidavit filed by the Applicant State of Andhra Pradesh on oath, the findings in the Report of KRMB dated 13.08.2021 and findings in the Report of the Ministry of Environment, Forests & Climate Control dated 08.09.2021, that no work is going-on at the project site. When the 4th Respondent State of Andhra Pradesh wanted to verify the video clipping submitted to this Hon'ble Tribunal the counsel for the Respondent State of Telangana stated that his Government has supplied the pen drive containing the video clipping showing that the work is going on at RLS project site. Thereafter the 4th


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respondent State of Andhra Pradesh requested this Hon'ble Tribunal to direct the Respondent State of Telangana to furnish a copy of the video clippings submitted to this Hon'ble Tribunal on 08.09.2021 by it. The said copy of the video clippings was furnished to the Counsel on 13.09.2021.

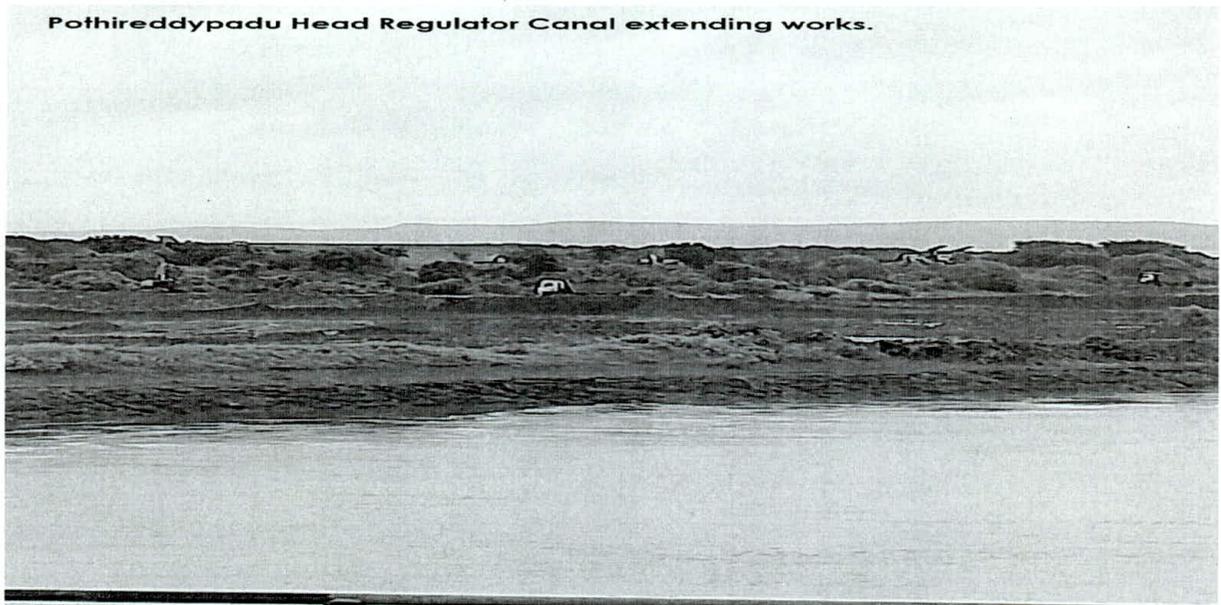


Photo submitted by Telangana state to this Hon'ble Tribunal

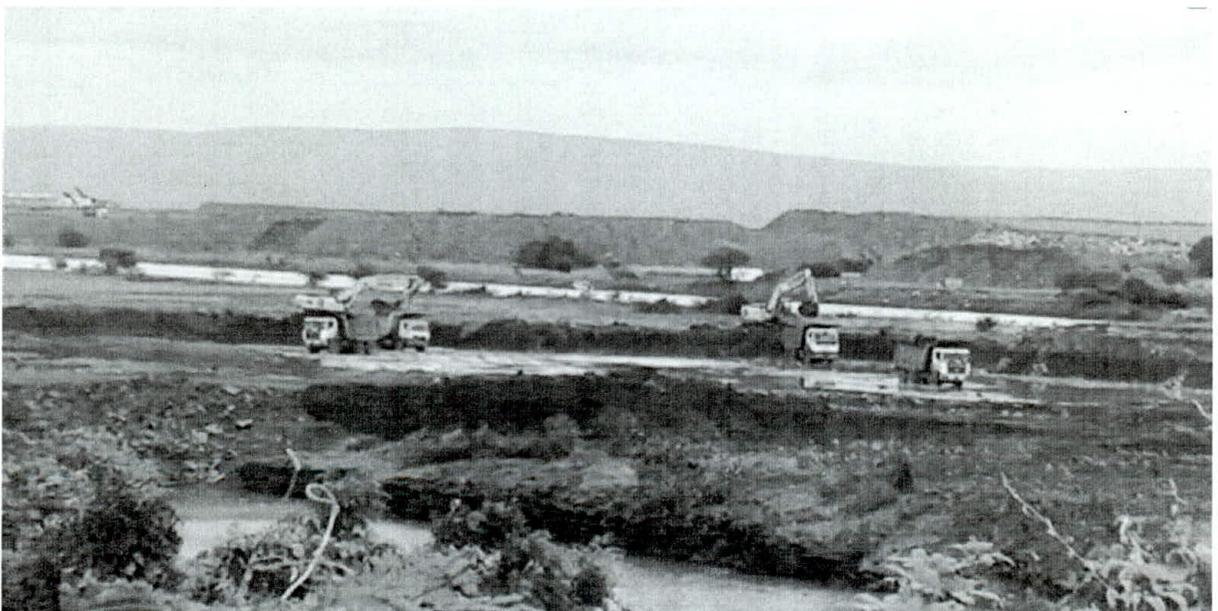


Photo Extracted from Video submitted by Telangana State to this Hon'ble Tribunal


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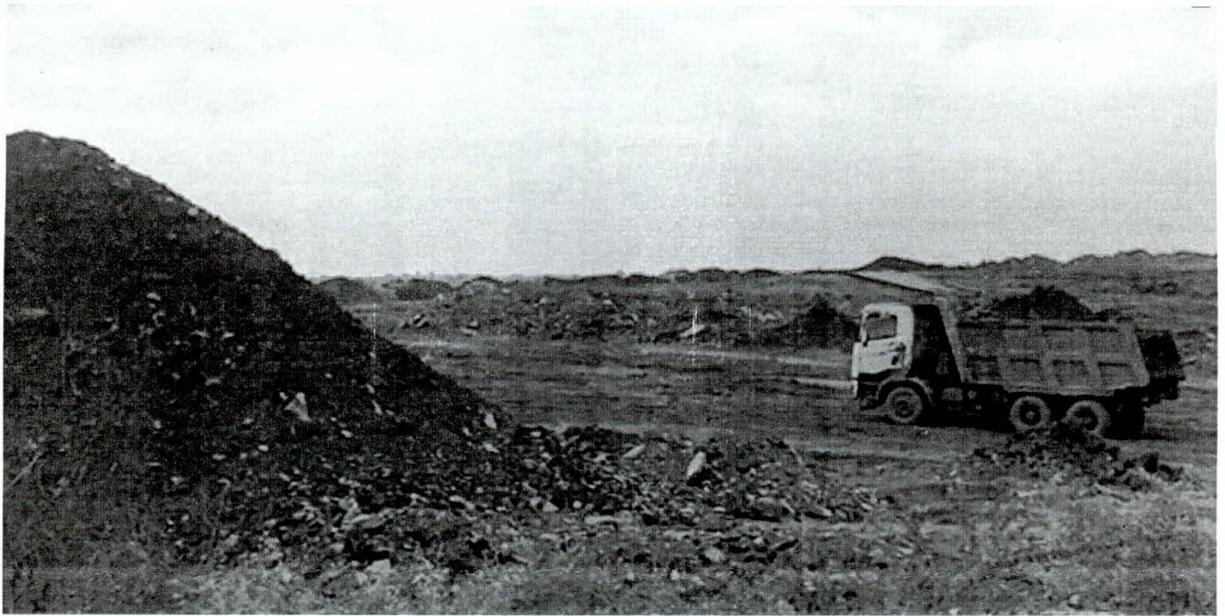
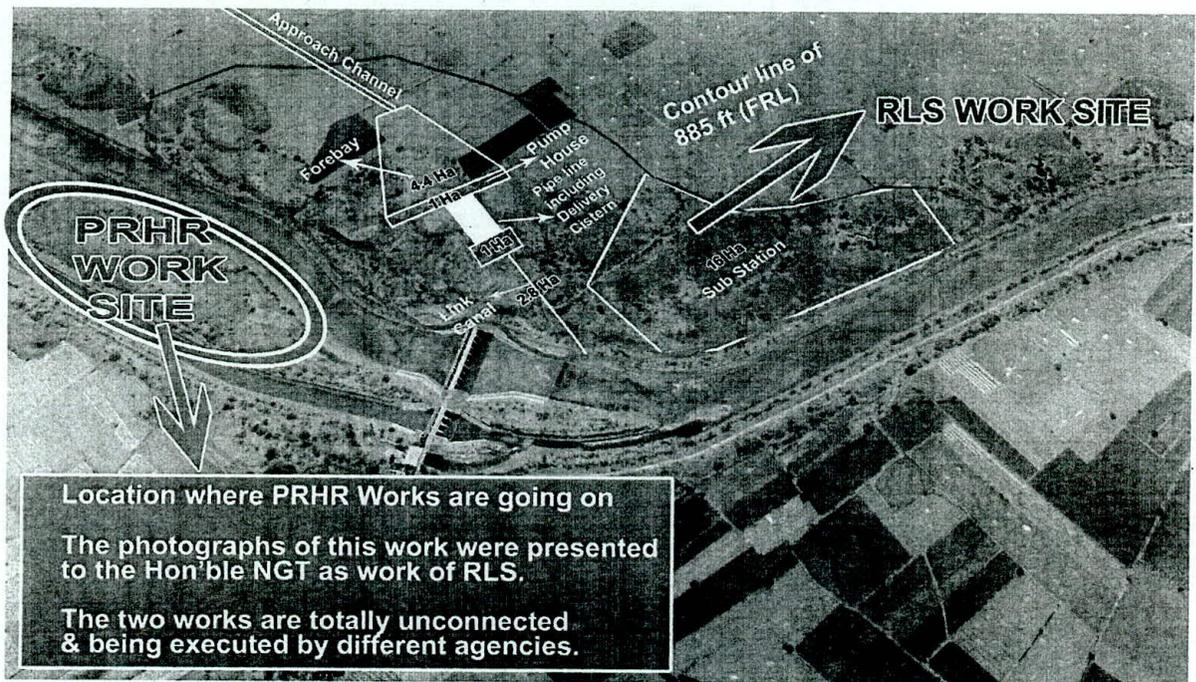


Photo Extracted from Video submitted by Telangana State to this Hon'ble Tribunal.

6. I submit that to my utter shock and dismay, a perusal of the said video clippings furnished by the 3rd Respondent State of Telangana would show that they are nothing to do with the Rayalaseema Lift Scheme and those works are related to Pothireddypadu Head Regulator , concerned with the removal of earthen mound in between the existing approach channels of Pothireddypadu Old and New Head Regulators, and for which, a separate tender was called for and it is unconnected with the works of Rayalaseema Lift Scheme as shown below.


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DRAWING SHOWING WORKS OF RLS & PRHR



7. I Submit that the Rayalaseema Lift Scheme is on the left side (with respect to flow direction) of this Pothireddypadu approach channel, at a distance of nearly 200m. The 4th respondent State of Andhra Pradesh is herewith filing the pen drive containing the video clipping of RLS project site which clinchingly establish that the evidence adduced by the 3rd Respondent State of Telangana is false, fabricated and misleading. Thus, the 3rd Respondent State of Telangana has produced false and misleading evidence to prejudice the mind of this Hon'ble Tribunal with an oblique motive, without any sense of responsibility, being a co-riparian State in converting the lies into an adversarial litigation by fabricating evidence. Thus, the 3rd Respondent State of Telangana presented false evidence with an intention to secure a favourable order in its favour in an unjust fashion. Thus, the 3rd

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Respondent State of Telangana has committed an offence under Section. 192 of I.P.C and is liable for prosecution accordingly. In these circumstances, the 4th State of Andhra Pradesh requests this Hon'ble Tribunal to take appropriate action against the 3rd Respondent State of Telangana in accordance with Law, as otherwise the 4th Respondent State will suffer irreparable loss and injury.

Hence, it is prayed that this Hon'ble Tribunal may be pleased to initiate appropriate criminal proceedings under Section 192 of I.P.C. for fabricating false evidence by the 3rd Respondent State of Telangana and pass such other order or orders as this Hon'ble Tribunal deems fit and proper, as otherwise the Applicant State of Andhra Pradesh will suffer irreparable loss and injury.



DEPONENT

CHIEF SECRETARY
Government Of Andhra Pradesh
Velagapudi, Amaravati,
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Before me

Solemnly affirmed at Vijayawada

On this the 15th day of September 2021

And signed in my presence.



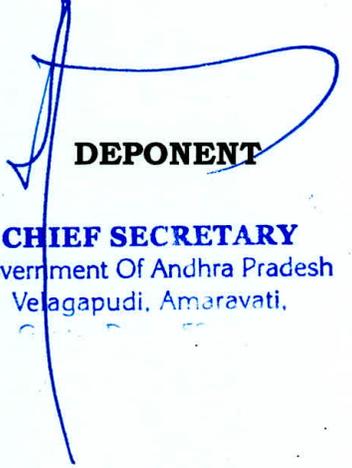
Advocate, Vijayawada

PENUMAKA AJAY BABU
ADVOCATE M.A.,L.L.M.,
HIGH COURT OF A.P.
CELL: 9493494444, 9966370959

VERIFICATION

I, Adityanath Das, I.A.S. S/o Sri Gowrikantha Das, Aged 60 years, Chief Secretary to Government of Andhra Pradesh do do hereby state that what is stated above in paragraphs 1 to 7 are true to the best of my knowledge and belief.

Dated at Vijayawada on this the 15th day of September 2021.



DEPONENT

CHIEF SECRETARY

Government Of Andhra Pradesh
Velagapudi, Amaravati.