

**BEFORE THE HONOURABLE NATIONAL GREEN
TRIBUNAL SOUTHERN ZONE AT CHENNAI**

O.A.No.143 of 2021

BETWEEN

Tribunal on its own motion-SUO MOTU Based on the News item in Eenadu Newspaper Edition Dated: 12.06.2021, "Dredging along the embankments of Krishna River to be stopped".

... APPLICANT

-VS-

The Chief Secretary to Government of Andhra Pradesh
& 10 others

... RESPONDENTS

**OBJECTIONS FILED BY THE
11TH RESPONDENT**

Date:-21.02.2023



**M/S MADHURI DONTI REDDY
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 11th Respondent.

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

Original Application No.143 / 2021

IN THE MATTER OF:

Tribunal on its own motion-SUO MOTU Based on the News item in Eenadu Newspaper Edition Dated: 12.06.2021, "Dredging along the embankments of Krishna River to be stopped".

... Applicant

-VERSUS-

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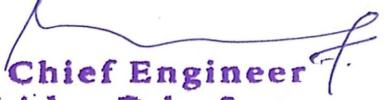

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... Respondents

**OBJECTIONS FILED BY THE 11th RESPONDENT TO
THE REPORTS OF THE JOINT COMMITTEE UPLOADED ON
29-09-2022**

I, C. NARAYANA REDDY S/o C KRISHNA REDDY , Aged about 61 years, Occ: Chief Engineer, Krishna Delta System, Vijayawada, Krishna


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District, R/o. Vijayawada, Krishna District, do hereby solemnly affirm and sincerely state as follows:-

1. I am the 10th& 11th Respondent in the above said matter and I am authorized to file these objections to the joint committee report dated 29-09-2022.
2. It is submitted that this Hon'ble Tribunal has taken has taken the SUO MOTU case vide O.A No. 143 of 2021 based on the News published in the Eenadu Newspaper, Edition dated 12.06.2021, stating that the "dredging along the embankments of Krishna river to be stopped". It is alleged in the newspaper report that on account of the unscientific dredging in the Krishna River and dumping of sand in agricultural lands weakens the embankment and during heavy rains the embankments may breach and flood the agricultural lands of the capital region, which can affect the river ecology, unless it is stopped at once.
3. It is submitted that it is mentioned in the newspaper that permission should have been obtained from Capital Region Development Authority (CRDA) before the dredging work is undertaken and the dredging work must also be done in a scientific manner without weakening the strength of the embankment. In order to ascertain the genuineness of the allegations made in the newspaper report Hon'ble tribunal vide order dated 28.02.2022 Para No. 9 of the order has appointed a committee to directed as follows: ***"In order to ascertain the true state of affairs, we feel it appropriate to appoint a Joint Committee consisting of 1)Senior Officer from MoEF&CC, Vijayawada, 2) Senior Officer from SEIAA, State of Andhra Pradesh, and 3) Senior Officer from CPCB, Integrated Regional Office, Chennai to inspect the area in question and submit a report as to 1)whether in the guise of dredging or desalting***


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mining is being done in that area, 2) whether shifting of dredged or desalted material outside the area will amount to mining, 3) whether such material can be used for any other purpose other than strengthening the river embankments, 4) whether the so called dredging or desalting is being done in tune with the direction issued by Principal Bench in O.A. No. 935 of 2018 on the basis of the Joint Committee report filed in that case which was accepted by the Tribunal and if there is any violation found what is the nature of action to be taken, 5) whether the dredging or desalting was done in a scientific manner without affecting the river ecology, if there is any mining done in an unscientific manner and against the direction given by the Principal Bench in above mentioned case, what is the damage caused to the river environment and 6) assess the environmental compensation including the cost required for restoration of the same.”

4. It is submitted that the joint committee carried out the site visit on 11.05.2022 and filed their report before this Honble tribunal uploaded on 29-09-2022.
5. It is submitted that this respondent have objected some para of the Observations filed by the Joint committee Report uploaded dated 29-09-2022 as follows;

a) **OBSERVATIONS MADE IN PARA-10 OF THE JOINT COMMITTEE REPORT;**

Bunds or retaining walls are not constructed in the stockyards to prevent runoff during rainy season into adjacent lands.

OBJECTIONS;

It is submitted that the Prior to the commencement of dredging operation, the Slurry Ponds/Tanks were formed by constructing


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the Bunds on all sides, with facility to drain out the clear water. The dredger extracts the accumulated silt from River bed and pumps into the Slurry Pond/Tankin the form of slurry mixed water which acts as a medium for pumping. The clear water from slurry is drained out and the dredged material will be retained in the tank. The rainwater/run off water if any, will also be drained out in the same way without adversely affecting the surrounding lands. Besides, no complaints were received from the surrounding land owners regarding this.

In fact, the committee itself observed the same in Point no.(2) of Page No.5 of their report that the “.....*the total dredged material which is in the form of slurry is pumped and collected into a **pond formed with four sides surrounding bunds with a facility to drain out the clear water***”.

Therefore, it is submitted that bunds are constructed in the stockyards with facility to drain off clear water, which prevents run off during rainy season.

b) OBSERVATIONS MADE IN PARA-11 OF THE JOINT COMMITTEE REPORT;

The width of the River is not properly assessed

OBJECTIONS;

It is to submit that the latitude and longitudes denoted against each work indicates the overall area to be de-silted as per the shoal formation identified in the bathymetric survey leaving the river margins with higher elevations. Hence, it cannot be construed as the width of the river. The width so indicated is the width of area to be de-silted and not the width of river.

c) OBSERVATIONS MADE IN PARA-13 OF THE JOINT COMMITTEE REPORT;


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WRD has utilized agricultural lands for one or two years lease and converted into stockyards. Restoration plan for stockyards is not taken into consideration. Once any agricultural land is used for depositing sand, the land needs restoration to again use it for agricultural purposes.

OBJECTIONS;

It is to submit that 1.25 Acres of agricultural land only leased from a private party which is a patta land situated in River Margin within the flood bank near Undavalli village, for Reach 4, Tank-1, since there is no other alternative. The land was taken on lease basis for period of 2 years with the consent of the land owner, under the condition that the land shall be restored to the original state before handing over the land back after expiry of lease period.

It is also, the remaining Tanks were formed in the lands belonging to APCRDA and Government lands. The APCRDA also leased the land with a condition that the land should be handed over back in original condition after expiry of lease period. Therefore, the statement that restoration plan for stockyards is not taken into consideration for agricultural lands, is incorrect.

d) OBSERVATIONS MADE IN PARA-14 OF THE JOINT COMMITTEE

REPORT;

Sand was extracted and stacked in the stockyards but proper arrangements are not established for transportation of sand from stockyards.

OBJECTIONS;

It is submitted that the transportation of sand from the Tanks/ponds will be carried out only after the tank is completely filled and handed over to the APMDC/Mining Dept. Proper arrangements such as temporary paths


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and ramps were made for transportation of dredged material, without which it wouldn't have been possible for the APMDC/Mining authorities to shift the dredged material as mentioned in the report by the committee.

e) OBSERVATIONS MADE IN PARA-17 OF THE JOINT COMMITTEE REPORT;

The sand so extracted is not exclusively used for strengthening the river embankments

OBJECTIONS;

It is submitted that the Dredged material consists of sand with small percentage of silt/clay, which is not suitable for strengthening the river embankments. However, the dredged material is useful for construction such as concrete works, filling, masonry, plastering etc.

f) OBSERVATIONS MADE IN PARA-9 & 17 OF THE JOINT COMMITTEE REPORT;

The sand so extracted is handed over to third party vendors and is sold commercially and has to be considered as mining. Further 202500 Cum of dredged material in 10th Reach was taken over by M/s APMDC and shifted to other place and sold commercially Hence it may be considered as mining.

OBJECTIONS;

- i. It is to submit that in accordance with the directions of Hon'ble NGT in OA No.935/2018, the Water Resources Dept has carried out bathymetric survey in upstream of Prakasam Barrage in Krishna River from Km 0.00 to Km 13.50 in Dec-2020 and Jan-2021. The survey revealed that, a quantum of 1,30,26,531 Cum of silt (shoal formation) is accumulated in the Prakasam Barrage reservoir area which diminished the storage capacity of Barrage by 0.460 TMC.
- ii. **THE INDIAN STANDARD CODE IS 7349:2012 FOR THE BARRAGES AND WEIRS - OPERATION AND MAINTANANCE GUIDE,** Section 6.5 States that "*if a study of the survey data indicates that shoal formation has occurred on the upstream*


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and /or downstream of the barrage in spite of judicious operation of gate, during normal and flushing operation of the reservoir, the shoal should be removed by dredging by using suitable dredgers to the extent possible so that satisfactory flowing conditions are established and also desired capacity is re-stored”.

- iii. It is therefore, since the bathymetric survey indicated shoal formation of 1,30,26,531 Cum resulting in loss of storage capacity of 0.460 TMC, the de-silting/dredging operation was taken up as a maintenance activity of the Barrage to restore the storage capacity, for safety of Barrage and Flood banks and to protect environment and infrastructure.
- iv. The dredging operation is being carried out strictly as per norms, directions of Hon'ble NGT in OA No.935/2018, Dt.24.08.2020 and without causing any damage to the River ecology & environment. The committee also observed the same in their report in Point No.(18) Stating that *“Dredging Activity is carried in tune with the directions issued by the Principle Bench in OA No.935 of 2018 on the basis of Joint Committee Report Filed in that case. By physical observation, no damage was seen in the riverine environment”.*
- v. **The primary objective of dredging operation is to remove the shoals from the River Bed to re-store the lost storage capacity. The byproduct of this reservoir maintenance operation is dredged material / dredged sand.**
- vi. If the huge pile of dredged material is kept in the river margin without shifting away, it leads to alteration of river course during floods, causes damage to the flood banks& barrage and causes environmental damage. During floods and heavy rains, the dredged material gets washed away again into the river causing recurring problems.


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- vii. Hence, safe disposal of the dredged material is very essential for safety of Barrage, flood banks and surrounding environment.
- viii. Since the dredged material is primarily comprises of sand, it is not useful for strengthening the river embankments. However, the sand can be used in construction activities such as concrete works and building construction, which has market potential that can accrue substantial revenue to the Public exchequer. **The sale of the dredging byproduct i.e dredging sand, can recoup the cost of dredging operations, reducing the burden on public exchequer.**
- ix. **Therefore, it is to submit that the dredging operation is areservoir maintenance activity, aimed to restore the storage capacity of reservoir. For safe disposal and to add revenue to the public exchequer, the byproduct of the dredging operation.i.e dredged sand is being sold through APMDC, which is a Government organization with relevant mechanism to dispose the material.**
- x. **Hence the de-silting/dredging operation cannot be considered as a mining activity, under the mere grounds that the extracted sand is sold commercially.**

In the above circumstances, it is humbly prayed that this Hon'ble this Hon'ble Tribunal may be pleased to take on record this Objections filed by the 11th respondent to the Report of the joint committee dated 29-09-2022.and pass such further or other orders as this Hon'ble Tribunal deems fit and proper and thus render justice.

Solemnly affirmed Vijayawada
Andhra Pradesh on
This the 13thday of December 2022
and signed his name in my presence


Chief Engineer
Krishna Delta System
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BEFORE ME



Advocate

VERIFICATION

I, C. Narayana Reddy Kumar, S/o. C. Krishna Reddy , Aged about 59 years, Occ: Chief Engineer, Krishna Delta System, Vijayawada, Krishna District, R/o. Vijayawada, Krishna District do hereby verify that the contents of Paras of Counter Affidavit are based on record and information are true to the best of my knowledge and belief.

Hence, verified on the 21st day of February 2023 at Vijayawada


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DEPONENT