

**REPORT ON O.A. No. 147/2021 OF  
NGT (SZ) BY JOINT COMMITTEE  
IN CONNECTION WITH  
PALAMURU RANGAREDDY LIFT  
IRRIGATION SCHEME (PR LIS)  
IN TELANGANA**

# REPORT ON THE SITE VISIT OF THE TEAM OF JOINT COMMITTEE CONSTITUTED BY THE HON'BLE NGT IN O.A. No. 147/2021(SZ) FOR INVESTIGATION IN CONNECTION WITH PALAMURU RANGAREDDY LIFT IRRIGATION SCHEME (PR LIS) IN TELANGANA

## 1. BACKGROUND

Shri Kosigi Venkataiah, Mahabubnagar District, Telangana filed O.A. No. 147/2021 in the Hon'ble National Green Tribunal (SZ), Chennai that the construction of the PalamuruRangareddy Lift Irrigation Scheme, Telangana is taken up in violation of the provisions of environmental laws and against the undertaking given by them in the earlier proceedings.

The Hon'ble National Green Tribunal (NGT) Southern Zone, Chennai, has constituted Joint Committee in OAs of 147 & 148 of 2021 of NGT and its members as per the OA 147 of 2021 (date of hearing: 09.07.2021) para 11 of the order on the above subject matter are as follows:

1. Sr. Officer, MoEF& CC, GoI, Integrated Regional Office, Chennai or its subsidiary office at Hyderabad, if any;
2. Sr. Scientist, Central Pollution Control Board, Integrated Regional Office, Chennai;
3. District Collector, Mahaboob Nagar, Telangana;
4. Director, Geology & Mining Dept., Telangana or Sr Officer having sufficient knowledge and experience in soil technology deputed by Director;
5. Sr. Scientist, NEERI, IICT Colony, Tarnaka, Secunderabad, Telangana;

The para 17 of the order stated that *“the Director, Geology and Mining Department will be the nodal agency in this case also for providing necessary logistics and also for coordination for this purpose.”*

However, in its order dated 27.08.2021 in O.A. No. 147 of 2021 (SZ) & I.A. No. 113 of 2021 (SZ) the Hon'ble NGT modified the combination of the committee under para 10 stated as under:

*“So under such circumstances, it is better not to involve the State authorities or the persons who have been appointed as the nodal agency, as they are showing lethargic attitude in coordinating the meeting and conducting inspection. So we feel that it is necessary to make some change in combination of the committee and since it involves the water sharing dispute between the State of Telangana & State of Andhra Pradesh and such matter are being considered by Krishna River*

*Management Board, we feel it appropriate to include a Senior Officer from the Krishna River Management Board also as one of the members of the committee and instead of Mining & Geology Department, State of Telangana/Nodal Agency, Krishna River Management Board can be designated as the nodal agency so that they can coordinate and make the inspection at the earliest possible time.”*

## **2. CONSTITUTION OF THE TEAM**

In the light of the direction of the Hon'ble NGT in making change in the combination of the committee and the designation of KRMB as the Nodal Agency to coordinate and to expedite the inspection, the Joint Committee constituted by the Hon'ble NGT were contacted to nominate members. Accordingly, the following composition of members are nominated by the organisations for the Joint Committee to inspect the areas in question and to submit factual report as well as action taken report, if there is any violation found:

1. Dr. E. Arockia Lenin, Scientist 'C', IRO, MoEF&CC, Hyderabad;
2. Smt. Poornima B.M., Scientist 'D', CPCB, IRO, Chennai;
3. Shri S. Venkat Rao, IAS, District Collector, Mahabub Nagar, Telangana;
4. Shri P. Vijaya Ramaraju, Asst. Director, Mines & Geology, Mahabub Nagar, Telangana;
5. Dr. P. R. Meganathan, Scientist, Zonal Centre, NEERI, Hyderabad;
6. Shri L.B. Muanthang, Member (Power), KRMB (Nodal Agency), Hyderabad.

**As per the O. A. No. 147/2021(SZ) the Committee was directed to ascertain:**

- i) Whether there were any violations of environmental laws committed by respondents 2 and 4 in carrying out the project in question,
- ii) Whether they were doing illegal mining without obtaining necessary permission, if so, what is the quantum of minerals that had been extracted by doing such alleged illegal act and assess the value of the same and also assess damage caused to the environment on account of such alleged illegal activity and assess environmental compensation as well,
- iii) The Committee is also directed to suggest the remediation, if any required,
- iv) Whether in executing the projects, any displacement of persons have taken place as against the undertaking given by them that they are limiting the scope of the project for drinking water purpose alone and
- v) Violations of the Terms and Reference issued when they applied for environment clearance which was later withdrawn.

## **OBSERVATIONS OF THE JOINT COMMITTEE:**

The Committee visited the Udandapur Reservoir under Palamuru-Rangareddy Lift Irrigation Scheme (PRLIS) on 16.09.2021 and some of the water bodies mentioned in

para No.5 of the Hon'ble National Green Tribunal order. As this is the monsoon period, when the committee visited, the water bodies are filled with water. As already submitted, the report for OA No.148 of 2021 the construction of PRLIS in which Udandapur Reservoir is the fifth one with a capacity of 16.03 TMC ft has majority irrigation component and is having small component of drinking water. For this reservoir, a dam/bund of 15.875km with a maximum height of 57.595m is under construction which requires huge earth material is to be borrowed. For this, earth material is being excavated from the reservoir area which will get submerged once the water is filled. Also, for the purpose of impermeable core, to be constructed at the centre of the dam/bund; material is being borrowed from the water bodies nearby including those mentioned in para-5 by the NGT order.

These water bodies from which the impermeable material is being borrowed are under the ownership of the Irrigation & CAD Department of Telangana State which is being maintained by the Chief Engineer (Minor Irrigation). The committee had been appraised that the Chief Engineer of the project under construction had obtained necessary permissions from the Chief Engineer (Minor Irrigation) of the same department for borrowing the material duly paying necessary charges to the government. The committee is of the view that borrowing of materials from the water body is to be regularly carried out to remove the deposit that reduces the capacity of the water body and hence, the alleged mining being done is a regular maintenance exercise. And, additionally, the removed material was used for construction.

Therefore, the committee is of the view that the alleged mining being done from the water body has not truth in it. However, the material being borrowed from the reservoir area of Udandapur Reservoir of PRLIS is being done without prior environmental clearance and hence the committee opined that borrowing of material from reservoir area violates environmental laws.

**(i) Whether there were any violations of environmental laws committed by respondents 2 and 4 in carrying out the project in question.**

As per MoEF&CC, S.O.141(E) notification dated 15.01.2016 vide paragraph 7 (iii) (B) of 6, certain cases are exempted from requirement of environmental clearance such as dredging and de-silting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of their maintenance, upkeep and disaster management. As per information provided by Chief Engineer, Minor Irrigation, Mahabub Nagar, the quantity of BC soil of 3,43,920 cum are extracted from the

existing cheruvus (10 minor irrigation tanks) located in and around Mahabub Nagar district which are used for the construction of Udandapur Reservoir.

Therefore, the committee opined that there is no illegal mining done from the water body which already exists. However, the material being borrowed from the reservoir area of Udandapur Reservoir of PRLIS is being done without prior environmental clearance and hence the committee opined that borrowing of material from reservoir area violates environmental laws.

- (ii) Whether they were doing illegal mining without obtaining necessary permission, if so, what is the quantum of minerals that had been extracted by doing such alleged illegal act and assess the value of the same and also assess damage caused to the environment on account of such alleged illegal activity and assess environmental compensation as well.**

It is submitted that as per MoEF&CC, S.O.3977(E) notification dated 14.08.2018, project activity having 0-5ha area of mining of minor minerals requires environmental clearance from DEAC(District Level Expert Appraisal Committee/DEIAA (District Level Environment Impact Assessment Authority) and project activity having >5ha and <25ha area of mining of minerals requires environmental clearance from SEAC/SEIAA State Level Expert Appraisal Committee/SEIAA (State Level Environment Impact Assessment Authority). Further, environmental clearance from EAC/MoEF&CC is required for project activity above 100ha. It is further submitted that, as per MoEF&CC, S.O.141(E) notification dated 15.01.2016 vide paragraph 7 (iii) (B) of 6, wherein it is stated that certain cases are exempted from requirement of environmental clearance such as dredging and de-silting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of their maintenance, upkeep and disaster management. Permissions from regulatory bodies (DEIAA/SEIAA/MoEF&CC) are not required, since desiltation is the only activity that was carried out. Therefore, the committee opined that there is no illegal mining done from the water body and the extracted material from the water body is being utilised for the construction of dam/bund for which permissions have already been obtained. In view of the above, the committee opines that the alleged mining being done from the water body has not truth in it. However, the material being borrowed from the reservoir area of Udandapur Reservoir of PRLIS is

being done without prior environmental clearance and hence the committee opined that borrowing of material from reservoir area violates environmental laws.

As per information made available to the Committee by Chief Engineer, Minor Irrigation, Mahabub Nagar, the quantity of BC soil of 343920 cum are extracted from existing cheruvus (10 minor irrigation tanks) located in and around Mahabub Nagar district which are used for the construction of Udandapur Reservoir.

It is pertinent to submit that as environmental compensation of same components in connection with Uddandapur reservoir are already included in O.A. 148 of 2021, any imposition of environmental compensation will be double jeopardy on the project. Therefore, the committee is in view of that since there is no illegal mining activities carried out in the cheruvus (MI tanks) by project authority, imposing environmental compensation is not required.

- (iii) The committee is also directed to suggest the remediation, if any required.**

No remediation is required.

- (iv) Whether in executing the projects, any displacement of persons have taken place as against the undertaking given by them that they are limiting the scope of the project for drinking water purpose alone.**

The primary purpose of the PRLIS is to provide irrigation facility only and drinking water is a minor component. People have already been displaced for constructing dam/reservoir at Udandapur and Kaveni Reservoirs.

- (v) Violations of the Terms of Reference issued when they applied for environment clearance which was later withdrawn.**

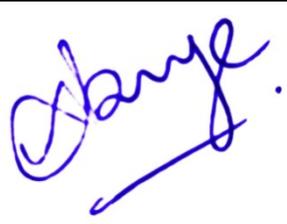
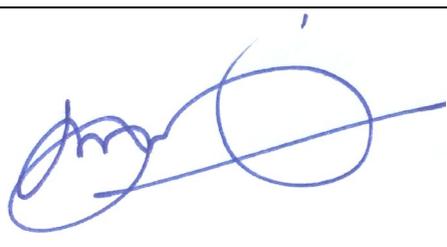
The committee opined that there are violations of terms of reference accorded to PRLIS, as it was committed to MoEF&CC that there would not be any displacement in lifting 90 TMC ft of water whereas the people have already been displaced, even for Phase-I.

Given the above facts and circumstances, the Hon'ble NGT may kindly take decision as deemed fit.

Report dated : November 18, 2021

Place : Hyderabad, Telangana

**Signatures of the Committee Members**

S.No	Name and Designation	Signature
1.	Dr. E. Arockia Lenin, Scientist 'C', IRO, MoEF&CC, Hyderabad	
2.	Smt. Poornima B.M., Scientist 'D', CPCB, IRO, Chennai;	
3.	Dr. Shaik Basha, Sr. Pr. Scientist, Zonal Centre, NEERI, Hyderabad (Dr. P.R. Meganathan, Scientist represented on the site);	
4.	Shri L.B. Muanthang, Member (Power), KRMB (Nodal Agency), Hyderabad	

Dissenting opinions/notes submitted by the Members at Sl No. 4 i.e. Sri S. Venkat Rao, IAS., District Collector, Mahabubnagar and Sl No. 5 i.e. Sri P. Vijaya Rama Raju, Asst. Director, Mines & Geology, Mahabubnagar (FAC), of the Joint Committee are given below:-

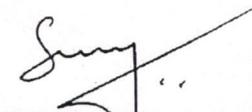
Had an occasion to peruse the report of Joint Committee constituted by the Hon'ble NGT, we respectfully disagree with the findings of the Committee regarding displacement of persons and violation of terms of reference and differed and submitted following few lines for consideration of the Hon'ble NGT.

Persuant to the order of this Hon'ble Tribunal dated 15.07.2021, the Committee to which we are also members, visited the Project site on 15.09.2021 and 16.09.2021. During the visit, it is noticed that though the subject project has two components i.e. drinking water and irrigation purposes, the work relating to only drinking water purpose is being undertaken.

It is submitted that regarding displacement of persons, socio economic survey is conducted in the submergence of Udandapur Reservoir and details of affected people or garnered for giving R&R benefits and necessary preliminary notification has been issued, hence at present there is no displacements taken place under Udandapur Reservoir.

The Chief Engineer has informed that for the purpose of executing irrigation component of the Project, Environmental Clearance from the Ministry of Environment and Forests, T.O.R. has been accorded in regard to irrigation component Ph.II. Further, public hearing was held on 10.08.2021, the application of Environmental Clearance is under active consideration. The Terms of Reference (TOR) is issued for PRLIS Phase-II for Canal Network execution. At present Phase-I works are only implemented. As such there is no violation in the TOR issued.

Signatures:

  
District Collector  
Mahabubnagar.

  
Asst. Director of Mines & Geology,  
Mahabubnagar.