

Reply on the Applicant's objection to the report of Joint Committee on O.A.No.147/2021 (SZ) in connection with Palamuru Rangareddy Lift Irrigation Scheme in Telangana.

The Hon'ble National Green Tribunal (NGT) Southern Zone, Chennai, has constituted Joint Committee in OA of 147 & 148 of 2021 of NGT (date of hearing: 09.07.2021) to investigate into the allegation 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. Accordingly the Joint Committee had inspected the Minor Irrigation tanks on 16.09.2021 under OA No. 147/2021 and submitted its report to the Hon'ble NGT (SZ) on 18.11.2021. However, the applicant to the OA No. 147/2021 had filed objections to the report on 12.12.2021 and the Hon'ble NGT (SZ) in its order dated 06.01.2022 had directed the Joint Committee to consider the objections filed by the applicant to the earlier report and submit its views. The views of the Joint Committee with respect to the objections by the applicant are given as below:

In the Point No. 01 of the objection the applicant had raised several questions which are forwarded to the concern department for compliance status and it is furnished below:

(i) Compliance as per the Letter No. EE/IB/MBNR/DB/HD1/958 dt. 05.08.2017

No.	Applicant's objection points	Compliance status by Deptt.
1	B.C. soils can be lifted from the tanks leaving minimum three feet layer of B.C. soil over natural ground in the tank bed.	B.C. soils were lifted from the tanks by leaving the B.C. soil cover over natural ground.
2	Before lifting the B.C. soils from the tanks, resolution from the concerned village Gram Panchayat may be obtained departmentally and requested to communicate the same to this office.	The necessary permissions from the concerned are taken before the lifting of B.C. soils.
3	Other than B.C. soils like gravel/Red Earth should not be excavated or lifted from the tank bed.	Only B.C. soils from the tank bed are lifted.
4	While excavation of B.C. soils sand layer should not be exposed, hence leave minimum of three feet layer of B.C. soils.	B,C, soils were lifted from the tanks by leaving the B.C. soil cover over the natural ground without exposing the sand layer.
5	On upstream side of the tank within 10H distance from the toe of bund must be kept as "NO EXCAVATION ZONE", that distance must be maintained.	The lifting of the B.C. soil is carried out by leaving 10 H distance from the toe of the bund.
6	Lifting of B.C. soils from the Minor Irrigation sources must be used for bonafide purpose of C.O.T. filling in PRLI Scheme. Care must be taken to avoid diversion of B.C. soils for illegal use by other persons.	The B.C. soils taken from the Minor Irrigation sources were utilised for the bonafide purpose of C.O.T. filling and formation of the Hearting zone of PRLIS Reservoirs only.

(ii) Compliance as per Letter No. EE/IB/MBNR/DB/HD1/1219 dt. 15.09.2017

No.	Applicant's objection points	Compliance status by Deptt.
1	B.C. soils shall be excavated upto the sill level of the sluicew only. Executive Engineers, PRLIS are responsible for the excavations beyond sill levels of the tanks which spoil the purpose of Mission Kakatiya and also it will affect existing commands under the tank.	B.C. soils were excavated up to the sill level of the sluice only. The water us stored in all the tanks where B.C. soils were excavated.
2	On upstream side of the tank within 10H distance (where H is the height of the bund) from the toe of bund must be kept as "NO EXCAVATION ZONE" and that distance must be maintained and np excavation in the said zone is permitted.	The lifting of B.C. soils is carried out by leaving 10H distance from the toe of the bund.
3	Lifting of B.C. soils from the Minor Irrigation sources must be used for bonafide purpose of C.O.T. filling/Hearing zone in PRLI Scheme. Care must be taken to avoid diversion of B.C. soils for illegal use by other persons.	The B.C. soils taken from the Minor Irrigation sources were utilised for the bonafide purpose of C.O.T. filling and formation of the Hearting zone of PRLIS Reservoirs only.
4	Excavation shall be done strictly in Govt. Shikham Lands only. There shall not be any excavation on patta lands in the beds of all tanks. The Executive Engineers will be responsible for the excavations done in Patta Lands and other subsequent legal complications. The Executive Engineers are advised to take assistance of Mndal Surveyors to identify the Govt. Shikham Lands before lifting of B.C. soils from the bed of tanks.	The excavation of B.C. soils was done in the Govt. Shikham lands only.
5	The Executive Engineers shall depute their Assistant Executive Engineer, Assistant Engineers/Work Inspectors at all tanks where excavation for lifting of B.C. soil is proposed so as to avoid illegal excavation in Patta Land and to avoid excavation beyond sill level of the tanks. Regular monitoring must be done.	The concerned officials were deputed to look after the lifting of B.C. soils activity.
6	Soils other than B.C. soils like Gravel/Red Earth and sand should not be excavated or lifted from the tank bed.	Only B.C. soils from the tank bed are lifted.
7	The Executive Engineers are requested to obtain the suitability of B.C. soil for each tank before lifting from the tank beds. The soil which is not suitable for filling COT/Hearting zone, shall not be excavated/lifted from that tank.	The suitability of the B.C. soils excavated from the tanks was ascertained for the filling of COT/Hearting zones.
8	The Executive Engineers are requested to furnish the weekly reports of tankwise and agencywise quantities of B.C. Soils lifted.	The quantities of B.C. soils are measured as per the finished item of work.
9	The Executive Engineers are requested to inform the office once the task of lifting of the B.C. Soils is completed.	The information is given to the concerned Executive Engineers on completion of the task of lifting of B.C. soils.

A copy of the compliance letter is given at the Annexure.

The reply of the Joint Committee for the objection points 2, 3 and 5 are as below:

No.	Joint Committee Remarks	Reply of Applicant	Reply by Joint Committee
2	<p>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.</p> <p>“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.</p> <p>It is pertinent to submit that as environmental compensation of same components in connection with Udandapur reservoir are already included in OA 148 of 2021, any imposition of environmental compensation will be double jeopardy on the project. Therefore the committee is of the view</p>	<p>The entire activity is conducted for winning mineral for the construction of major irrigation project. That according to the certificate issued by the Executive Engineer, Irrigation Division No. 5, Jadcherla dated 13.07.2021, about Rs, 66.42 Crores was deducted as seigniorage charges in the bills for extracting the soil from water bodies.</p> <p>According to the certificate issued by the Executive Engineer, Irrigation Division No. 5, Jadcherla dated 14.07.2021, about Rs, 20.90 Crores was deducted in the bills for extracting the soil from water bodies.</p> <p>The seignorage collected for the extraction of soil itself comes to about 90 crores. But the Committee felt that there is no need of imposing Environmental Compensation for extracting the mineral from water bodies.</p> <p>True copy of the certificate showing seignorage charges issued by Executive Engineer, Irrigation Division No. 5, Jadcherla dated 13.07.2021 is annexed at ANNEXURE A4.</p>	<p>As pointed out in its remark, the Joint Committee had felt pertinent to submit that as environmental compensation of same components in Udandapur are already included in the report on OA No. 148/2021, any imposition of environmental compensation here would tantamount to double jeopardy on the project. Hence the committee viewed that as there is no illegal mining activities carried out in the cheruvus (MI tanks) by the Project Authority so imposing environmental compensation is not required (irrespective of the high expenditure involved.)</p>

	that since there is no illegal mining activities carried out in the cheruvus (MI tanks) by the Project Authority, imposing environmental compensation is not required.		
3	<p>The Committee is also directed to suggest the remediation, if any required.</p> <p>No remediation is required.</p>	<p>Though the Committee observed that “the material being borrowed from the reservoir area of the 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”, it has stated that no remediation is required.</p> <p>It is humbly submitted that if appraisal for grant of Environmental Clearance would have conducted considering the needs and scope of the project, all the issues would have reviewed and remediation measures would have been suggested in environment management plan. But in the present case it was not done. Even though the Committee consisting of MoEF & CC does not recommend any remediation for the extraction of mineral by forming deep pits in agricultural lands/ project affected lands.</p>	<p>It is humbly submitted that the committee could not be able to verify the quantum of BC soils excavated from the irrigation tank during the joint committee site visit as all the irrigation tanks are filled with water. As per the information provided by Chief Engineer, PRLIS, it is observed that the BC soil is excavated from the existing irrigation tanks only. In this case, It is humbly submitted that, as per MoEF&CC, paragraph 7 (iii) (B) of 6 of S.O.141(E) notification dated 15.01.2016, 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. Therefore, the committee opined that there is no illegal</p>
5	<p>Violations of the Terms of Reference issued when they applied for environmental clearance which was later withdrawn.</p>	<p>The Committee confirmed that there are violations in ToR but did not referred what is the way forward if the Project proponent violates the ToR and Environmental laws. This indicates the casual</p>	

<p>The Committee opined that there are violations of the terms of reference accorded to PRLIS, as it was committed to MoEF&CC that there would not be any displacement if lifting 90 TMC ft of water whereas the people had already been displaced, even for Phase-I.</p>	<p>approach of the Committee while submitting a report before this Hon'ble Tribunal.</p>	<p>mining done from the water body and the excavated material from the water body and the reservoir area of the Udandapur Reservoir is being utilised for the construction of dam/bund for which permissions have already been obtained. It is submitted that the committee could to be able to verify that BC soils are taken from Agricultural lands as alleged by applicant because, neither applicant nor project authority did not produce any supporting documents/evidences to the joint committee showing the area of agricultural fields are used for BC soils excavation for this project.</p> <p>It is further submitted that, if the BC Soils are taken from the reservoir area, the Committee has already recommended environmental compensation and immediate remedial measures in OA. 148 of 2020. As the project authority has already submitted application to Ministry for prior environmental clearance and</p>
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			<p>TOR also has been granted to this project. Prior environmental clearance will be issued to project authority with the Specific and General conditions focusing detailed implementation of environmental measures after submission of Environmental Impact Assessment Study and Environment Management Plan by Project authority.</p> <p>However, as alleged by Applicant, if the BC Soils are taken from the Agricultural fields other than reservoir area, the committee recommends environmental compensation as per CPCB formula and Project authority should take environmental clearance as per as per MoEF&CC, S.O.3977(E) notification dated 14.08.2018, wherein project activity having 0 – 5 ha 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</p>
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			<p>>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). And project activity above 100ha requires environmental clearance from EAC/MoEF&CC.</p> <p>For remedial measures, an Environmental Impact Assessment study need to be carried out by any recognized institute to assess the damage caused due to the excavation of BC soils from the agricultural fields may be carried out only if BC soils taken from agricultural fields other than the reservoir.</p> <p>Keeping in view of the above, the Honble NGT may take appropriate action as deemed fit.</p>
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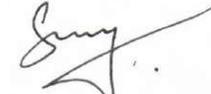
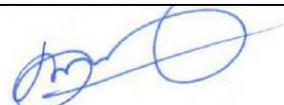
The reply to the objection Point No. 4 as provided by Collector, Mahabub Nagar is as below:

No.	Joint Committee Remarks	Reply of Applicant	Reply by Joint Committee
4	Whether in executing any projects, any displacement	Though the violation is confirmed by the	It is submitted that regarding displacement of persons,

<p>have taken place as against the undertaking given by them that they are limiting the scope of the project for drinking water alone.</p> <p>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 Karivena reservoirs.</p>	<p>Committee, it has not referred anything about the status of Rehabilitation and Resettlement, adverse impact on villages, historical structures such as forts, etc.</p>	<p>socioeconomic is conducted in the submergence area of Udandapur reservoir and details of affected people are garnered for giving R & R benefits and necessary preliminary notification has been issued.</p> <p>In view of the above, objection made by the applicant are not true, hence denied.</p>
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Place: Hyderabad

Date : 08.03.2022

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	
4	S. Venkat Rao District Collector, Mahabubnagar, Telangana	
5	G. Vijaya Kumar Assistant Director, Mines & Geology, Mahabub Nagar	
6	L.B. Muanthang Member (Power), KRMB(Nodal Agency), Hyderabad	

No.	Joint Committee Remarks	Reply of Applicant	Remarks
4	<p>Whether in executing any projects, any displacement have taken place as against the undertaking given by them that they are limiting the scope of the project for drinking water purpose alone.</p> <p>The primary purpose of the PRLIS is to provide irrigation facility only and water drinking is a minor component. People have already been displaced for constructing dam/reservoir at Udandapur and Karvena reservoirs.</p>	<p>Though the violation is confirmed by the Committee, it has not referred anything about the status of Rehabilitation and Resettlement adverse impact on villages, historical structures such as fort etc.</p>	<p>It is submitted that regarding displacement of persons, socio economic survey is conducted in the submergence area of Udandapur reservoir and details of affected people are garnered for giving R&R benefits and necessary preliminary notification has been issued.</p> <p>In view of the above, objections made by the Applicant are not true, hence denied.</p>


Dist. Collector
 Mahabubnagar.

GOVERNMENT OF TELANGANA
IRRIGATION & CAD DEPARTMENT

ANNEXURE

From
J.RAMESH, B.E
Executive Engineer,
Irrigation Division No.5
Jadcherla

To
✓ The Member (Power)
KRMB (Nodal Agency)
Jalasoudha,
Errum Manzil.

Lr. No:- EE/Irr. Div. No. 5/JCL/ DB/ 24

Dt. 04/03/2022.

Sir,

Sub:- Irrigation Div. No.5 jadcherla- KRMB Nodal Agency has called for the pointwise compliance status on conditions laid down for lifting of B.C Soils from MI sources from various tanks under IB Division Mahabubnagar for Udandapur Reservoir- compliance status report submitted - Reg.

Ref:- 1. Lr. No. EE/IB/MBNR/DB/HD1/958 Dt. 05-08-2017
2. Lr. No. EE/IB/MBNR/DB/HD1/1219 Dt. 15-09-2017
3. F.No. 02/07/A/2021/KRMB/169 Dt. 25/02/2022 Member (Power) KRMB (Nodal Agency)

Anent to the subject cited it is to submit that, Vide reference 3rd cited Member (Power) KRMB (Nodal Agency) has called for the pointwise compliance status on conditions laid down in the reference 1st and 2nd cited for extraction of BC soils from MI sources from various tanks under IB Division Mahabubnagar for Udandapur Reservoir, required as directed by the Hon'ble NGT (SZ) Chennai.

Accordingly, I am herewith submitting the compliance status report for the conditions laid down in the reference 1st cited

Sl. No.	Applicant's objection points	Compliance status by Deptt.
1	B.C soils can be lifted from the tanks leaving a minimum three feet layer of B.C soil over natural ground in the tank bed.	B.C soils were lifted from the tanks by leaving the B.C soil cover over natural ground.
2	Before lifting the B.C soils from the tanks, resolution from the concerned village Gram Panchayat may be obtained departmentally and requested to communicate the same to this office.	The necessary permissions from the concerned are taken before the lifting of B.C soils.
3	Other than B.C soils like gravel/Red Earth should not be excavated or lifted from the tank bed.	Only B.C soils from the tank bed are lifted.
4	While excavation of B.C soils sand layer should not be exposed, hence leave minimum of three feet layer of B.C soils.	B.C soils were lifted from the tanks by leaving the B.C soil cover over the natural ground without exposing the sand layer.
5	On upstream side of the tank within 10 H distance from the toe of bund must kept as "NO EXCAVATION ZONE", that distance must be maintained.	The lifting of B.C. soils is carried out by leaving 10H distance from the toe of the bund.
6	Lifting of B.C soils from Minor Irrigation sources must be used for bonafied purpose of C.O.T filling in PRLI Scheme. Care must be taken to avoid diversion of B.C soils for illegal use by other persons.	The B.C soils taken from the Minor Irrigation sources were utilised for the bonafied purpose of C.O.T filling and formation of the Hearing zone of PRLIS Reservoirs only.

Further, I am here with submitting the compliance status for the conditions laid down in the reference 2nd cited

Sl. No.	Applicant's objection points	Compliance status by Deptt.
1	B.C soils shall be excavated up to the sill level of the sluice only. Executive Engineers, PRLIS are responsible for the excavations beyond sill levels of the tanks which spoil the purpose of Mission Kakatiya and also it will affect existing commands under the tank.	B.C soils were excavated up to the sill level of the sluice only. The water is stored in all the tanks where B.C soils were excavated.
2	On Upstream side of the tank within 10 H distance (Where H is the height of the bund) from the toe of the bund must be kept as "NO EXCAVATION ZONE" and that distance must be maintained and no excavation in the said zone is permitted.	The lifting of B.C. soils is carried out by leaving 10H distance from the toe of the bund.
3	Lifting of B.C soils from Minor Irrigation sources must be used for bonafide purpose of C.O.T filling/Hearthing zone in PRLI Scheme. Care must be taken to avoid diversion of B.C soils for illegal use by other persons.	The B.C soils taken from the Minor Irrigation sources were utilised for the bonafide purpose of C.O.T filling and formation of the Hearthing zone of PRLIS Reservoirs only.
4	Excavation shall be done strictly in Govt. Shikham lands only. There shall not be any excavation on patta lands in the beds of all tanks. The Executive Engineers will be responsible for the excavations done in Patta Lands and other subsequent legal complications. The Executive Engineers are advised to take the assistance of Mandal Surveyors to identify the Govt. Shikham Lands before lifting B.C soils from the bed of tanks.	The Excavation of B.C soils was done in the Govt. Shikham lands only.
5	The Executive Engineers shall depute their Assistant Executive Engineer, Assistant Engineers/Work Inspectors at all tanks where excavation for lifting of B.C soil is proposed so as to avoid illegal excavation in Patta Land and to avoid excavation beyond sill level of the tanks. Regular monitoring must be done.	The concerned officials were deputed to look after the lifting of B.C soils activity.
6	Soils other than B.C soils like Gravel/Red Earth and sand should not be excavated or lifted from the tan bed.	Only B.C soils from the tank bed are lifted.
7	The Executive Engineers are requested to obtain the suitability of B.C soil for each tank before lifting from the tank beds. The soil which is not suitable for filling COT/Hearthing zone, shall not be excavated/lifted from that tank.	The suitability of the B.C soils excavated from the tanks was ascertained for the filling of COT/Hearthing zones.

8	The Executive Engineers are requested to furnish the weekly reports of tank wise and agency wise quantities of B.C soils lifted.	The Quantity of B.C soils are measured as per the finished item of work.
9	The Executive Engineers are requested to inform to this office once the task of lifting of the B.C soils is completed.	The information is given to the concerned Executive Engineers on completion of the task of lifting of B.C soils

This is for kind information and taking further disposal.

Yours faithfully,


Executive Engineer, 4/3/22
Irrigation Division No.5,
Jadcherla.
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DEC