

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN BENCH AT CHENNAI**

**ORIGINAL APPLICATION NO: 147 OF 2021**

**IN THE MATTER OF:-**

**KOSGI VENKATAIAH**

**...APPLICANT**

**VERSUS**

**UNION OF INDIA & ORS**

**...RESPONDENTS**

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**ADVOCATE FOR THE PETITIONER: SRAVAN KUMAR**

**BEFORE THE NATIONAL GREEN TRIBUNAL****SOUTHERN BENCH AT CHENNAI****ORIGINAL APPLICATION NO: 147 OF 2021****IN THE MATTER OF:-****KOSGI VENKATAIAH****...APPLICANT****VERSUS****UNION OF INDIA & ORS****...RESPONDENTS**

List of dates and Submissions on behalf of the Applicant

Date	Particulars	Page
Background	<p data-bbox="496 925 1112 1249">Applicant who is resident of Mudireddipalli Village of Rajapur Mandal of Mahabub Nagar noticed the massive extraction of soil by the contractors in number of water bodies in the Rajapur, Nazabpet etc mandals for the construction of the Udandapur Reservoir under Palamooru Ranga Reddy Lift Irrigation Scheme.</p> <p data-bbox="496 1305 1112 1720">The Lift Scheme is a massive project with an allocation of about Rs. 35,200 Crores. Five Lifts and five massive reservoirs proposed under the project such as Anjanagiri, Sri Veeranjanya, Venkatadri, Udandapur and Lakshmidvipally reservoirs. The project was obtained only Terms of Reference for the Project from MoEF on 11.10.2017. Environment Clearance was not obtained by the project proponent till date.</p> <p data-bbox="496 1776 1112 1888">That the soil required for the project is 2,75,59,517 MTs which has been sourced from nearby water bodies.</p> <p data-bbox="496 1944 1112 2011">Being a resident of Mudireddipally of Rajapur Mandal, Applicant raised massive soil</p>	4-8 of Original Application

	<p>extraction from the water bodies by the project contractors for Udandapur Reservoir which comes under Lift-IV.</p> <p>Applicant also raised the issue of violation of TOR issued by MoEF at para 7 of Original Application.</p>	
12.12.2021	<p>Subsequently, it has come to the knowledge from the documents procured under RTI by the Applicant that the Project Proponent has been extracting soil/minor mineral from 218 Lakes/Water bodies without obtaining Environment Clearance for conducting mining.</p> <p>The Officials of Project Proponent have issued certificate stating that they have deducted Seigniorage from the contractors.</p>	<p>13-14 of the Affidavit filed by Applicant dated 12.12.2021</p> <p>Page 22,23 of the Affidavit filed by Applicant dated 12.12.2021</p>
	<p>Counter Affidavit of MoEF</p> <p>Para 8 to 11 of the affidavit discuss about the Project and lack of Environment Clearance. MoEF categorically stated that the “Irrigation project is still under consideration for Environment Clearance before the answering Respondent. No Environment Clearance has been granted for the project by the answering Respondent.”</p> <p>Para 12 of the MoEF counter states that prior Environment Clearance required for ‘mining of minor mineral’. The ministry has annexed the Amended EIA Notification dated 14.8.2018 issued by Union of India.</p> <p>Though the Ministry categorically states that prior Environment Clearance is required for Minor Mineral, the affidavit left its stand on the mining of soil for Palamuru Rangareddy Project to the Joint Committee. (para 14 of the affidavit)</p>	<p>Page 5-7 and 15,16</p>

	<p><b>Joint Committee Reports</b></p> <p><b>Interim Report dated 20.9.2021</b></p> <p>That in the interim report dated 20.9.2021, while seeking 4 weeks time, the Committee sought supporting documents such as permissions for extraction of soil from the Chief Engineer of the project.</p> <p><b>Final Report dated 18.11.2021:</b></p> <p>That the Joint Committee without verifying the documents observed that “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.”</p> <p>That the Committee on the one hand stated that borrowing of material from reservoir area is violative of Environmental laws, but it has given clean chit for extraction of mineral from water bodies which is completely contradictory and against the amended EIA Notification.</p> <p><b>Joint Committee Report dated 6.5.2022</b></p> <p>The Committee opined that “(V)Even if there is over excavation of BC soils from the tanks as alleged by the applicant which the irrigation department denies in its replies, there is no way it can be verified by the committee now, as much time has already lapsed (since 2017). Also, the committee is of the opinion the any over excavation within the tanks (which will get eventually filled up by incoming silt) will not cause any perceptible damage to the environment.”</p>	
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	<p>That the Joint Committee has expressed multiple views on the extraction of soil from the 218 tanks without environment clearance. Initially it has stated that the tanks are filled with water hence they could not verify the damage. The Committee in the Interim Report stated that it has to verify the permissions obtained by the Project Proponent. But the aspect of verification of valid permissions was not discussed in the reports.</p> <p>It is submitted that the Project Proponent itself admitted in its counter affidavit at para 14 that the soil was extracted from the agriculture lands with the consent of the farmers. But this fact was not verified by the Committee.</p>	
9.3.2022	<p>That the Hon'ble Tribunal vide its order dated 9.3.2022 granted time to the Committee to assess the damage caused to the water body due to the excess mining. But that was not done by the Committee and reported to the Hon'ble Tribunal in the report dated 6.5.2022 that though the Project Proponent conducts excess mining, that will be filled with soil. The stand of the Committee is completely illegal.</p>	
	<p><b>Counter of the Project Proponent</b></p> <p>It has admitted at the soil is extracted from lakes and even from agriculture land with the consent of the farmers.</p> <p>At para 18 of the counter, it was admitted that the mineral was extracted upto 4 to 6 feet.</p>	Page 6-9

Filed by

4.8.2022

  
**SRAVAN KUMAR**  
 Advocate for the Applicant