

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE  
BENCH AT CHENNAI**

(Under Section 18(1) read with Sections 14, 15 of National Green  
Tribunal Act, 2010)

**Original Application No. 148 of 2021**

IN THE MATTER OF

**D.Chandramouleswara Reddy,**

Age 63 years,

S/o D.Shankar Reddy,

H.No.S-1-321, Singapur Township,

Puttampalli, YSR Kadapa District,

Cell:9347421276

Andhra Pradesh-516002 and 8 others ..... **Applicants**

-Vs-

**1.Union of India**

Represented by its secretary,

Ministry of JalShakti,

Shram Shakti Bhawan,

New Delhi-110001

Mail:secy-mowr@nic.in

Phone:011-24695262, 24695265 and 5 others

.....**Respondents**

**REJOINDER AFFIDAVIT FILED ON BEHALF OF THE 6<sup>th</sup>  
RESPONDENT TO THE COUNTER AFFIDAVIT FILED BY THE 2<sup>nd</sup>  
RESPONDENT DATED 21.12.2021**

**Date:** 29-01-2022

*M/S Madhuri Donti Reddy*

**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**

#S2, Royal Castle, 26, Gill Nagar Extension, Choolaimedu,

Chennai – 600 094. Mobile: 98407 98460 / 6383121322

**COUNSEL FOR 6<sup>TH</sup> RESPONDENT**

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE  
BENCH AT CHENNAI  
Original Application No. 148 of 2021**

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**Date: 29-01-2022**

  
 Engineer-in-Chief (Irrigation)  
 Water Resources Department  
 VIJAYAWADA. A.P.

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE  
BENCH AT CHENNAI**

**Original Application No 148 of 2021**

IN THE MATTER OF

**1. D. Chandramouleswara Reddy,**

Age 63 years,  
S/o. D. Shankar Reddy,  
H.No.S-1-321, Singapur Township,  
Puttampalli, YSR Kadapa District,  
Cell. 9347421276  
Andhra Pradesh- 516002.

**1. AvvaVenkatasubba Reddy**

Age 43 years,  
S/o. A. Papi Reddy,  
H.No.2-103-A, Jillela Village,  
Banaganpalli, Kurnool District,  
Cell. 9491410720  
Andhra Pradesh- 518176.

**2. Sk. JaniBasha,**

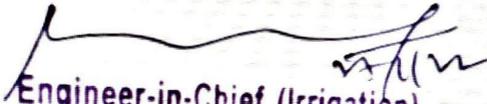
Age 47 years,  
S/o. SaidaSaheb,  
H.No.2-323, Masidbazar, Paluvai,  
Rentachintalamandal, Guntur District,  
Cell. 9704791872  
Andhra Pradesh- 522421.

**4. VajralaKotiReddy,**

Age 58 years  
S/o V. Gali Reddy,  
H.No. 1-16A, Rajapalem  
(V), Tripuranthakam Mandal  
Prakasam district, cell-  
9866668801  
Andhra Pradesh Pin Code: 523326

**5. Naraboina Venkata Rao,**

Age 37 years  
S/o N. Venkateswarlu,

  
Engineer-in-Chief (Irrigation)  
Water Resources Department  
VIJAYAWADA. A.P.

HNo : 4-125, PataPaluvai  
 (v)Rentachinthalamandal,  
 Prakasam district, cell- 62814 38214  
 AndhraPradesh PinCode:522421.

**6. Siddadapu Gandhi,**  
 Age 49yearsS/oRamaRaghaviah,  
 H.No. 4-237,  
 Madugulapost,Gurazalamandal,  
 Guntur district,  
 cell-9542093969,  
 Andhra Pradesh Pin Code:522415.

**7. GarikapatiVenkataRamanaidu,**  
 Age41years,  
 S/o GarikipatiRaghava Rao,  
 H.No.2-14 peumalli post  
 Penumalli village,  
 Pedanamandal, Krishna District,  
 cell-9550503347  
 Andhra Pradesh PinCode: 521369.

**8 AnnemSoreddy,**  
 Age 34 years,  
 S/o Gali Reddy,  
 1-201/1 ,Gopireddygari street,  
 Tallapalli Village,  
 MacherlaMandal,  
 Guntur District, Cell No : 94417 03118  
 Andhra Pradesh Pincode:522426

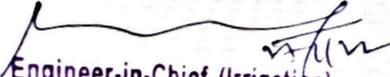
**9. PandipatiVenkaiah,**  
 Age 64 years,  
 S/o PandipatiYesobu,  
 H.No.4206,Valiveru (V)  
 Tsundurumandal, Guntur district.  
 CellNo :8886045140  
 Andhra Pradesh Pin Code:522318

.....

Applicants

-VS-

**1. Union of India**  
 Represented by its Secretary,  
 Ministry of JalShakti,Shram  
 Shakti Bhavan,NewDelhi110001

  
 Engineer-in-Chief (Irrigation)  
 Water Resources Department  
 VIJAYAWADA. A.P.

Mail:secy-mowr@nic.in  
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**2 Union of India**

Represented by its Secretary,  
Union Ministry of Environment,  
Forest & CC Indira ParyavaranBhavan,  
Jorbagh, New Delhi-110003  
Mail:secy-moef@nic.in  
Phone:011-24695262,24695265

**3 National Board of Wildlife,**

Represented by its Chairman,  
MoEF& CC, New Delhi.  
Indira ParyavaranBhavan,  
Jorbagh, New Delhi-110003.

**4 Krishna River Management Board,**

Represented by its Member Secretary, Govt. of  
India, Ministry of Water Resources, 5<sup>th</sup> Floor,  
Jalasoudha, ErrumManzil, Hyderabad-500082.  
Mail:membersecretary-krmb@gov.in  
Phone:040-23301858

**5 State of Telangana,**

Represented by its Chief Secretary,  
Secretariat, Hyderabad-500022.  
Mail:cs@telangana.gov.in  
Phone:040-23452620

**6 State of Andhra Pradesh,**

Chief Secretary,  
Secretariat, Velagapudi,  
Guntur district, Andhra Pradesh  
Pin:522503.  
Mail:cs@ap.gov.in  
Phone: 0863-2444461

.....Respondents

**REJOINDER AFFIDAVIT FILED ON BEHALF OF THE 6<sup>th</sup>  
**RESPONDENT TO THE COUNTER AFFIDAVIT FILED BY THE 2<sup>nd</sup>  
**RESPONDENT DATED 21.12.2021******

I, C. Narayana Reddy, S/o Late. Chenna Krishna Reddy,  
aged about 59 years, Occ: Engineer-in-Chief (Irrigation), Water

  
Engineer-in-Chief (Irrigation)  
Water Resources Department  
VIJAYAWADA, A.P.

Resources Department, Government of Andhra Pradesh, R/o Vijayawada, do hereby solemnly affirm and sincerely state on oath as follows:

1. I am the Engineer-in-Chief (Irrigation), Water Resources Department in the Government of Andhra Pradesh and I am well acquainted with the facts of the case. I am authorised to depose on behalf of the Applicant. I have read the counter affidavit filed by the 2<sup>nd</sup> respondent and beg to submit in reply thereto as follows:
2. It is submitted that the allegations in Paras 2, 3 & 4 are nothing but repetition of the contentions of the Applicant State and they need not be traversed to as they are borne out from the record.
3. It is submitted that it is clear from Paras 5 to 9 of the Counter affidavit filed by the 2<sup>nd</sup> respondent. 'PR LIS' is Category 'A' project as per EIA Notification dt:14.09.2006 (as amended on 14.08.2018), since it involves providing irrigation facility to an extent of 12,36,000 Acres equivalent to 4,97,976 ha, thus, it requires '*prior Environmental clearance*' under the said notification. It is also clear from the allegations in Para 10 & 11 of the counter affidavit of the 2<sup>nd</sup> respondent in O.A No.148 of 2021 that the 5<sup>th</sup> respondent project proponent obtained TOR only for PRLIS as standalone project.

  
Engineer-in-Chief (Irrigation)  
Water Resources Department  
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4. It is submitted that the allegations of the 5<sup>th</sup> respondent in its Counter affidavit dated : 08.12.2021 in Para-7 that it is proceeding with the construction of PRLIS and also admitted that it is constructing 6 reservoirs with a capacity of 67.97TMC and with a bund length of 64.22 Km. Thus, such a massive construction of PR LIS requires '**prior Environmental clearance**' as mandated by EIA Notification dt:14.09.2006 (as amended on 14.08.2018). In fact, in its proposal dated 10.01.2017, the 5<sup>th</sup> respondent project proponent mentioned that 20 No's of hamlets, 3 villages, 24M households, 11,025 population would submerge and also that the proposal includes acquisition of 23,778.96 ha of non forest area and 229.04 ha forest area. All these factors were licentiously suppressed in the proposal dated 13.09.2017 to avoid scrutiny by the jurisdictional authorities under various statutes.

5. It is submitted that the 2<sup>nd</sup> respondent categorically stated in Para 8 of its counter affidavit that in the minutes of 8<sup>th</sup> EAC meeting held on 22.09.2017 decided to issue ToR on 11.10.2017 with special conditions. The special conditions in the ToR would apply for both for Phase -I &Phase -II of PR LIS. It is pertinent to mention that the public hearing was held by the 5<sup>th</sup> respondent project proponent on 10.08.2021 only in respect of Phase-II of the project and no public hearing is conducted in respect of Phase-I of the project. If

  
Engineer-in-Chief (Irrigation)  
Water Resources Department  
VIJAYAWADA, A.P.

there is no public hearing is conducted by the 5<sup>th</sup> respondent project proponent in respect of Phase-I as mandated by EIA Notification dated 14.09.2006, the question of granting appraisal on the basis of public hearing conducted for Phase-II only on 10.08.2021 does not arise. Thus, the 5<sup>th</sup> respondent tried to mislead the 2<sup>nd</sup> respondent in every possible way to avoid scrutiny and it is nothing but perpetuating an illegality. The 5<sup>th</sup> respondent project proponent is not entitled for environmental clearance as the whole procedure under EIA Notification has not been followed.

6. It is submitted that it is clear from the allegations in Paras 9 & 10 of the counter affidavit of the 2<sup>nd</sup> respondent that PR LIS is an '*irrigation project*' and not a drinking water project, which falsify the case of the 5<sup>th</sup> respondent in its counter affidavit by artificially dividing the project into Phases -I & II. The infrastructure built in Phase-I is far in excess of the proposed drinking water and the said infrastructure would be ultimately utilized for the purpose of irrigation as admitted by the 5<sup>th</sup> respondent in Para 8 of its Counter affidavit dated 08.12.2021.
7. It is submitted that this Hon'ble Tribunal in OA 71/2020 vide its order dated 29.10.2020 held that RLS requires '*prior Environmental clearance*' even though there is no new ayacut as proposed under the said scheme and it is to meet the final

  
Engineer-in-Chief (Irrigation)  
Water Resources Department  
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allocation made by KWDT-I and KWDT-II. Similarly, in OA 175/2018 and OA 148/2021, the Principal Bench of this Hon'ble Tribunal, New Delhi has taken a categorical view that wherever irrigation component is involved, those projects require 'prior environmental clearance'. Thus, the 5<sup>th</sup> respondent State of Telangana has no right to proceed with the construction of PR LIS without obtaining prior environmental clearance since it is an irrigation project by itself and entire construction made so far is illegal.

8. It is submitted that this Hon'ble Tribunal vide its order dated 13.12.2021 the said order in para 8 stated as follows:

***"If ultimately this Tribunal found that any work has been done after the injunction order passed by this Tribunal was communicated to them, then this Tribunal will take a serious view and appropriate action will be taken against those officials who are responsible for the same including the Chief Secretary of State of Telangana for not taking proper steps to implement the orders of this Tribunal"***

9. It is submitted that in this context, it is pertinent to bring to the kind notice to this Hon'ble Tribunal that the 5<sup>th</sup> respondent State of Telangana, in violation of the interim order dated 29.10.2021, is proceeding with the construction of PR LIS. The 6<sup>th</sup> respondent State of Andhra Pradesh is herewith filing the photographs of the construction activity which is going on with full pace at all six reservoir sites of PR LIS. The 5<sup>th</sup> respondent State of Telanganah as no respect for the law

  
 Engineer-in-Chief (Irrigation)  
 Water Resources Department  
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and interim order dated : 29.10.2021 passed by this Hon'ble Tribunal.

10. It is submitted that the 5<sup>th</sup> respondent State of Telangana has deliberately violated the interim order dt: 29.10.2021. Thus, the conduct of the 5<sup>th</sup> respondent State of Telangana is not only to avoid the scrutiny by the jurisdictional authorities under various statues notified under NGT Act, 2010 and is making unauthorized construction of PR LIS. It is also misleading this Hon'ble Tribunal that it has stopped the construction of PR LIS, when this Hon'ble Court considered the OA 212/2021 as evident from order dated 22.12.2021 and the said order in para 4 read as follows:

***“Mr.Sanjeev Kumar, Learned Special Government Pleader for State of Telangana submitted that on the basis of the instructions received from Mr. J.Ramachandra Rao, Learned Additional Advocate General, no work is going on in Palamuru Rangareddy Lift Irrigation Scheme and Dindi Lift Irrigation project and direction was given not to proceed with the work and no work is being undertaken, as on the last hearing date in Palamuru Rangareddy Lift Irrigation Scheme matter, this Tribunal had observed that if any work is done in violation of the undertaking given before this Tribunal, then the officer responsible has to face consequences and in view of that direction no work is being done’***

Thus, the 5<sup>th</sup> respondent State willfully and deliberately violated the interim order dated :29.10.2021. All the officials responsible of 5<sup>th</sup> respondent State for such willful and deliberate violation are liable to be punished in the light of the

  
**Engineer-in-Chief (Irrigation)**  
**Water Resources Department**  
**VIJAYAWADA, A.P.**

order dt:13.12.2021 passed by this Hon'ble Tribunal. and the 5<sup>th</sup> respondent State of Telangana committed 'perjury' in making deliberate misleading statement before this Hon'ble Tribunal. The photographs of the construction activity at various reservoir sites of PR LIS are herewith filed as **Annexure-1.**

11. It is submitted that this respondent craves leave of this Hon'ble Tribunal to raise additional reply in the course of proceedings, if required.
12. Hence, it is prayed that Hon'ble Tribunal may please to Record the 6<sup>th</sup> respondent rejoinder affidavit and allow the above O.A 148 of 2021 and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper.

  
**DEPONENT**  
 Engineer-in-Chief (Irrigation)  
 Water Resources Department  
 VIJAYAWADA, A.P.

Solemnly affirmed at Vijayawada,  
 Andhra Pradesh on this the  
 29<sup>th</sup> day of January, 2022 and  
 signed his name in my presence

**BEFORE ME**

  
**ADVOCATE,**

**PENUMAKA AJAY BABU**  
 ADVOCATE MA.LLM.,  
 HIGH COURT OF A.P.  
 CELL: 9493494444, 9966370959

**VERIFICATION**

I, C. Narayana Reddy, S/o Late. Chenna Krishna Reddy, aged about 59 years, Occ: Engineer-in-Chief(Irrigation), Water Resources Department, Government of Andhra Pradesh, R/o Vijayawada, do hereby state that what is stated above in paragraphs are true to the best of my knowledge and belief.

Dated at Vijayawada on this the<sup>29<sup>th</sup></sup> day of January, 2022.

  
**DEPONENT**  
Engineer-in-Chief (Irrigation)  
Water Resources Department  
VIJAYAWADA, A.P.

# Annexure-1

## Anjanigiri reservoir at Narlapur



**Anjanigiri reservoir at Narlapur**



**Anjanigiri reservoir at Narlapur**



**Anjanigiri reservoir at Narlapur**



**Anjanigiri reservoir at Narlapur**



# Uddandapur reservoir



# Uddandapur reservoir



**Veeranjaneya reservoir at Yedula**



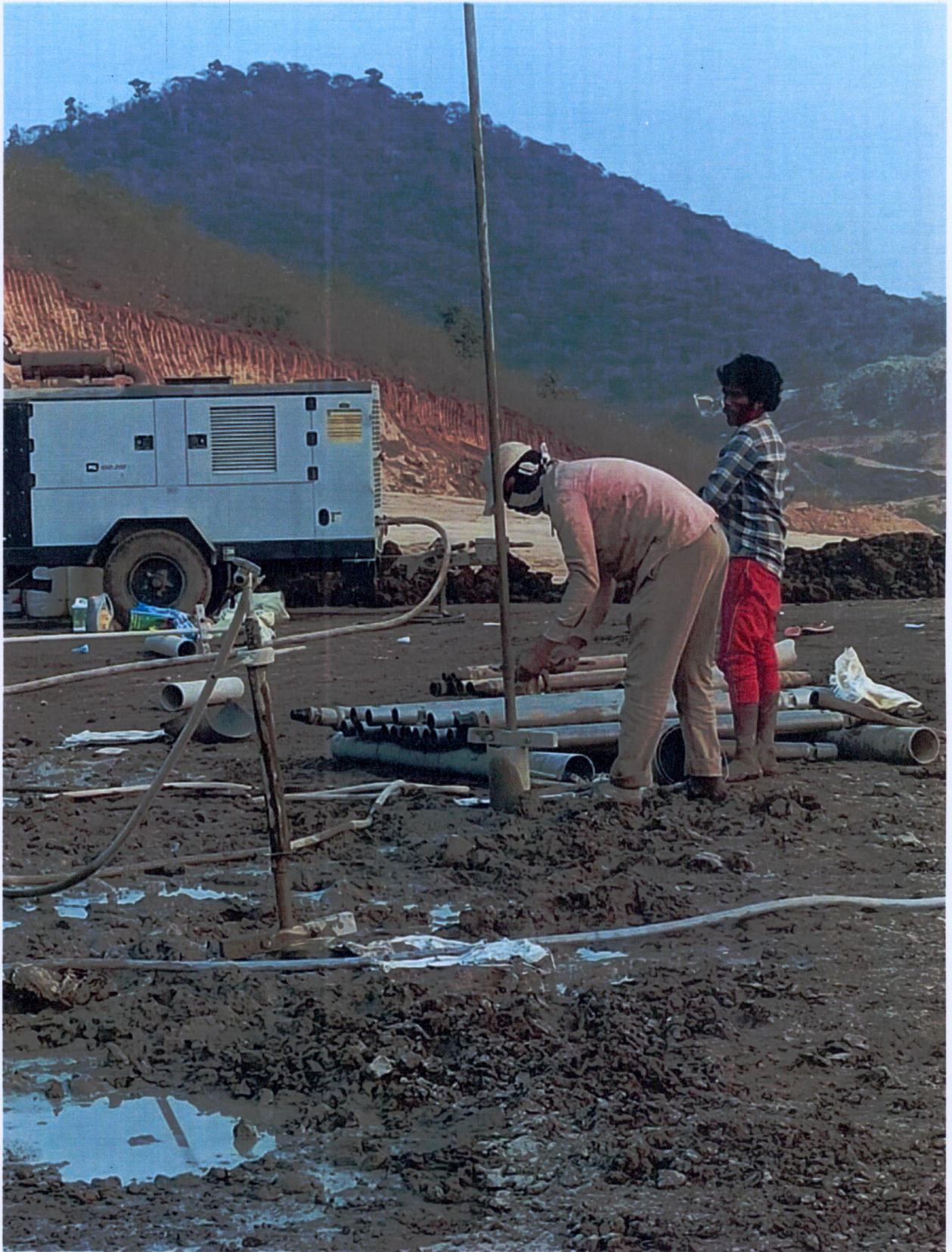
# Kervena Reservoir



**Kervena Reservoir**



# Kervena Reservoir



# Kervena Reservoir



# Kervena Reservoir



# Kervena Reservoir



# Kervena Reservoir

