

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN 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, and 8 others

....

Applicants

-vs-

1. Union of India

Represented by its Secretary,

Ministry of JalShakti, Shram

Shakti Bhavan, New Delhi 110001

Mail: secy-mowr@nic.in

Phone: 011-24695262, 24695265 and 5 others.

.... **Respondents**

**REJOINDER AFFIDAVIT FILED BY THE 6TH RESPONDENT TO
5TH RESPONDENT COUNTER AFFIDAVIT DATED 24.08.2021**

Date-21-09-2021



**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.

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Counsel for 6th Respondent.

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

Original Application No. 148 of 2021

IN THE MATTER OF

D. Chandramouleswara Reddy & ORS Applicants

-Vs-

Union of India & ORS Respondents

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DATE- 20 .09.2021


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**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.

2. Avva Venkatasubba Reddy,

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

3. Sk. Jani Basha,

Age 47 years,
S/o. Saida Saheb,
H.No.2-323, Masidbazar, Paluvai,
Rentachintala mandal, Guntur District,
Cell. 9704791872
Andhra Pradesh- 522421.

4. Vajrala Koti Reddy,

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,


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HNo : 4-125, PataPaluvai
 (v)Rentachinthalamandal,
 Prakasam district,
 cell- 62814 38214
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6. Siddadapu Gandhi,

Age :49years,
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 H.No. 4-237, Madugulan post,
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 Guntur district,
 cell-9542093969,
 Andhra Pradesh Pin code:522415.

7. Garikapati Venkata Ramanaidu,

Age: 41years,
 S/o. Garikipati Raghava Rao,
 H.No.2-14 penumalli post
 Penumalli village,
 Pedana mandal, Krishna District,
 cell-9550503347
 Andhra Pradesh PinCode: 521369.

8. Annem Soreddy,

Age: 34 years,
 S/o Gali Reddy,
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 street, Tallapalli Village,
 Macherla Mandal,
 Guntur District, Cell No : 94417
 03118 Andhra Pradesh
 Pincode:522426


 Commissioner,
 Secretary to Government
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9. Pandipati Venkaiah,

Age: 64 years,
 S/o Pandipati Yesobu,
 H.No.4206, Valiveru (V) Tsundururu
 Mandal, Guntur district.
 Cell No : 8886045140
 Andhra Pradesh Pin Code:522318

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Applicants

-VS-

1. Union of India

Represented by its Secretary,
 Ministry of Jal Shakti,
 Shram Shakti Bhavan,
 NewDelhi110001
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 Phone:011-24695262, 24695265

2. Union of India

Represented by its Secretary,
 Union Ministry of Environment,
 Forest & CC Indira Paryavaran Bhavan,
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 Phone:011-24695262,24695265

3. National Board of Wildlife,

Represented by its Chairman,
 MoEF & CC, New Delhi.
 Indira Paryavaran Bhavan,
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4. Krishna River Management Board,

Represented by its Member Secretary,
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5. State of Telangana,

Represented by its Chief Secretary,
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Mail: cs@telangana.gov.in

Phone: 040-23452620

6. State of Andhra Pradesh,

Chief Secretary,
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Andhra Pradesh- 522503.

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..... Respondents

REJOINDER FILED ON BEHALF OF THE 6th RESPONDENT

I, J. Syamala Rao, S/o Sri. J. Satyanarayana Murthy (Late), aged about 54 years, Occ: Secretary, Government of Andhra Pradesh, R/o Vijayawada, do hereby solemnly affirm and sincerely state on oath as follows:

1. I am the Secretary, Water Resources Department to 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 6th Respondent. I have read the 5TH RESPONDENT COUNTER affidavit filed BY 5TH RESPONDENT and it does not disclose any valid grounds for granting any relief prayed therein and I deny the allegations made therein except those that are specifically admitted as hereunder **AND BEG TO SUBMIT IN REPLY THERETO AS FOLLOWS.**

2. In answer to the allegations in paragraph 4 to 12, the 6th


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Respondent humbly submits that eventhough it is for the applicant to reply to establish as to how his original application is well within the limitation. However, I submit that the construction of PRLIS is without obtaining the “*prior environmental clearance*” as mandated by EIA notification dt.14.09.2006. Not obtaining mandatory requirement in Law and proceeding with construction of PRLIS in violation of the provisions of “Environmental Protection Act, 1986”. The jurisdiction of this Hon’ble Tribunal is under section 14 & 15 of the Act gets attracted, whenever there is loss of Ecology and Environmental Degradation and that injury, harm and damage were caused to the Environment. Section 2(1)(c) of NGT Act defines “Environment” which reads as under:

“Environment includes water, air and land and interrelationship which exist among and between water, air and land and Human Being, other living Species, Plants, Micro Organisms and Property”.

- A Conjoint reading of Section 2(1) (c) and Section (2)(m) of NGT Act, 2010 shows that the object of the Act is to prevent and protect the environmental pollution and to provide administration of environmental justice and make it easily accessible within the frame work of the statute.
3. Thus, the question of limitation does not arise especially when the 5th Respondent State of Telangana is perpetuating an illegality and it has adverse and catastrophic impact not only


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on the inhabitants within the 5th Respondent State of Telangana but also on the inhabitants in the 6th Respondent State of Andhra Pradesh which is lower riparian state. The illegality being committed by the 5th Respondent State of Telangana by its unilateral construction of PRLIS has an impact on the several generations. Once, the substantial question of law gets attracted from the impugned cause of action, this Hon'ble Tribunal has ample jurisdiction to examine the issue. Any damage to the environment by the illegal acts of the 5th Respondent State of Telangana offending the environment in its territory amounts to depriving Right to life guaranteed under Article 21 of the Constitution of India. It is settled that so long as damage to the environment continues, the public injury also continues along with cause of action. Enforcement of Fundamental Rights cannot be refused solely on the grounds of Laches, delay or the alike as held by the Hon'ble Supreme Court. The date of commencement of the project does not determine the limitation, once there is substantial question of law as defined U/Sec. 2(m) gets attracted or not, is the criterion. Once there is a substantial question of law as regards to environmental issues, this Hon'ble Tribunal has ample Jurisdiction U/Sec.14 of the NGT Act, 2010. A State which has statutory obligations to protect the environment cannot unilaterally abdicate the mandatory


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procedure and cannot offend the environment as it like by taking prevaricative contentions. When such unauthorised and illegal acts have been challenged, it is not open for the 5th Respondent State of Telangana to contend that it is an abuse of the process of the court and such pleas are misconceived.

4. In answer to the allegations in para.13 and 17, I humbly submit that the 5th Respondent State of Telangana has no right to construct PRLIS as the same is contrary to the provisions of AP Re-organisation Act, 2014. There is no allocation to PRLIS by any competent Tribunal. However, in this context it is relevant to bring to the kind notice of this Tribunal, that the 5th Respondent State of Telangana and the 6th Respondent State of Andhra Pradesh are successor States of the erstwhile State of Andhra Pradesh by virtue of Sections 3 and 4 of Andhra Pradesh State Re-organisation Act, 2014, (Act, 2014). KWDT-I allocated 811 TMC of water to the erstwhile State of Andhra Pradesh under its gazetted decision dated. 31.05.1976 and the same is binding on the successor States. The 5th and 6th Respondent States agreed to share the allocation of 811 TMC by KWDT-I in the proportion of 299 TMC and 512 TMC respectively as per the inter-State agreement dated 18th/19th June, 2015 before Krishna River Management Board constituted under Section 85 of Act, 2014. Initially, this agreement is for the water year 2015-16. However, the said



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agreement being acted upon for every subsequent water years till date. On 06.10.2020, in the 2nd meeting of the Apex Council, it was decided that this interim arrangement should be continued till the reference under Section.89 is answered by KWDT-II. In addition to this, the 5th Respondent and the 6th Respondent are entitled to construct projects as mentioned in Para 10 of the Eleventh Schedule. The 5th Respondent State of Telangana is permitted to construct the ongoing projects of Kalwakurthy LIS and Nettempadu LIS to the extent of its allocation, made by the erstwhile State of Andhra Pradesh. Similarly, the 6th Respondent State of Andhra Pradesh is permitted to continue the construction of the ongoing projects viz., Telugu Ganga, Handri Niva Sujala Sravanthi, Galeru Nagari Sujala Sravanthi and Veligonda projects. Para 7 of the Eleventh Schedule states that undertaking of any other project for which KWDT-I & II did not make any allocation, it should be treated as a "New Project".

5. I submit that as per Sections 84(3)(ii), 85(8)(d) and Para 7 of the Eleventh Schedule of Act, 2014, a "New Project" need to be appraised by the Central Water Commission and Krishna River Management Board and basing on such appraisal, Apex Council has to sanction the New project. Without following this mandatory procedure under Act, 2014, without any allocations, the 5th Respondent State of Telangana has issued



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G.O. Ms. No: 105 dated. 10.06.2015 in respect of Palamuru RangaReddy LIS (PR LIS) to lift 90 TMC of flood water from foreshore of Srisaillam Reservoir to create irrigation for 12.3 lakh acres new ayacut and also for drinking water needs. Thus, without following the mandatory procedure under AP Re-organisation Act, 2014, the 5th Respondent State of Telangana has no right to construct the PRLIS.

6. In answer to the further allegations in para 18 of counter affidavit I submit that Ministry of Environment Forest and Climate Change has issued EIA notification dated 14.09.2006 under Sub section 3 of Section 3 of Environment (Protection) Act 1986. In view of the admitted classification, PR LIS is one falling under category 'A' as per Clause 2(i) and Annexure 1(c) appended to the said notification. Any project which is so classified on the basis of material available, is obligated to undertake the compliances mandated under Clause 4(ii) of the said Notification. PR LIS being one classified under item 1(c) of the Schedule to the EIA Notification is subjected to the procedure and process to be complied with under the said Notification. Clause 7(II)(ii) of the said notification categorically mandates that a prior Environmental Clearance is required for new projects.

7. I submit that the projects requiring the prior environment


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clearance are subject to a scrutiny indicated in Clause 7(i) comprises of 4 stages viz.,

- i) Stage (1) Screening (Only for Category 'B' projects and activities)
- ii) Stage (2) Scoping
- iii) Stage (3) Public Consultation
- iv) Stage (4) Appraisal

and the 5th Respondent State of Telangana has adopted different strategies to evade above said procedure of 4 stages by making prevaricative representations to the jurisdictional Tribunals. Initially, the contention of the 5th Respondent is that PRLIS is limited only to drinking water purposes and therefore not subject to the rigor of the compliances under EIA Notification, dated 14.09.2006. In previous proceedings before this Hon'ble Tribunal, the Respondent No.5, has noticed orders passed by this Hon'ble Tribunal and had changed its stand to evade scrutiny and submission of the papers as required under EIA Notification and provisions of Act, 2014.

8. In answer to the allegations in para 19 to 27, I submit that the issue is not only confine to Udandapur Reservoir, it relates to all the Reservoir under PRLIS. It is clear from Executive Summary submitted by the 5th Respondent State of Telangana for Environmental clearance of PR LIS during July, 2021 would


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show that in Phase – I of PR LIS, it is proposed to construct approach channels, open canals (50.490 km), tunnels (61.577 km), pump houses (5), reservoirs (6) with total storage capacity of 67.97 TMC for conducting water to various stages of lift and storing it for consumption use in drinking water, industrial use and irrigation. The reservoirs proposed in Phase– I are Anjanagiri, Veeranjaneya, Venkatadri, Kurumurthiya Uddandapur, KP Lakshmidhevipalli. The total length of the Bund in respect of these reservoirs, is about 64.223 Km, which requires large quantity of soil, excavated from several lakes, tanks and other agricultural fields offending several water bodies causing several environmental concerns beside causing water, noise and air pollution. The information on PR LIS downloaded from Telangana website [https://irrigation.telangana.gov.in /icad /projectsLisUp](https://irrigation.telangana.gov.in/icad/projectsLisUp) on 18.09.2021 is filed herewith as **Annexure-1**. There are about 1098 minor irrigation tanks within 10 kms radius of these 6 reservoirs and the number of M.I tanks under each reservoir is filed herewith as **Annexure-2**. The phase-I works involve

S. No.	Name of the Reservoir	No. of MI tanks @ 10 km radius	Length of bund (kms)	F.R.L. (m)	Capacity (TMC)	
					Gross	Live
1	Anjanagiri (@Narlapur)	60	6.647	345	8.51	7.95
2	Veeranjaneya (@Yedula)	318	7.716	445	6.55	5.91
3	Venkatadri (@Vattem)	178	14.75	542	16.74	16.4
4	Kurumurthiraya	129	13.185	531	17.34	16.83


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	(@Karivena)					
5	Udandapur	329	15.875	629	16.03	15.76
6	K.P. Lakshmidvipally	84	6.05	670	2.8	2.49
TOTAL		1098	64.223		67.97	65.34

9. Similar environmental offences are being committed under all the reservoirs in the respective minor irrigation tanks. Phase – II of PR LIS involves construction of thirteen main canals totalling to a length of 915 km and distribution network to serve an ayacut of 4,97,976 hectares providing water for Kharif and Rabi irrigation season.

Proposal submitted on 10.01.2017	Proposal submitted on 13.09.2017
Presented as an Integrated Project	Present proposal in two phases. i.e. Phase-I for drinking Phase-II for irrigation
90 TMC in 60 days	90 TMC in 60 days
4,04,858 Ha (10.00 L. Acres)	4,97,976 (12.30 L.Acres)
Submergence:	Submergence:
20 Nos Hamlets	Not mentioned
3 Villages	
24 M House holds	
11025 Population	
Land Acquisition	Land Acquisition
Non-Forest LA – 23778.96 Ha	Canals – 15,790 Ha
Forest LA – 229.04 Ha	
Under Reservoirs – 9664 Ha	
Conduit – 2198 Ha	
Canals – 12146 Ha	


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Amarabad Tiger Reserve – 11.95 km from Forest Core area	Not mentioned
Buffer area – 2.56 km	
Ecosensitive Zone is 1.56 km away from Anjanagiri reservoir	
Break up of 90 TMC	Not mentioned
8.00 Drinking	
2.00 Industries	
80.00 Irrigation	

A perusal of the above table would show that under the guise of drinking water, the 5th Respondent State of Telangana is executing major part of the Irrigation Project, misleading the ministry of Environment & Forests and also this Hon'ble Tribunal. The infrastructure sought to be created under the guise of drinking water project, involves substantial environmental issues for which, this Hon'ble Tribunal has originally stayed the execution of the project in OA 273/2016. The execution of the project is contemptuous as it is in violation of undertaking given before this Hon'ble Tribunal dated 17.02.2017 and which was recorded by this Tribunal on even dated.

10.A perusal of the Pre-Feasibility Report (PFR) of PR LIS shows that Phase – I involves construction of Six major reservoirs, canals, tunnels and lifts disproportionate to limited drinking water requirement, which can be carried in a pipeline. The photographs of the developments under PR LIS are filed herewith as **Annexure-3**.


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11. Thus, the infrastructure sought to be created in Phase-I of PR LIS undisputedly includes 'the infrastructure necessary for irrigation' which mandatorily requires 'prior Environmental clearance' which is offending the Environment in the 5th Respondent State of Telangana due to various constructions being carried out as indicated above, suppressing submergence of 20 Nos hamlets, 3 villages, 24 M households, 11025 population specifically mentioned in the proposal dated 11.01.2017. In fact, the 5th Respondent called for common tenders for Phase I & II for the entire scheme and with an oblique motive to misleadingly enter into agreement excluding the distributary canals for irrigation purpose. This is nothing but ingenious way of executing the project without disclosing the scope of the entire work and quantities of raw materials needed for its construction and the source from which the raw material is procured needed for the construction. Thus, the 5th Respondent State licentiously has chosen to proceed with PR LIS in scant disregard to the EIA Notification dated 14.09.2006 and evading the powers of scrutiny in the Statutory Authorities as well as power of scrutiny consecrated in this Hon'ble Tribunal. Thus, the 5th Respondent State is misleading this Hon'ble Tribunal and MoEF&CC and others by adopting evading tactics, which are condemnable.

12. It is submitted that construction of PR LIS in phase I is to meet



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a meager demand of 6.10 TMC for drinking water needs and evaporation losses, as per notes filed before KWDT-II on 28.06.2019 with all particulars on scientific basis. It is nothing but completing entire PR LIS project including irrigation demands without obtaining prior environmental clearance as mandated under EIA Notification, dated 14.09.2006. Further, every drinking water project does not require environmental clearance, is a misnomer, especially when the 5th Respondent State of Telangana is creating a huge infrastructure for irrigation and simultaneously offending hydrological, geological, structural, climatological factors of environment in the State of Telangana in all possible ways and also by wasting thousands of crores of public money.

13. Further, in minutes of the 8th meeting of EAC categorically observed that

“After deliberations and considering all the facts of the project as presented by the Project Proponent, the committee had the concerns about Techno-Economic Viability of the project. However, the EAC recommended for grant of scoping clearance/ToR for the proposed project with the following additional conditions along with standards ToR .i. The scheme in its first phase envisages lifting of 90 TMC of floodwater in 60 days during the flood season from the foreshore of the Srisailem project on Krishna river at Yellur village through five separate stages, ending at K.P. Laxmidevipally village. Therefore, water availability analysis at Yelluru village (point of drawl) during monsoon season is to be submitted to ascertain sufficiency of water available”.


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By this it is clear that the TOR issued by the MoEF is for both Phase I & Phase II, not just for Phase II which is the own assumption of the 5th Respondent State.

14. In fact, most of the drinking water needs of the 5th Respondent State of Telangana, are met through Mission Bhagiratha, utilizing a quantity 23.4 TMC of water in Krishna Basin and the present ingenious attempt by the 5th Respondent State of Telangana is with an oblique motive is to clandestinely completing the entire PR LIS, under the guise of meeting the drinking water necessity, without obtaining prior Environmental clearance knowing fully well it is not entitled such clearance as it cannot full fill all compliances legally required to be complied.

15. The alleged permission granted by the Chief Engineer on 31.05.2016 and 05.08.2016 vide Annexures are R2 to R3 are not a statutory compliance as per EIA notification 14.09.2006. Same is the case with Annexure R1. The alleged permission granted by the Chief Engineer and Executive Engineer in respect of minor irrigation Tanks has no relevance and have to be totally ignored. Had the 5th Respondent State of Telangana obtained environmental clearance, the 2nd Respondent would have given appropriate direction as to wherefrom the raw material has to be procured without offending environment, the



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method and manner the raw material be transported for construction of the reservoir without offending environment and the precautionary measures to be taken to avoid air, water and dust pollution besides and steps to be taken to protect the ground water. The 5th Respondent State of Telangana while denying BC soils are extracted from minor irrigation tanks and nearby agricultural lands, disturbing the ecology and ecosystem, contrastingly it is contending that under mission Kakatiya, the minor irrigation tanks were restored and desilting of minor irrigation tanks will improve ground water recharging capacity and increase the capacity of tanks and thereby increase the availability of water, without disclosing all the particulars as regards contractor of PRLIS.

16.I submit that the 5th Respondent state of Telangana has filed a Project notes before KWDT II showing the drinking water requirement and evaporation losses has 6.10 TMC out of 90 TMC proposed to be utilized under PR LIS. The 5th Respondent State of Telangana has also filed TAC Report showing crop water requirement has 83.9 TMC. The witness of 5th Respondent State of Telangana filed a crop water requirement of 84.85 TMC. Thus, as per the above two reports, the drinking water requirement is only 6.1 TMC and 5.1 TMC respectively. From the above, by any stretch of imagination, the infrastructure built under Phase-I of PR LIS is not for drinking


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water and it is for irrigation which mandatorily requires 'prior environmental clearance' as per EIA Notification Dated 14.09.2006. Phase-II involves providing distributaries from the infrastructure created in Phase-I. Thus, the integrated operation of Phase-I and Phase-II would only enable the 5th Respondent State of Telangana and to utilise the irrigation component of either 83.9 TMC or 84.85 TMC. Thus, Phase-I of PR LIS is for providing irrigation and not for meeting the drinking water requirement. The extracts from TAC report dt: 11.12.2017 and Affidavit of Telangana Witness Sri.K.Palanisami dt: 13.02.2019 are filed herewith as **Annexures 4 and 5** respectively.

17. The other allegations in these paras that the Executive Engineer gave permission to utilise BC Soils is not in accordance with law. It is for the ministry of environment & Forest & climate control has to give permission for excavation of BC soils and the manner in which the raw materials have to be procured and distributed and how the remaining muck to be handled. The 5th Respondent State of Telangana cannot assume jurisdiction in itself, cannot act on its own preventing the scrutiny of all the Statutory Authorities under Environmental Protection Act and EIA Notification. The State of Telangana blatantly evaded scrutiny of all these works knowing fully well that the huge construction which involves a laying of


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earthen bund to a length of more than 64 Kilometres needs lot of digging of the minor irrigation tanks and construction of pump house and tunnels damages the environment in several ways. It is learnt that there are more than 1098 minor irrigation tanks in and around the 6 reservoirs contemplated under the PR LIS and a huge environmental abuse was made. The admission of the 5th Respondent State of Telangana that the infrastructure undertaken under Phase-I would be ultimately utilised for the irrigation only, which mandatorily require 'prior environmental clearance' and the quantum of utilisation for drinking water needs under this project are very very meagre i.e., 8 TMC, as against a huge infrastructure of 90 TMC is built under Phase-I. Thus, the licentious intention of the 5th Respondent State of Telangana is to avoid the scrutiny by statutory authorities in respect of Phase-I is very apparent. It is a settled law that there is no "*ex-post-facto clearance*" and the same is alien to environmental jurisprudence and if a project is constructed without obtaining the mandatory permissions under EIA notification dt.14.09.2006, it should be pull down and it cannot be regularised as it is an unauthorised project without any allocation and the 5th Respondent State of Telangana has no right to construct PRLIS.

18. In answer to allegations in para 28 to 33, I humbly submit that the 5th Respondent State of Telangana filed an application for


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Environmental Clearance on 11.01.2017 for the entire PR LIS both for drinking and irrigation purposes for Lifting 90 TMC of flood water from Srisaillam Reservoir by constructing canals and storage reservoirs. The 5th Respondent State of Telangana filed project notes before KWDT-II wherein, it has stated that out of 90 TMC, 83.90 TMC for irrigation and 6.10 TMC towards evaporation losses and drinking water requirement.

19. In OA 273 of 2016, one Harshavardhan challenged the actions of the 5th Respondent State of Telangana is going ahead with construction of PR LIS without obtaining mandatory prior Environmental Clearances (herein after referred as EC). The 5th Respondent State of Telangana on 17.02.2017 gave an undertaking before this Hon'ble Tribunal that it will execute the project only to the extent of Drinking water component and it will withdraw its application for Environmental Clearance submitted to MOEF on 11.01.2017. The order dated 17.02.2017 read as follows:

“On behalf of Repondents Nos 2 and 3, the Chief Engineer, Palamuru Rangareddy Lift Irrigation Scheme filed an affidavit stating that the Government of Telangana would be withdrawing the application submitted for Environmental Clearence (EC) before the Ministry of Environment, Forests and Climate Change (MoEF& CC) on 11.01.2017. The affidavit also asserts that the State of Telangana would be implementing the disputed project only with regard to the supply of drinking water and not for irrigation.....”


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20. Later the application OA 273/2016 was transmitted to Principle Bench at New Delhi and renumbered as O.A 2/2018. On 22.07.2019, the case was dismissed as not pressed by the petitioner therein. In fact, such a dismissal ought not have been permitted by the Hon'ble Tribunal without verifying the nature of PR LIS and the infrastructure being created which requires several mandatory clearances to protect environment in the State of Telangana. Such an order would not operate as resjudicata as there is no adjudication on merits by this Hon'ble Tribunal.

21. The 5th Respondent State of Telangana submitted a fresh proposal for Environmental Clearance on 04.09.2017. The said proposal was accepted on 13.09.2017 and was considered in the 8th meeting of EAC on 22.09.2017 vide Item No.8.4. In the fresh proposal, the 5th Respondent State of Telangana bifurcated the PR LIS into two phases. Phase – I is for drinking water and Phase – II is for irrigation. The 2nd Respondent has issued TOR on 11.10.2017 and additional TOR was also issued for Phase-I.

22. Further, as submitted earlier in minutes of the 8th meeting of EAC categorically observed that

“After deliberations and considering all the facts of the project as presented by the Project Proponent, the committee had the concerns about Techno-Economic Viability of the project. However, the EAC


Secretary to Government
Water Resources Department,
VIJAYAWADA, A.P

recommended for grant of scoping clearance/ToR for the proposed project with the following additional conditions along with standards ToR .i. The scheme in its first phase envisages lifting of 90 TMC of floodwater in 60 days during the flood season from the foreshore of the Srisaillam project on Krishna river at Yellur village through five separate stages, ending at K.P. Laxmidevipally village. Therefore, water availability analysis at Yelluru village (point of drawl) during monsoon season is to be submitted to ascertain sufficiency of water available”.

By this, it is clear that the TOR issued by the MoEF is for both Phase I & Phase II, not just for Phase II which is the own assumption of the 5th Respondent State. Thus, PRLIS is totally an unauthorised projects and the 5th Respondent State of Telangana has no right to undertake this project for the reasons stated by the Applicant and the additional facts brought to the kind notice of this Hon'ble Tribunal by this Counter affidavit.



Secretary to Government
Water Resources Department,
VIJAYAWADA, A.P

23.Hence, it is prayed that this Hon'ble Tribunal may be pleased to pass appropriate orders in the above O.A. since the 5th Respondent State of Telangana has no right to construct PR LIS without obtaining permission under EIA notification dt.14.09.2006 and pass such other order or orders, as this Hon'ble Tribunal deem fit and proper.

Solemnly affirmed at Vijayawada
District, Andhra Pradesh on this the
20th day of September, 2021 and
signed his name in my presence



DEPONENT

Secretary to Government
Water Resources Department
VIJAYAWADA, A.P

BEFORE ME



ADVOCATE, Vijayawada

PENUMAKA AJAY BABU
ADVOCATE M.A.,LL.M.,
HIGH COURT OF A.P.
CELL: 9493494444, 9966370959

VERIFICATION

I, J. Syamala Rao, S/o Sri. J. Satyanarayana Murthy (Late), aged about 54 years, Occ: Secretary, Government of Andhra Pradesh, R/o Vijayawada, do do hereby state that what is stated above in paragraphs 1 to 25 are true to the best of my knowledge and belief.

Dated at Vijayawada on this the 20th day of September 2021.



DEPONENT
Secretary to Government
Water Resources Department,
VIJAYAWADA, A.P

PALAMURU-RANGAREDDY LIFT IRRIGATION SCHEME

1. SCOPE OF THE PROJECT:

Palamuru -Ranga Reddy Lift Irrigation Scheme envisaged to create irrigation potential in upland areas of Nagarkurnool, Mahabubnagar, Vikarabad, Rangareddy and Nalgonda districts for an ayacut of 10.00 lakh acres, (proposal for enhanced ayacut of 12.30 Lakh Acres is under consideration at Government)drinking water to enroute villages, GHMC and industrial use by lifting 2 TMC per day for 60 days during flood season (1.50 TMC for PRLIS + 0.50 TMC for Dindi L.I.S) from foreshore of SrisaillamReservoir on Krishna river near at Yellur(V), Kollapur(M) to K.P. Laxmidevipally(V), Kondurg (M) with 5 stage lifting and then utilizing water by gravity.The Government have accorded administrative approval for an amount of Rs. 35,200 crores vide G.O.Ms. 105, I&CAD (Projects-I) Dt: 10.6.2015.

2. DETAILS OF LIFTS:

Sl. No.	Lift/ Place	Lift Height	Pumps & Ratings	Pump capacity
1	Lift-1 near Yellur Village	104 m	8 x 145 MW	85 Cumecs
2	Lift-2 near Yedula Village	124 m	9 X 145 MW	75 Cumecs
3	Lift-3 near Vatttem village	121 m	9 X 145 MW	75 Cumecs
4	Lift-4 near Udandapur village	122 m	5 X 145 MW	75 Cumecs
5	Lift-5 K.P Laxmidevipally Village	72 m	3 X 75 MW	55 Cumecs

3. DETAILS OF RESERVOIRS:

Sl. No.	Name of Reservoir	Place	Bund Length (KMs)	F.R.L	Capacity (TMC)		Reservoir wise Ayacut in Ac.
					Gross	Live	
1	Anjanagiri	Narlapur village	6.647	+345.000 m	8.51	7.95	-
2	Veeranjaneya	Yedula Village	7.716	+445.000 m	6.55	5.91	-
3	Venkatadri	Vatttem village	14.750	+542.000 m	16.74	14.47	1,39,000
4	Kurumurthiraya	Karivena Village	13.185	+531.000 m	17.34	16.90	1,90,000
5	Udandapur	Udandapur Village	15.875	+629.000 m	16.03	15.61	4,88,000
6	K.P Lakshmidvipally	Lakshmidvipally village	6.050	+670.000 m	2.80	2.50	4,13,000
Total			64.223		67.97	63.34	12,30,000

5. DETAILS OF LAND ACQUISITION DISTRICT WISE:

Sl. No.	Name of District	Title of Land			Land Acquired			Land to be Acquired		
		Govt Land	Patta Land	Total Land	Govt Land	Patta Land	Total Land	Govt Land	Patta Land	Total Land
1	Nagar kurnool	3210.54	8681.53	11892.07	2560.80	6018.70	8579.50	649.74	2662.83	3312.57
2	Wana parthy	638.98	3562.64	4201.62	508.38	3466.04	3974.32	130.70	96.60	227.30
3	Mahabub nagar	1626.08	9131.52	10757.60	1576.87	6096.61	7673.48	49.21	3034.91	3084.12
TOTAL		5475.6	21375.69	26851.29	4646.05	15581.35	20227.3	829.65	5794.34	6623.99

6. Details of R&R :

S.No	Details of R&R	Total (Nos)	Payment made so far
1.	No. of Villages effected	3	-
2.	No of Thandas/Hamlets effected	20	-
3.	No. of House hold effected	2481	514 Nos
4.	Population effected	11,025	-
5.	Expenditure a) Structure Value b) Addl Amount for 2BHK		Rs.9.45 Crs Rs. 60.23 Crs
			Rs.79.68 Crs

- The **main conduit works** of PRLIS are divided into 21 packages, at present 18 packages i.e., from Narlapur to Udandapur Reservoir are entrusted to agencies and those works are in progress.
- **Survey Works** for ayacut under Reservoirs are divided into 7 packages, 6 works are entrusted to Agencies, and one package work being carried out through department staff which are in progress.

The Tenders for main conduit works from Udandapur to K.P.Laxmidevipally Reservoir are proposed to be invited.

AYACUT DETAILS OF PALAMURU-RANGAREDDY LIFT IRRIGATION SCHEME (12,30,000 Acres)

S.No	District	Constituency	Mandal	Total Ayacut in Acres
1	MAHABUBNAGAR	DEVARAKADRA	ADDAKAL	18692
			BHOOTHPUR	13105
			MOOSAPET	6000
			DEVARKADRA	20655
			Sub-Total	58452
		JADCHERLA	BALANAGAR	30311
			RAJAPUR	10000
			JADCHERLA	38585
			MIDJIL	32097
			NAWABPET	25576
			Sub - Total	136569
		MAHABUBNAGAR	MAHBUBNAGAR (RURAL)	9692
			HANWADA	12527
			Sub-Total	22219
		MAKTAL	MAGANOR	264
			MAKTHAL	17549
			NARVA	5918
			UTKOOR	34281
			Sub-Total	58012
		NARAYANPET	DAMARAGIDDA	1207
			DHANWADA	15734
			KOILKONDA	25794
			NARAYANPET	16056
			Sub-Total	58791
		*PARGI	GANDEED	24414
			Sub-Total	24414

		*KODANGAL	KOSGI	26023
			MADDUR	28687
			Sub-Total	54710
	DISTRICT TOTAL			413167
2	VIKARABAD	*PARGI	DOMA	20473
			KULKACHARLA	10412
			PUDUR	11750
			PARGI	18587
		Sub-Total		61222
		TANDUR	BASHEERABAD	26982
			PEDDEMUL	19958
			TANDUR	29040
			YALAL	22112
		Sub-Total		98092
		VIKARABAD	KOTEPALLY(NEW)	11622
			BANTWARAM	5985
			DHARUR	21357
			MARPALLE	28049
			MOMINPET	18753
			VICARABAD	9286
		Sub-Total		95052
		*KODANGAL	BOMRASPET	29063
			KODANGAL	18003
			DOULATHABAD	8667
		Sub-Total		55733
		*CHEVELLA	NAWABPET	12276
		Sub-Total		12276
	DISTRICT TOTAL			322375

3	NAGARKURNOOL	ACHAMPET	VANGOOR	1357	
			CHARAKONDA	1000	
		Sub Total			2357
		NAGARKURNOOL	BIJINAPALLE	7712	
			THIMMAJIPET	23263	
			TADOOR	4082	
		Sub-Total			35057
		*KALWAKURTHY	URUKONDA	4482	
			KALWAKURTHY	18957	
			VELDANDA	39705	
		Sub-Total			63144
		DISTRICT TOTAL			100558
		4	RANGAREDDY	*KALWAKURTHY	AMANGAL
	KADTHAL				4922
MADGUL	30609				
TALAKONDAPALLE	24104				
Sub-Total				70896	
CHEVELLA	CHEVELLA			24028	
	SHABAD			25369	
	MOINABAD			28535	
	SHANKARPALLE			19331	
Sub-Total				97263	
SHADNAGAR	FAROOQNAGAR			21345	
	KONDURG			18395	
	CHODERGUDEM			13500	
	KOTHUR			18852	
	NANDIGAMA			10000	
	KESHAMPET			1969	

		Sub-Total		84061
		IBRAHIMPATNAM	MANCHAL	15621
			YACHARAM	28612
			IBRAHIMPATNAM	29185
			HAYATHNAGAR	12496
		Sub-Total		85914
		RAJENDRANAGAR	SHAMSHABAD	6601
		Sub-Total		6601
		MAHESHWARAM	MAHESHWARAM	8251
			KANDUKUR	10914
		Sub-Total		19165
	DISTRICT TOTAL			363900
5	NALGONDA	DEVARAKONDA	CHINTHA PALLE	10454
			CHANDAM PET	75
			GUNDLA PALLE	3682
			DEVARAKONDA	11773
		Sub-Total		25984
		MUNUGODU	MARRIGUDA	4016
		Sub-Total		4016
	DISTRICT TOTAL			30000
GRAND TOTAL			74 Nos.	1230000

Veeranjaneya Reservoir			Venkatadri Reservoir			Udanadapur Reservoir			
Mandal name(4)	village	No of tanks	Mandal name(4)	village	No of tanks	Mandal name(7)	village	No of tanks	
Kodair (97 Tanks)	BAWAIPALLE	4	Bijinapalle (58 Tanks)	BIJINAPALLE	7	Bhoothpur (27 Tanks)	AMISTAPUR	6	
	GANTRAOPALLE	1		BOYAPUR	4		BHOOTHPUR	3	
	JANUMPALLE	14		GUDLANARVA	3		HASNAPUR	2	
	KHANAPUR	4		KARUKONDA	3		KARVENA	2	
	KODAIR	10		KHANAPUR	6		KOTHUR	2	
	KONDRAOPALLE	1		LATPALLE	2		POTHULAMADUG U	1	
	MACHUPALLE	9		LINGASANIPALLE	1		TADPARTHY	11	
	MUTHIREDDIPALLE	11		MANGANUR	7		Hanwada (9 Tanks)	DACHEKPALLE	3
	NAGULAPALLE	11		none	1		GUDDIMALKAPUR	3	
	PASPULA	5		PALEM	2		KOTHAPETA	2	
	RAJAPURAM	12		POLEPALLE	4		TANKARA	1	
	SINGAIPALLE	1		VADDEMANU	2		Jadcherla (121 Tanks)	ALLOOR	9
	TEEGALAPALLE	3		VASANTHAPUR	3		AMBATAPUR	2	
	TURKADINNE	5		VATTEM	4		BADEPALLE	6	
YETHAM	6	VELGONDA	7	BUREDDIPALLE	7				
Nagar_Kur nool (25 Tanks)	AURASPALLE	1	Nagar_Kurno ol (24 Tanks)	VENKATAPUR	2	BURUGUPALLE	7		
	CHANDUBATLA	2		NAGANUL	2	EARLAPALLE	1		
	GANYAGULA	6		NAGARKURNOOL	1	GANGAPUR	13		

Veeranjaneya Reservoir			Venkatadri Reservoir			Udanadapur Reservoir		
Mandal name(4)	village	No of tanks	Mandal name(4)	village	No of tanks	Mandal name(7)	village	No of tanks
	GUDIPALLE	4		NALLAVELLI	4		GOLLAPALLE	10
	NAGAPUR	1		SRIPURAM	8		JADCHERLA	12
	PEDDAMUDNUR	4		UNMAPPED	1		KHANAPUR	5
	PEDDAPURAM	3		UYYALAWADA	4		KISHTARAM	3
	THOODUKURTHY	3		YENDABETLA	4		KISTARAM	2
	VANAPATLA	1	Tadoor (39 Tanks)	AITHOLE	3		MACHARAM	2
Peddakoth apalle (119 Tanks)	ADIRALA	4		BHALLANPALLE	5		MALLEBOINPALLE	8
	CHANDRAKAL	12		CHERLAITIKYALA	4		NAGASALA	1
	CHENDRAKAL	1		INDRAKAL	9		POLEPALLE	28
	CHENNAPURAOPALLE	1		KUMMERA	2		VALLUR	5
	DEDINENIPALLE	1		PARVATHAYAPALLE	1	Mahabubnaga r_Urban (32 Tanks)	AMISTAPUR	1
	DEVALTHIRUMALPUR	5		TADOOR	5		BOYAPALLE	8
	DEVULATERUMALAPU	1		THIRUMALAPUR	2		DIVITI PALLY /EDHIRA	1
	GANTRAOPALLE	8		THUMMALALSUGU	2		MAHBUBNAGAR (M+OG)	2
	GANTRAOPALLY	1		YADIREDDIPALLE	3		PALAKONDA	3
	GANYAGULA	1		YATDHARPALLE	1		YEDIRA	11
	JONALABOGUDA	1		YATMATAPUR	2		YENUGONDA	5
	JONNALABOGUDA	1	Thimmajipeta (57 Tanks)	ALLAMPALLE	6		ZAINALLIPUR	1
	KALWAKOLE	2		APPAJIPALLE	1	Nawabpet (113 Tanks)	FATHEPUR	8
	MARRIKAL	3		BAJIPURAM	5		HAJILAPUR	1
	MUSTIPALLE	13		BHAVAJIPALLE	4		HANMASANIPALLE	4
	MUSTIPALLY	1		CHEGUNTA	2		IPPATUR	8
	NAKALAPALLY	2		GORITA	6		KAKARLAPAHAD	9

Veeranjaneya Reservoir			Venkatadri Reservoir			Udanadapur Reservoir		
Mandal name(4)	village	No of tanks	Mandal name(4)	village	No of tanks	Mandal name(7)	village	No of tanks
	NARAYANPALLE	1		KODUPARTHY	8		KARKONDA	7
	PASPULA	1		MAREPALLE	4		KAROR	4
	PEDDAKOTHAPALLY	1		NERELLAPALLE	3		KONDAPUR	6
	PEDDAKARPAMULA	20		POTHIREDDIPALLE	6		KUCHOOR	8
	PEDDAKOTHAPALLE	14		THIMMAJIPETA	5		LOKIREV	3
	PEDDAKOTHAPALLY	1		VEDIREPALLE	6		POLEPALLE	1
	PEDDSKARPAMULA	1		VELGONDA	1		RUDRARAM	11
	SATHAPUR	12			178		SIDDOTAM	5
	SATHSPUR	1					TEEGALAPALLE	5
	VENNACHERLA	9					THIRUMALAPUR	2
Revally (77 Tanks)	BANDARAIPAKULA	5					YEMMANAGANDL A	31
	CHEERKAPALLE	11				Rajapur (26 Tanks)	CHENNAVALLI	4
	CHENNERAM	6					DONDLAPALLE	4
	KESAMPETA	1					KUCHCHERKAL	2
	NAGAPUR	14					KUTHNEPALLE	3
	POLKEPAHAD	1					RAIPALLE	2
	REVALLY	14					RAJAPUR	3
	SHANAIPALLE	2					THIRUMALAPUR	8
	THALPUNUR	11				Thimmajipeta (1 Tanks)	MARIKAL	1
	VALLABHANPALLE	1						329
	VENNACHERLA	1						
	YEDULA	10						
		318						

Kurumurthy Reservoir			Lakshmidivally Reservoir			Anjanaigiri reservoir		
Mandal name(5)	village	No of tanks	Mandal name(3)	village	No of tanks	Mandal name(2)	village	No of tanks
Bhoothpur (57 Tanks)	GOPALPUR (KHURD)	1	Chowdergudem (58 Tanks)	CHEGIREDDY GHANPUR	4	Kollapur (44 Tanks)	ANKIRAOPALLE	4
	KAPPETA	7		EDIRA	14		BOLLARAM	1
	KARVENA	13		GUNJALAPAHAD	3		CHINTALAPALLE	1
	KOTHAMOLGARA	4		GURRAMPALLE	1		CHOUTABETLA	3
	MADDIGATLA	14		INDRANAGAR	2		CHUKKAIPALLE	6
	PATHAMOLGARA	5		JAKARAM	4		DEVALTHIRUMALPUR	1
	POTHULAMADUGU	1		JILLED CHOWDERGUEM	10		KALWAKOLE	1
	YELKICHARLA	12		MALKAPAHAD	1		KOLLAPUR	4
Bijinapalle (9 Tanks)	GOURARAM	3		PADMARAM	4		KUDIKILLA	6
	LATPALLE	4		PEDDA YELKICHERLA	9		MACHINENIPALLE	3
	MANGANUR	2		RAVIRYAL	2		MALABASWAPUR (D)	1
Ghanpur (20 Tanks)	ALLAMAIPALLY	2		THOOMPALLE	2		MALACHINTAPALLE	5
	ALMAIPALLE	2		VEERANNAPETA	1		NARLAPURAM	2
	APPAREDDIPALLE	2		VENKIRYAL	1		WARDYAL	1
	KAMALUDDINPUR	1	Kondurg (25 Tanks)	CHERUKUPALLE	5		YELLUR	5
	MALKIMIANPALLE	4			KONDURG (E)	8	Peddakot hapalle (16 Tanks)	MAREDUMANDINNE
	MAMIDIMADA	5		KONDURG(WEST)	7		SATHAPUR	1
	SALKALAPUR	3		VENKIRYAL	4		THIRUMALAMPALLE	2

Kurumurthy Reservoir			Lakshmidivipally Reservoir			Anjanaigiri reservoir		
Mandal name(5)	village	No of tanks	Mandal name(3)	village	No of tanks	Mandal name(2)	village	No of tanks
	THIRUMALAIPALLE	1		VISWANATHPUR	1			60
Jadcherla (8 Tanks)	ALWANPALLE	1	Nawabpet (1 Tanks)	KOLLOOR	1			
	GANGAPUR	1			84			
	IPPALAPALLE	1						
	NASRULLABAD	5						
Thimmajipeta (35 Tanks)	AVANCHA	3						
	CHEGUNTA	3						
	GORITA	2						
	IPPALAPALLE	9						
	MARIKAL	7						
	PULLAGIRI	8						
	THIMMAJIPETA	3						
		129						

Kurumurthy Reservoir			Lakshmidvipally Reservoir			Anjanaigiri reservoir		
Mandal name(5)	village	No of tanks	Mandal name(3)	village	No of tanks	Mandal name(2)	village	No of tanks

Annexure-3- Photographs of PR LIS



PRLIS: MEIL, AGM HariBabu Explains YEDULA Pump House Work Progress | As on 09 March 2021



Tunnel between Veeranjaneya & Venkatadri Reservoirs

Annexure-4



BEFORE THE KRISHNA WATER DISPUTES TRIBUNAL
NEW DELHI

(In the matter of Reference by the Union of India in terms of Section 89
of the AP Reorganisation Act 6 of 2014)

State of Telangana

Vs.

State of Andhra Pradesh

To
The Hon'ble Chairman and
His companion Hon'ble Members of
The Krishna Water Disputes Tribunal,
New Delhi

Annexure 7 of

Affidavit of Sri Ghanshyam Jha in lieu of Chief Examination on issues relating to
Project wise specific allocation.

Water requirements in the State of Telangana from Krishna River
(In three separate volumes)

S.No	Description	Page No.
1	Volume - I	1-35
2	Volume - II	1-67
3	Volume - III	1-144

**BEFORE THE KRISHNA WATER DISPUTES TRIBUNAL,
NEW DELHI**

(In the matter of Reference by the Union of India in terms of Section-89
of the AP Reorganisation Act 6 of 2014)

IN THE MATTER OF –

**STATE OF TELANGANA
Vs
STATE OF ANDHRA PRADESH**

To
The Hon'ble Chairman and
His companion Hon'ble Members of the
Krishna Water Disputes Tribunal,
New Delhi

**CORRECTED AFFIDAVIT OF SRI K. PALANISAMI
ON ASSESSMENT OF IRRIGATION WATER REQUIREMENT
OF MAJOR PROJECTS IN TELANGANA AND ANDHRA PRADESH**

*Received
13/2/2019*

Filed by:

**KRISHNAMURTHI SWAMI
Advocate on Record,
State of Telangana**

Filed on : 13-02-2019

Table - 13
Gross irrigation requirement for the ongoing projects - Telangana
(Revised)

1. IRRIGATION WATER REQUIREMENT FOR PALAMUR RANGAREDDY LIS (PRLIS)									
Season	Crop details	Cropping pattern in Acres	Sowing date	Crop period in days	CWR at field in mm	ER in mm	NIR in mm	GIR in mm	GIR in TMC
1	2	3	4	5	6	7	8	9	10
Mahabubnagar District									
Kharif	Maize	135000	16th June	110	431.7	255.7	176.1	293.4	5.66
	Redgram	150000	16th June	180	630.3	274.9	355.4	592.3	12.70
	Castor	100000	16th June	180	572.4	278.3	294.1	490.1	7.01
	Cotton	85000	16th June	180	647.6	281.9	365.7	609.4	7.41
	Groundnut	100000	15th Sep	120	434.5	79.2	355.3	592.1	8.47
	Jowar	100000	10th Sep	120	360.3	81.2	279.2	465.3	6.65
Rabi	Bengalgram	30000	10th Oct	110	368.7	39.0	329.8	549.6	2.36
Total		700000							50.26
Ranga Reddy District									
Kharif	Redgram	125000	16th June	180	580.0	308.0	272.0	453.3	8.10
	Cotton	100000	16th June	180	597.4	311.5	288.9	481.5	6.88
Rabi	Jowar	100000	10th Sep	120	364.8	87.1	277.7	462.8	6.62
	Vegetables	75000	1st Sep	100	338.0	133.2	204.8	341.3	3.66
	Groundnut	100000	15th Sep	120	378.6	81.3	297.2	495.4	7.08
Total		500000							32.34
Nalgonda District									
Kharif	Maize	10000	16th June	110	431.7	218.9	212.8	354.7	0.51
	Redgram	10000	16th June	180	624.2	269.2	355.1	591.8	0.85
	Cotton	10000	16th June	180	650.9	276.7	374.2	623.7	0.89
Total		30000							2.25
Total for PRLIS		1230000							84.85