

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI

O.A.No. 148 of 2021(SZ)

D.Chandramoulewara Reddy,
Age 63 years,
S/o D.Shankar Reddy,
H.No.S-1-321
Singapore Township,Puttampalli,
YSR Kadappa District,Andhra Pradesh and Ors.

--- Applicant(s)

Versus

Union Of India
Represented by its Secretary,
Ministry of Jal Shakti,
Shram Shakti Bhavan,
New Delhi and ors

-- Respondent(s)

Report filed by the Respondents 4

D. RAMESH KUMAR.

Counsel for R-1.

Cell- 9444126A14

**REPORT ON THE SITE VISIT OF THE TEAM OF JOINT COMMITTEE
CONSTITUTED BY THE HON'BLE NGT IN O.A. No. 148/2021(SZ) FOR
INVESTIGATION IN CONNECTION WITH PARAMULU RANGAREDDY LIFT
IRRIGATION SCHEME (PR LIS) IN TELANGANA**

1. BACKGROUND

Shri D. Chandramouleswara Reddy s/o D. Shankar Reddy, resident of Singapore Township, Puttampally, YSR Kadapa, Andhra Pradesh and 8 (eight) other applicants filed O.A. No. 148/2021 in the Hon'ble National Green Tribunal (SZ), Chennai that the construction of the Palamuru Rangareddy 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 OA of 147 & 148 of 2021 of NGT and its members as per the OA 148 of 2021 (date of hearing: 15.07.2021) 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;
6. Sr. Officer, Central Water Commission, Sewa Bhavan, R.K.Puram, New Delhi.

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. Dr. Shaik Basha, Sr. Pr. Scientist, Zonal Centre, NEERI, Hyderabad (Dr. P.R. Meganathan, Scientist represented on the site);
4. Shri S. Venkat Rao, IAS, District Collector, Mahabub Nagar, Telangana;
5. Shri P. Vijaya Ramaraju, Assistant Director, Mines & Geology, Mahabub Nagar;
6. Shri M. Ramesh Kumar, Director, CWC, KGB, Hyderabad;
7. Shri L.B. Muanthang, Member (Power), KRMB (Nodal Agency), Hyderabad.

As per the O. A. No. 148/2021(SZ) the Committee was directed to ascertain:

- i) Whether there were any violations of environmental laws on committed by the State of Telangana in carrying out the project in question.
- ii) Whether there is any violation committed violating the provisions of the EIA Notification, 2006 and without conducting any Environment Impact Assessment Study and preparing Environmental Management Plan and damage has been caused to the environment on account of the same.
- iii) Whether the project was launched contrary to the undertaking given by them that they are confining to drinking water project alone, but expanded the scope for Irrigation project as well.
- iv) Whether the present project under challenge requires prior Environmental Clearance and if not obtained, what is the nature of damage caused and if so, assess the environmental compensation,

- v) Whether people have been displaced due to the project in violation of the undertaking given that the project will not result in displacement of people.

3. COMPONENTS OF THE PR LIFT IRRIGATION SCHEME

The Palamuru Rangareddy Lift Irrigation Scheme, as reported by the Project proponent, is envisaged to lift 90 TMC of flood water in 60 days from foreshore of Srisailem Reservoir on Krishna River to provide drinking water to enroute 1226 villages in 70 mandals, Hyderabad city, irrigation facilities to 12.30 lakh acres and industrial use in Nagarkurnool, Mahabub Nagar, Narayanpet, Vikrabad, Rangareddy and Nalgonda districts. The Government of Telangana have accorded the administrative approval for Rs. 35,200 cr.

The water is proposed to be lifted in 5 (five) stages through Pumping stations from elevation +240.00 m from the foreshore of Srisailem reservoir at Yellur Village, Kollapur Mandal to the elevation +670.00 m at K.P. Lakshmidhevipalli village, Kondurg mandal.

This project comprises of Pumping stations, Tunnels and Storage reservoirs for irrigation, drinking, and industrial use.

The stages of the Lift Irrigation Scheme are:

Stage-I: Anjanagiri Reservoir & Pump House at Narlapur village. This Lift-I comprises of 8 (eight) pumps of 145 MW each (8 x 145 MW) with pumping capacity of 85 cumecs each to lift to a head of 104 m. Live capacity of the reservoir is 5.84 TMC.

Stage-II: Veeranjaneya Reservoir & Pump House at Yedula village. This Lift-II comprises of 9 (nine) pumps of 145 MW each (9 x 145 MW) with pumping capacity of 75 cumecs each to lift to a head of 124 m. Live capacity of the reservoir is 5.91 TMC.

Stage-III: Venkatadri Reservoir & Pump House at Vattam village. This Lift-III comprises of 9 (nine) pumps of 145 MW each (9 x 145 MW) with pumping capacity of 75 cumecs each to lift to a head of 121 m. Live capacity of the reservoir is 16.40 TMC.

Stage-IV: Kurumurthiraya Reservoir & Pump House at Karivena village. This Lift-IV comprises of 5 (five) pumps of 145 MW each (5 x 145 MW) with pumping capacity of 75 cumecs each to lift to a head of 122 m. Live capacity of the reservoir is 18.49 TMC.

Stage-V: Udandapur Reservoir & Pump House at Udandapur village. This Lift-V comprises of 3 (three) pumps of 75 MW each (3 x 75 MW) with pumping capacity of 55 cumecs each to lift to a head of 87.50 m. Live capacity of the reservoir is 15.76 TMC.

4. SITE INSPECTION AND OBSERVATION:



Lat: 16.109°N Long: 78.356°E

Dump of muck from the tunnels and pump house at Narlapur Village.



Lat: 16.111°N Long: 78.383°E

Ongoing works of tunnel excavation and pump house at Narlapur village.



Lat: 16.109°N Long: 78.385°E

Dump of muck from the tunnels and pump house at Narlapur and workers camp.



Lat: 16.109°N Long: 78.385°E



Lat: 16.323°N Long: 78.291°E

Ongoing works for pump house at Yedula Village.



Lat: 16.323°N Long: 78.291°E

Ongoing works for Reservoir at Yedula Village



Lat: 16.543°N Long: 78.207°E

Ongoing works for Reservoir at Vатtem Village



Lat: 16.839°N Long: 78.057°E

Ongoing works for Reservoir at Karivena Village



Lat: 16.839°N Long: 78.057°E

Ongoing works for Reservoir at Uddandpur Village

5. CONCLUSION:

The Joint Committee members visited the Palamuru Rangareddy Lift Irrigation Scheme reservoirs of Narlapur, Yedula, Vatttem, Karivena and Uddandapur on 15.09.2021 and 16.09.2021. Again, the Committee met in KRMB office on 20.09.2021 and deliberated on this matter and submitted interim report on 21.09.2021. The Joint Committee is, however, directed to submit a report on 01.10.2021 by the Hon'ble NGT. The inspection report with the available data is finalized on 30.09.2021.

The committee is of the view that Palamuru Rangareddy project is conceived as an irrigation scheme to lift 90 TMC ft of flood water in 60 days from the foreshore of Srisailem Reservoir situated on Krishna river. At the location of the foreshore, eight (8) pumps of discharge capacity 85 cumecs were envisaged totalling to 680 cumecs which is equivalent to 2.07 TMC ft per day in 60 days it will amount to 120 TMC ft instead of the mentioned 90 TMC ft. On probing further, it came to light that the additional 30 TMC ft capacity is envisaged to supplement the nearby Dindi project. At this location which is called Narlapur Reservoir site, excavation of twin tunnel is under progress and the muck excavated from the tunnel is dumped nearby without any environment management plan. It was explained by the project proponent that this muck shall be utilised as construction material and hence the dump is temporary. Similar situation is found in all other reservoir sites by name Yedula, Vatttem, Karivena and Uddandapur.

The Palamuru Rangareddy LIS was granted ToR vide their letter No.: J-12011/31/2017-IA-I (R) dt.11.10.2017 for preparation of EIA/EMP report and the MOEFCC accorded a fresh clearance for doing pre-construction activities at the proposed site as per the provisions of the EIA Notification 2006. In the above cited ToR letter, it was mentioned “*it was noted that the scheme in its first phase envisaged lifting of 90 TMC of flood water in 60 days during the flood season from the foreshore of the Srisailem Reservoir on Krishna river through five separate stages to provide drinking water facilities in*”. However, during discussion, it came out that the drinking water requirement for the enroute villages is only 7.15 TMC ft whereas 90 TMC ft is for the entire project consisting of majorly irrigation, drinking water (7.90%) and industrial requirements.

Hence, the committee, except members at Sl. No. 4 & 5, is of the view that head works being constructed are for creating 90 TMC ft capacity for the entire project in which drinking water is a minor component.

The committee was directed to ascertain -

(i) Whether there were any violations of environmental laws committed by the State of Telangana in carrying out the project in question:

The Ministry of Environment, Forest and Climate Change (MoEF&CC) has accorded Terms of Reference (ToR) to project proponent vide letter dated 11.10.2017 for carrying out pre-construction activities only, whereas it is found that full scale construction is going on. Hence, the committee is of the view that there are violations with regard to the environmental laws.

(ii) Whether there is any violation committed violating the provisions of the EIA Notification, 2006 and without conducting any Environment Impact Assessment Study and preparing Environmental Management Plan and damage has been caused to the environment on account of the same:

As per the EIA Notification, 2006, this project requires prior environmental clearance as it falls under item i(c)(ii) of the EIA Notification. In the present case, the envisaged command area is 4,97,976 ha. Prior EC clearance has to be accorded at centre level. Ministry of Environment, Forest and Climate Change has accorded Terms of reference (ToR) to project proponent vide letter dated 11.10.2017 for carrying out pre-construction activities only. Hence, the

committee, except members at Sl. No. 4 & 5, is of the view that the provisions of EIA Notification, 2006 were violated in carrying out the construction activities. However, members at Sl. No. 4 & 5 have opined that the ongoing construction activities are for drinking water purpose only.

- (iii) The committee is also directed to ascertain as to whether the project was launched contrary to the undertaking given by them that they are confining to drinking water project alone, but expanded the scope for irrigation project as well:**

The Palamuru Rangareddy LIS is conceived as an irrigation scheme to lift 90 TMC ft out of which the drinking water component is only of 7.15 TMC ft. It is opined by the Committee, except members at Sl. No. 4 & 5, that the construction activities are being carried out for creating the full 90 TMC ft capacity. Thus, it cannot be said that the project proponent has confined themselves to the drinking water project alone. Members at Sl. No. 4 & 5 have opined that work relating to drinking water purpose only being undertaken.

- (iv) Whether the present project under challenge requires prior Environmental Clearance and if not obtained, what is the nature of damage caused and if so, assess the environmental compensation:**

The observation on prima facie evidences by Joint committee are mentioned below,

- Huge amount of earthen/rock materials are excavated and dumped in various locations. Dumping of Over Burden or excavated materials and stabilisation of OB dumps are not carried out properly especially along the river side.

The labourers engaged for construction works have to be examined by health personnel and adequately treated before issuing them work permit.

As directed by Hon'ble NGT the environmental compensation and immediate restoration measures are given below

- (v) Whether people have been displaced due to the project in violation of the undertaking given that the project will not result in displacement of people:**

During inspection, it was observed that the construction of reservoir was in progress and the Tandas & villages located in the submerged area of the

reservoir had been displaced. Hence, there is a displacement of people due to the project and R & R policy is being implemented by the State Government.

6. ASSESSMENT OF ENVIRONMENTAL COMPENSATION

The environmental compensation is calculated based on following formula of CPCB

$$E=PI \times N \times R \times S \times LF$$

S.No.	Period of non-compliance	PI	S	LF	R (Rs)	N (days)	Environmental compensation (Rs)
1	02.05.2016 to 30.09.2021	50	1.5	1	250/-	1978	3,70,87,500/-
Total EC for violation of environmental norms							3,70,87,500/-
Rupees three crores seventy lakhs eighty seven thousand five hundred only							

Where,

E=Environmental compensation

PI=Pollution index of industrial sector (average PI of 50 is taken for orange category)

N=Number of days violation took place (three years = 1916 days: 01.07.2016 to 29.09.2021)

R= A factor in Rupees for EC (250 is considered for environmental compensation for violation)

S = Factor for scale of operation (medium scale of 1 is considered)

LF = Location factor (1 is considered for less than one million population)

Therefore, it is submitted that an amount of Rs. 3,70,87,500/- is calculated as environmental compensation.

7. REMEDIAL MEASURES TO RESTORE THE DAMAGE CAUSED TO THE ENVIRONMENT: Recommendations for Immediate Remedial measures for restoration of environment are given below for implementations:

- A separate environment cell needs to be established to restore the environment damage is caused already. Allocations budget and implementations of environment management protection measures to be maintained in separate account.

- Restoration of construction area including dumping sites of excavated materials shall be ensured by levelling, filling up of borrow pits, landscaping etc. The area should be properly treated with suitable plantation.
- Environmental parameters such as surface & ground water and ambient air quality shall be monitored and six monthly monitoring reports shall be submitted to the concerned Regional Office of the Ministry and to Ministry
- Permission to be obtained from TSPCB for using stone crushers & ready mix and shall take necessary precautions to prevent the fugitive emissions.
- The PP shall adhere with the Solid Waste Management Rules, 2016 and dispose the waste as per the rules without polluting the river & soil. If, require shall take advice from TSPCB for the disposal of Biodegradable & non-biodegradable waste generated from the labour colonies.
- The sewage generated from the labour colonies need to be treated before disposing into river or ground. The PP shall provide temporary bio toilets or septic tank for the management of sewage.
- Dump stabilisation, catch drains, green belt and desiltations are to be carried out properly.
- Water sprinkling arrangements shall be made to suppress the fugitive emissions
- Used drums, vehicles, scraps, pipes and other materials have to be disposed off with TSPCB authorised vendor.
- The proposed green belt development around various project appurtenances, colony rows with ornamental plants in consultation with State Forest Department shall be strictly adhered to.
- Occurrence of stagnant pools/slow moving water channels during construction and operation of the project providing breeding source for vector mosquitoes and other parasites. The river should be properly channelized so that no smell pools and puddles are allowed to be formed
- The equipment likely to generate high noise levels during the construction period or otherwise shall meet the ambient noise level standards as notified under the Noise Pollution(Regulation and Control) Rules, 2000, as amended in 2010 under the Environment Protection Act (EPA), 1986
- Permission shall be obtained from forest department if, cutting of trees is involved in the submergence area.

- Given the above facts and circumstances, the Hon'ble NGT may pass order as deemed fit.

8. RECOMMENDATIONS OF THE COMMITTEE:

- The project proponent (Irrigation department, GoT) is directed to obtain the Environmental Clearance from MoEF&CC and other statutory post facto clearances from the concerned departments/organisations.
- The PP shall engage a private environmental laboratory recognised by MoEF&CC or CPCB and shall monitor surface & ground water and ambient air quality once in a month and submit the analysis report to Regional Office of MoEF&CC and Telangana State Pollution Control Board (TSPCB).
- The PP shall obtain permission from TSPCB for using stone crushers & ready mix and shall take necessary precautions to prevent the fugitive emissions.
- The PP shall adhere with the Solid Waste Management Rules, 2016 and dispose the waste as per the rules without polluting the river & soil. If, require shall take advice from TSPCB for the disposal of Biodegradable & non-biodegradable waste generated from the labour colonies.
- The sewage generated from the labour colonies need to be treated before disposing into river or ground. The PP shall provide temporary bio toilets or septic tank for the management of sewage.
- The PP shall pay Environmental compensation of **Rs. 3,70,87,500/-** (Rupees three crores fifty nine lakhs twenty five thousand only) to CPCB/ TSPCB towards violation of environmental norms for constructing the project without Environmental Clearance.

9. A SPECIAL NOTE AND OBSERVATIONS OF THE MEMBERS OF THE COMMITTEE AT S. No. 4 i.e., SH. S.VENKAT RAO, IAS, DIST.COLLECTOR, MAHABUBNAGAR & S. No. 5 i.e., SH. P.VIJAYA RAMA RAJU, ASST.DIRECTOR OF MINES & GEOLOGY (FAC), MAHABUBNAGAR.

Had an occasion to peruse the report of joint committee constituted by the Hon'ble NGT, We respectfully disagree with the most of the findings of the Committee regarding purpose of the project and differed and submitted following few lines for consideration of the Hon'ble NGT.

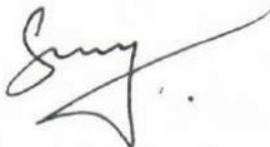
Pursuant to the order of this Hon'ble Tribunal dated 15.7.2021, the Committee to which we are also members, visited the Project site on 15.9.2021 and 16.9.2021. During the visit, it is noticed that though the subject project has two components i.e, drinking water and irrigation purposes, the work relating to only drinking water purpose is being undertaken. 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 Phase-II. Further, public hearing was held on 10.8.2021 the application of Environmental Clearance is under active consideration.

Report dated : September 30, 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 S. Venkat Rao, IAS, District Collector, Mahabub Nagar, Telangana;	
5	Shri P. Vijaya Ramaraju, Assistant Diector, Mines & Geology, Mahabub Nagar;	
6	Shri M. Ramesh Kumar, Director, CWC, KGBO, Hyderabad;	
7	Shri L.B. Muanthang, Member (Power), KRMB (Nodal Agency), Hyderabad	