

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE ATCHENNAI**

O.A.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,
Singapore Township, Puttampalli,
YSR Kadapa district,
Andhra Pradesh Pin Code:516002.

..... Applicants

-VS-

1. Union of India
Represented by its Secretary,
Ministry of Jal Shakti,
Shram Shakti Bhavan,
New Delhi-110001
Mail:secy-mowr@nic.in
Phone: 011-24695262, 24695265
And 5 others

..... Respondents

**OBJECTIONS FILED BY THE 6th RESPONDENT STATE OF
ANDHRA PRADESH TO THE REPORT OF JOINT COMMITTEE DATED
30.09.2021**

Date: 06.10.2021



**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. Mobile: 98407 98460 / 6383121322
COUNSEL FOR 6TH RESPONDENT**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTH ZONE ATCHENNAI**

O.A.No.148 of 2021

IN THE MATTER OF

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S/o D.Shankar Reddy,
H.No.S-1-321,
Singapore Township, Puttampalli,
YSR Kadapa district,
Andhra Pradesh Pin Code:516002.
2. AvvaVenkatasubba Reddy, Age 43 years,
S/o A.Papi Reddy,
H.No.2-103-A,
Jillela village, Banaganapalli,
Kurnool district,
Andhra Pradesh Pin Code:518176.
3. Sk.JaniBasha, Age 47 years,
S/o SaidaSaheb,
Paluvai, Rentichintala Mandal,
Guntur district,
Andhra Pradesh Pin Code: 522421.
4. VajralaKoti Reddy, Age 58 years
S/o V.Gali Reddy,
H.No. 1-16A, Rajapalem (V),
Tripuranthakam Mandal
Prakasam district
Andhra Pradesh Pin Code: 523326
5. LankapothuAnji Reddy, Age 56 years
S/o L.Peri Reddy,
Gadepalem, Aloor Post,
Kothapatnam Mandal,
Prakasam district,
Andhra Pradesh Pin Code: 523182.
6. Siddadapu Gandhi,
S/o Rama Raghaviah,
H.No. 4-237, Madugula post,
Gurazala Mandal, Guntur district,
Andhra Pradesh Pin Code: 522415.


**Secretary to Government
Water Resources Department
A.P. Secretariat, Amaravati.**

7. Garikapati Venkata Ramanaidu, Age 41 years
S/o RaghavaRao,
Penumalli village,
Pedana Mandal, Krishna District,
Andhra Pradesh Pin Code: 521369.

8. Valaparla Bulliyya, Age 65 years
S/o Devadanam,
9-5/A, ChukkapallivariPalem,
Duggirala Mandal,
Guntur district,
Andhra Pradesh Pin Code: 522305

9. Pandipati Venkaiah, Age 64 years
S/o PandipatiYesobu,
H.No. 4-206, Valiveru,
Tsundururu, Guntur district.
Andhra Pradesh Pin Code: 522318

.....

Applicants

-VS-

1. Union of India
Represented by its Secretary,
Ministry of Jal Shakti,
Shram Shakti Bhavan,
New Delhi-110001
Mail:secy-mowr@nic.in
Phone: 011-24695262, 24695265
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 Paryavaran Bhavan,
Jorbagh, New Delhi-110003.
4. Krishna River Management Board,
Represented by its Member Secretary,
Govt. of India, Ministry of Water Resources,
5th Floor, Jalasoudha, ErrumManzil,
Hyderabad -500082.
Mail:membersecretary-krmb@gov.in
Phone: 040-23301858


Secretary to Government
Water Resources Department
A.P. Secretariat, Amaravati.

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

**OBJECTIONS FILED BY THE 6th RESPONDENT STATE OF
ANDHRA PRADESH TO THE REPORT OF JOINT COMMITTEE DATED
30.09.2021**

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:

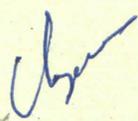
1. I am Secretary of the Water Resources department of 6th Respondent State of Andhra Pradesh and I am well acquainted with facts of the case. This Hon'ble Tribunal has directed a Joint Committee to submit a report as regards nature of construction of PR LIS, the terms of reference issued to the Joint Committee as per order dated 15.07.2021 are as follows:

- 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 were 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


Secretary to Government
Water Resources Department
A.P. Secretariat, Amaravati.

- 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
- iv. Whether the project under challenge requires prior Environment 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.

2. I submit that PRLIS is a irrigation project and not a drinking water project and the 5th respondent State of Telangana is misleading the Tribunal, scrutinizing authorities under different statues at every stage and illegally constructing the project. It is making prevaricate statements with regard to quantum of utilizations for beneficial uses like irrigation, drinking and industrial uses contrary to the norms fixed for planning a project. The Joint Committee submitted its report on 30.09.2021 stating that the 5th respondent State of Telangana is constructing PR LIS without obtaining any prior Environmental clearance contrary to ToR issued for pre-construction activity and phase I of PR LIS includes irrigation component, since the drinking water component is only 7.15 TMC as per the report of the Joint Committee. However, the Joint Committee made certain observations in paras 7 to 9 exceeding the above mentioned Terms of reference in order dated 15.07.2021. The 6th Respondent State of Andhra Pradesh is hereby filing its objections to the said report in respect of paras 7 to 9 of the report of Joint Committee dated 30.09.2021 for kind consideration of this Hon'ble Tribunal:


Secretary to Government
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- i. The paragraphs 7 to 9 of the report of the Joint Committee dated 30.09.2021 are contrary to the Terms of reference issued by this Hon'ble Tribunal.
- ii. Admittedly PR LIS is undertaken by the 5th respondent without obtaining prior Environmental clearance contrary to EIA Notification dated 14.09.2006 as per the report of the Joint Committee and post facto clearance is alien to Environmental jurisprudence, hence, the Committee has exceeded its Terms of reference in making recommendations in para 8 of its report and the same is need to be ignored and cannot be relied upon.
- iii. As per the Terms of reference given by this Hon'ble Tribunal, the Joint Committee is to only assess the Environmental compensation payable for unauthorized construction of PR LIS and it does not either regularize the project or entitle the 5th respondent to proceed with further construction of PR LIS, thus, the Joint Committee exceeded the Terms of reference in order dated 15.07.2021 in suggesting the remedial measures and the same is need to be ignored and cannot be relied upon
- iv. Para 9 of the report of the Joint Committee is also beyond the Terms of reference and the same need to be ignored as members 4 & 5 are the Officers of the 5th respondent State of Telangana and their dissent cannot be legally countenanced and the same is need to be ignored and cannot be relied upon

Hence, it is prayed that this Hon'ble Tribunal is pleased to consider the objections of the State of Andhra Pradesh to the report of the Joint Committee dated 30.09.2021 and ignore paras 7 to 9 of the said report and pass such an order/orders as deems fit and proper in the interest of justice.


Secretary to Government
Water Resources Department
A.P. Secretariat, Amaravati.

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 hereby verify that the contents of Paras of Objection are based on record and information are true to the best of my knowledge and belief.

Hence, verified on the 5th day of October 2021 at Vijayawada.

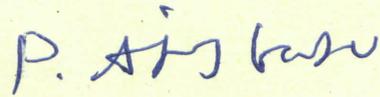


6th Respondent

Secretary to Government
Water Resources Department
A.P. Secretariat, Amaravati.

Solemnly affirmed at Vijayawada
Andhra Pradesh on this the
5th day of October, 2021 and signed
his name in my presence

BEFORE ME



ADVOCATE, Vijayawada

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