

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), AT CHENNAI**

O.A No.148of 2021

D. CHANDRAMOULESWARA REDDY

...APPLICANTS

AND 8 OTHERS

VS

UNION OF INDIA AND 50THERS

...RESPONDENTS

**COUNTER AFFIDAVIT FILED BY THE 5<sup>th</sup> RESPONDENT**

I,Rajat Kumar, I.A.S , S/o.B.K.Sinha, Aged about 58 years, Occ:Special Chief Secretary, Irrigation and Command Area Development Department, State of Telangana, R/o. Hyderabad do hereby solemnly affirm and sincerely state on oath as follows:

1. I am the Special Chief Secretary, Irrigation and Command Area Development Department, State of Telangana and as such I am well acquainted with the facts of the case.

2. I respectfully submit that when the above Original Applications were heard on 17.02.2022, this Hon'ble Tribunal while posting the matters to 25.02.2022, for further hearing directed to file a counter to the Interlocutory Application (I.A. No. 35 of 2022(SZ)) filed by the State of Andhra Pradesh.

3. It is submitted that the Hon'ble Tribunal has passed an order dated 29.10.2021 which reads as under;

  
Special Chief Secretary to Government  
Irrigation & CAD Department  
Telangana Secretariat,  
Hyderabad-500 063.

*“The 5<sup>th</sup> respondent is restrained by an interim order of injunction from proceeding with the PalamuruRangareddy Lift Irrigation Scheme (PRLIS) without obtaining Environment Clearance for which they have already applied for and pending consideration by MoEF&CC”.*

4. It is submitted that the State of Telangana has abide to the directions of the Hon'ble Tribunal vide it's Order Dated:09.02.2022 in O.A. 148 of 2021 observed as follows;

*“In the meantime, we direct the Chief Secretary - State of Telangana and also the responsible officer not below the rank of Chief Engineer or at the Secretary level who is supervising the implementation of this project to file an affidavit in the form of an undertaking as mentioned by the learned Additional Advocate General for the State of Telangana before this Tribunal which was recorded that they were not proceeding with the work and further, they will not proceed with the work during the pendency of the application and they have no intention to proceed with the work, so that in case any violation is found, the concerned officers can be prosecuted for committing the violation of the undertaking given”.*

It is submitted that in compliance with the above direction, I have already filed an affidavit stating that the works have been stopped on various dates.

5. It is submitted that the Palamuru-Rangareddy Lift Irrigation Scheme is a gigantic project with 18 Packages costing Rs. 35,200 Crores estimate. Numerous contractors with their machinery, labour, establishment and

infrastructure, were in the execution of works. Therefore, the contractors, in the process of execution of works, have already made orders for several supplies of machinery, labour importation etc., as part of regular process of execution of works and the supplies were also on the way of their destinations.

Thus, the executing agencies, in the process of closing the works as per this Hon'ble Tribunal Order Dt:29.10.2021, made several preparatory works for closing the works duly bringing the respective parts of the works to a safe level.

Hence, the list of works and their closure dates were submitted to this Hon'ble Tribunal in my earlier affidavit.

It is submitted that the contention of the petitioner that the works are still being continued is incorrect. Hence denied.

6. It is submitted that the allegation that there is no such practice of safe level in regard to stoppage of construction works is incorrect. In a project like this, the works cannot be stopped on the spur of the moment, they have to be necessarily brought to a safe level and then stopped, which takes some reasonable time; if the works are not brought to a safe level and stopped that will lead to damage of the Men and Machinery engaged in the process of execution and also it causes damage to the works that have already been executed, which results in wastage of public money which has been spent.

7. Therefore, the orders of the Hon'ble Tribunal have been implemented/complied.

8. There are no merits in the Application filed by the State of Andhra Pradesh and the same is liable to be dismissed.

It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the I.A No.35 of 2022 in O.A No.148 of 2021 and pass such other order or orders as are deem fit and proper in the interest of justice.

Deponent  
  
Special Chief Secretary to Government  
Irrigation & CAD Department  
Telangana Secretariat,  
Hyderabad-500 063.

**VERIFICATION STATEMENT**

I, Rajat Kumar, I.A.S , S/o. B.K.Sinha, Aged about 58 years, Occ: Special Chief Secretary, Irrigation and Command Area Development Department, State of Telangana, R/o. Hyderabad the deponent herein do hereby state the contents of the above paras are true to the best of my knowledge and belief.

Verified on this the 21<sup>st</sup> day of February, 2022 at Hyderabad.

Deponent  
  
Special Chief Secretary to Government  
Irrigation & CAD Department  
Telangana Secretariat,  
Hyderabad-500 063.

