

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN BENCH AT CHENNAI

Original No 153 of 2016

IN THE MATTER OF:

PARYAVARANA PARIRAKSHANA SANGHAM
THROUGH ITS PRESIDENT MR. Y. KRISHNAMURTHY

... APPLICANT

VERSUS

UNION OF INDIA THROUGH SECRETARY

... RESPONDENTS

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Date-10.12.2021



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 3rd RESPONDENT

Rc.No.333/2017-E3, Dt.11.09.2021.Collector's Office, Srikakulam.

From
Sri Shrikesh Lathkar, I.A.S.,
District Collector,
Srikakulam.

To
The Principal Secretary to Govt.,
Revenue,
A.P.Secretariat, Velagapudi,
Amaravathi.

Sir,

Sub:- Suits – NATIONAL GREEN TRIBUNAL, CHENNAI – O.A.No.153 of 2016 filed by Paryavarana Parirakshna Sangam, Sompeta requesting to quash the G.O.Ms.No.329 Revenue (Assn.I) Dept., Dt.09.09.2015 allotting the land to an extent of Ac.972.69 to NCCL for Multi Product Industry Zone and also notify and include the Sompeta lands as "Wet lands" in terms of the Wetland (Conservation & Management) Rules, 2010 for conservation – Report – Submitted – Regh.

- Ref:-
- 1 Lr.No.1/PP/NCIHL/2008, Dt.25.01.2008 of the Vice President (Projects), NCCL, Hyderabad.
 - 2 This office Rc.No.272/2008-E3, Dt.07.07.2008.
 - 3 This office Rc.No.272/2008-E3, Dt.28.08.2008.
 - 4 G.O.Ms.No.1107, Revenue (Assn.I), Department, Dt.15.09.2008.
 - 5 G.O.Ms.No.329, Revenue (Assn.I) Department, Dt.09.09.2015.
 - 6 O.A.No.153 of 2016 filed by Paryavarana Parirakshna Sangam, Sompeta and another in the Hon'ble Green Tribunal at Chennai.
 - 7 This office para-wise remarks in Rc.No.333/2017-E3, Dt.18.03.2017.
 - 8 Memo.No.REV-20024/31/2015-ASSG-I, Revenue (Lands-II) Dept., Dt.19.01.2021.
 - 9 This office Rc.No.333/2017, E3, Dt.21.01.2021.
 - 10 CCLA's Ref.No.LC/90/2021, Dt.09.02.2021.
 - 11 Lr.No.01/APPCB/RO/SKLM/GEN/2021, Dt.30.03.2021 of the Environmental Engineer, PCCB, Srikakulam.
 - 12 This office Rc.No.333/2017-E3, Dt.15.04.2021.

I invited kind attention to the references cited.

I submit that, in the reference 1st cited, the Vice President (Projects) Nagarjuna Constructions Company Pvt.Ltd.,(NCCL), Hyderabad has submitted an application to the District Collector, Srikakulam for alienation of Ac.1046.21 of Government land for setting up of **"1980 MW Thermal Power Project"** in Sompeta Mandal.

I, submit that, as the project is Mega Power Project with the investment of about 1915 crores by creating new employment opportunities to 2000 Nos. and also to produce sufficient power for the usage in the state and also promote the Dynamic New Industrial Policy of Government of Andhra Pradesh by bringing rich dividends to the state in terms of Economic and Industrial Development, the then District Collector, Srikakulam has directed the Tahsildar, Sompeta Mandal to examine the feasibility of the lands and submit alienation proposals, and the Tahsildar, Sompeta has verified the lands covered by requisition of the company and the details of the lands verified are as follows.

Sl.No.	Name of the Revenue Village	Sy.No.	Classification	Extent (in Acs.)
1	Rushikudda	152/2	Beela Gayalu (Swamp)	395.36
2	Gollagandi	23/9	Beela Tampara (Swamp)	208.75
3	Baruvapeta	247	Tampara Poramboke	169.78
4	Benkili	231	Kaluva Poramboke	198.80
Total				972.69

I further submit that, on the alienation proposals submitted by the District Collector, Srikakulam, the Government of Andhra Pradesh in its G.O.Ms.No.1107 Revenue (Assn-I) Department, Dt.15.09.2008 have accorded permission to the District Collector, Srikakulam to alienate the aforesaid Govt.land in favour of Andhra Pradesh Industrial Infrastructure Corporation Ltd.,(APIIC) for onward transfer in favour of M/s.Nagarjuana ConstructionsCompany Limited, Hyderabad for setting up of **"1980 MW Thermal Power Project"**, on payment of market value @ Rs.80,000/- per acre. Accordingly, the APIIC has allotted the said land in favour of M/s.Nagarjuna Constructions Company Limited and also registered a deed of sale for the above land of Ac.972.69 on 06.06.2009 and delivered the physical possession of the land on 29.05.2009.

I, further submit that, as the people of Sompeta area have agitated on the construction of this Thermal Power Project on the reason that the proposed construction will adversely affect on the Environment & Ecology, a view has been taken by the Govt. respecting the sentiments of the local people of Sompeta Mandal in Srikakulam District and in line with the dynamic new Industrial Policy of Govt.of A.P. and keeping in view of creating employment to local people and also not affecting the environments, changed the line of activity from setting up of "1980 MW Thermal Power Project as sanctioned in G.O.Ms.No.1107 Revenue (Assn-I) Department, Dt.15.09.2008 and permitted the M/s.Nagarjuna Constructions Company Limited to utilize the same lands admeasuring Ac.972.69 for development of **"Multi Product Industry Zone"** vide G.O.Ms.No.329 Revenue (Assn-I) Department, Dt.09.09.2015 subject to the following conditions and also conditions laid down in BSO-24 and G.O.Ms.No.571 Revenue (Assn-I) Department, Dt.14.09.2012.

1. The land shall be utilized for the purpose of which it is allotted within three years from the date of this order.
2. The alienee shall submit an annual report before 31st March on the progress of utilization to the District Collector.
3. The District Collector shall be the authority to cancel and resume the land from the allottee for violation of conditions as well as for non utilization of land.

I further submit that, the above planned "Multi Product Industry Zone" is aimed at promoting agro based industries and small & medium manufacturing industries, , like food & Agri processing Zone (Mega Food Park), Engineering, Electrical Units, Textiles Zone, Wood industry, Education Institutes for skill up gradation of the above sectors, free trade zone including Ware Houses and Modern Cold Storage Facilities and packing facilities etc., (which are not falling under "Red" category), as a result the agitation over Thermal Power Project in Sompeta area come to an end with pulling out of six (6) years of relay hunger strike with the assurance of the Govt. to allow only eco-friendly projects in 'Beela' area.

As the matter stood thus, 1) The Paryavarana Parirakshna Sangam through its President Mr.Y.Krishna Murty, R/o Sompeta, Srikakulam District and 2) Sri E.A.S. Sarma, R/o Maharani-peta, Visakhapatnam have filed an Application No.153 of 2016 before the National Green Tribunal, Southern Zone Bench, Chennai, impleading the following as Respondents,

1. Union of India, Through Secretary, Ministry of Environment & Forest, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi.
2. Central Wetlands Regulatory Authority, Through it's Chairman, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jorbagh Road, Aligunj, New Delhi.
3. State of Andhra Pradesh, through it's Chief Secretary, Government of Andhra Pradesh, Secretariat, Hyderabad.
4. M/s.Nagarjuna Construction Company Ltd., Nagarjuna Hills, Punjagutta, Hyderabad, Andhra Pradesh.

Also at

M/s.Nagarjuna Construction Company Ltd, Project Office at Sompeta Town, Sompeta Mandal, Srikakulam District, Andhra Pradesh.

challenging the environmental clearances seeking the following relief.

- Direct Respondent No.1 & 2 to consider the SACON report and notify the wet lands in Srikakulam District including Sompeta land as "Wet Lands" in terms of the wet land (Conservation Management) Rules, 2010 for conservation.
- Quash the G.O.Ms.No.329 Revenue (Assn-I) Department, Dt.09.09.2015 thereby the Respondent No.5 Nagarjuna Construction Company has been allowed to set up "Multi Product Industry Zone" in the Sompeta Wet land area identified in the SACON report, as it violates the wet land (Conservation & Management) Rules, 2010.
- Direct the Respondents to ensure that effective measures are taken to protect the wet lands and wet land complexes against the pressure of anthropogenic activities as per the wetland rules, the principal of Sustainable Development and the commitment under the Ramsar Convension and pass orders or further orders

as the Hon'ble Tribunal deem fit and proper in the facts and the circumstances of the case.

In this connection, I submit that,

1. Actually a public meeting was conducted on 18.08.2009 under the Chairmanship of the then District Collector at Sompeta and at that time no objections were received from any sections of the society on establishment of Thermal Power Project.
2. Regarding the livelihood of fishermen, the Inland Fishermen Co-operative Society, Manikyapuram Village of Kaviti Mandal in Srikakulam District consisting of 158 members are catching the fish in the swamp lands and their area of operations is Manikyapuram, Rushikudda and Gollagandi Villages. The water spread area under the possession of the society comes to Ac.584.44 which is available in Manikyapuram Village of Kaviti Mandal and Gollagandi, Rushikudda in Sompeta Mandal (i.e., Chinna Beela Land) and their livelihood are not deprived. The M/s.Nagarjuna Constructions Company Ltd., in which favour the land alienated for setting up Thermal Power Project had deposited an amount of Rs.62.00 lakhs with the Deputy Director, Fisheries Department, Srikakulam for deepening and forming of fish ponds to the fishermen to eke out their livelihood in the Chinna Beela land Ac.247.00 and also taken up training programmes to the educated unemployed fishermen youth through NAC/DRDA for getting employment.
3. In regard to valuable wild life species, the Divisional Forest Officer, Srikakulam has reported that, about 356 plant species, the predominant pant species of Magnifera Indica, Borassus Flabellifera, Phoenixsylvestris, Dilonix Regia, Acacia Nelotica, Tamarinadus Indica, Cocos nucifera, Cassia Tora, Cassia occidentlis, Abutilon Indicum, Achyranthes Aspera, Parthenium Hysterophorus, Tephorsia purpurea etc., have been identified within 10 KM radium of the project site, similarly the animal species reported within the 10 KM area are common in nature to this region and there are no endangered, protected, threatened animal and pant species in the study area and that there are no objections to the Forest Department if the power plant is proposed to be established in the above land. Therefore, the Ministry of Environment and Forests, Government of India vide its order No.J-13012/119/2001, IA-II(T), dt.09.12.2009 granted environmental clearance for setting up of the proposed aforesaid coal based Thermal Power Plant at Sompeta in Srikakulam District.
4. The Salim Ali Centre for Ornithology and Natural History (SACON), Coimbatore, has conducted three surveys (on ecological status survey) during the months of October, 2011 and February-March, 2012 on the wet lands of Srikakulam District and submitted report to the Ministry of Environment and Forests, Gov.of India in the Month of July, 2012 and has suggested on protection of wet lands (including

interconnected wet land complexes such as coastal wet lands of Sompeta) in the District should not be allowed to be converted for any other purpose and also expressed that the plans for setting up of the super Thermal Power Projects in those wet lands should be re-examined, so as to avoid adverse affect on environments, ecosystems, Limno Systems, Hydro Systems. But, actually necessary sanctions for setting up of Thermal Power Project were approved by the Govt. of A.P. (vide G.O.Ms.No.1107 Revenue (Assn-I) Department, Dt.15.09.2008 and environmental clearance on 09.12.2009 by the Ministry of Environment and Forests, Government of India i.e., prior to the above Ecological status survey conducted by SACON. Keeping in view of these suggestions by SACON and other Institutions / Organizations, a view has been taken by the Govt.of A.P. respecting the sentiments of the local people of Sompeta Manda in Srikakulam District and keeping in view of creating employment to local people and also keeping in view of not affecting environment, Eco, Limno, Hydro etc., systems, the Govt.of of A.P. have changed the line of activity from setting up 1980 MW Thermal Power Plant as sanctioned in G.O.Ms.No.1107 Revenue (Assn-I) Department, Dt.15.09.2008 and permitted to M/s.Nagarjuna Constructions Company Limited to utilize the same lands admeasuring Ac.972.69 for development of "Multi Product Industry Zone" (Non Pollusional) vide G.O.Ms.No.329 Revenue (Assn-I) Department, Dt.09.09.2015.

i further submit that, myself inspected some parts of the subject lands on 08.09.2021 along with the Joint Collector (RB&R) and the Sub Collector, Tekkali in the presence of the Petitioner in O.A.No.153 of 2016, Villagers and public representatives.

During the personal visit, following observations are being made about the nature of land:

- 1) Some parts of the land on the eastern sides are not swamps and they are not perennial wet lands;
- 2) It is informed that, in rainy season, some part of these lands become water logged.
- 3) At the time of inspection, certain lands are found to be swamp in nature and water was found to be stagnated. Through these lands, a channel which carries this water was observed and it is found out that these lands are not in equal level of surrounding Sea. If the channel is regularly clear & de-silted, then there will be no water stagnation and land will not be swamp in nature.
- 4) During the physical inspection, paddy cultivation was observed. Local people informed that these are low-lying area and in rainy season, it is completely filled with water.

5) During interaction, many local representatives, public leaders and NGOs have expressed their objection to setting up of industry in these lands. In last 13 years, many agitations have also taken up.

6) Finally, it is requested that, a detailed technical study may be undertaken for identification of perennial wet lands or seasonal wet lands in these area to identify any future purpose on these lands.

This is submitted for kind perusal and to take necessary further action in this regard.

Yours faithfully,



10/9/14
District Collector,
Srikakulam.