

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
IN "T"HE MATTER OF OIL.

OA.No.158 of 20 15

R. Nallakannu Applicant

Vs.

Government of India & others .. Respondent(s)

O.A.218/2015

Tamil Annai Thamirabarani Welfare Trust Applicant

Government of India & others ... Respondent(s)

O.A.182/2016

M. Balasubramanian . Applicant

Vs

Government of India & others .. Respondent(s)

O.A.261/2016

E. Natarajan Applicant

Vs

Government of India & others .. Respondent(s)

Joint Committee Report

Joint Committee Report

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**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

In

Application No.158 of 2015, 218/2015, 182/2016 &.261/2016

Hon'ble NGT (SZ) vide order dated 18.02.2020 in Application Nos. 158 of 2015, 218/2015, 182/2016 &.261/2016 constituted a Joint Committee comprising of (1) District Collector, Thoothukudi, (2) a Senior Officer of MoEF & CC, Regional Office, Chennai and (3) Tamil Nadu Pollution Control Board to inspect the area in question and ascertain as to whether there is any improper desilting has been done and whether illegal sand mining has been done in the guise of desilting and if so, who has done the same and what is the loss caused to the exchequer on account of the same and also assess the environmental damage if any, caused and submit a report to the Hon'ble Tribunal within a period of two months.

In this regard the Joint Committee comprising of Sub Collector, Tuticorin, Dr.R.Sridhar, Scientist D and Dr.K.G.Prijilal, Research Officer , MoEFCC, RO, Chennai, The District Environmental Engineer and Assistant Environmental Engineer, TNPCB has inspected the site on 8.10.2020 along with the Engineers of PWD/WRD. During the inspection the PWD Officials has briefed about the work done in connection with desilting.

The main aim of desilting the Srivaikundam Anicut was as follows:

1. To restore the capsity of Srivaikundam Anicut to 141.26M.Cft

2.To stabilize the irrigation area of 25560 acers in Thoothukudi District under both North and South Main Chanel.

3.To ensure water supply during scarcity period also.

4.To improve and recharge the ground water potential in 18 villages.

5. To assure the drinking water supply throughout the year.

6. Thus by increase the Ecology, Environment and Socio Economic status of the area.

It is informed by PWD/WRD that the work was commenced on 25.08.2015 and stopped on 11.08.2016 to maintain the Status quo of work as directed by the Hon'ble NGT in OA. No. 182 of 2016. During the visit the committee found that presently there is no physical evidence for substantiating any environmental damages happened due to desilting as alleged. During the site visit it is noted that enough water was there in the dam and channel system and sedimentation is started at reach IV again. The weeds (Water Hyacinth) are again appeared at several patches.

The Joint committee also verifies that necessary prior permission for desilting was obtained by the project authority as follows.

1.Vide F.No.4-TNC862/2012-BAN/697 dated 09.07.2015 Ministry of Environment Forest and Climate Change issued Stage-I Clearance for carrying out desilting work in the water spread area under Section 2 of Forest (Conservation), 1980.(Copy of Stage-I is at Annexure-I)

2. Vide F.No.4-TNC862/2012-BAN/282 dated 10.06.2015 Ministry of Environment Forest and Climate Change issued Stage-II Clearance for carrying out desilting work in the water spread area under Section 2 of Forest (Conservation), 1980.(Copy of Stage-II is at Annexure-II)

3. Thereafter vide G.O(Ms)No.95 dated 31.08.2016 Principal Secretary, Environment and Forest Department, Government of Tamil Nadu issued Order to the concerned departments for making necessary arrangement to divert the Forest land.(Copy of the G.O dated 31.08.2016 is at Annexure-III).

4. Regarding desilting in non forest land/PWD land (i.e from slice/reach 2 to 7) Administrative Sanction was accorded from the Principal Secretary, Public Works Department Government of Tamil Nadu vide G.O(Ms)No.146 dated 23.07.2015.(Copy of the G.O dated 23.07.2015 is at Annexure-IV).

5. Thereafter the District Collector vide order No.G.M.1/453/2015 dated 22.08.2015 has authorised the Executive Engineer, PWD/WRO, Thambaraparani Basin Division, Tirunelveli to start desilting work in 6 slices(i.e from slice/reach 2 to 7) .(Copy of the G.O dated 22.08.2015 is at Annexure-V).

The PWD officials informed that Reach: I and II were executed and completed by complying the interim direction passed by the Hon'ble National Green Tribunal on 27.10.2015. Therefore, the work in Reach: III & IV have been taken for execution and completed upto 96% & 70% respectively with the consequent directions made by the Tribunal. The

work in Reach: V has been progressed upto 1.50% before these cases were filed. Finally in the periods that followed, the Hon'ble Tribunal have passed an order to 'maintain the Status quo of work' based on the applications filed vide No.182/16 and hence the work as stopped as it is from 11.08.2016 onwards. The statement showing the progress of work as on 11.08.2016 is furnished below:-

Reach	Estimate Sediments		Removed Sediments		Progress in %
	Sand (in M ³)	Earth (in M ³)	Sand (in M ³)	Earth (in M ³)	
I	44400.00	103600.00	44397.04	103597.81	Completed.
II	38850.00	90650.00	38841.75	85511.28	Completed.
III	40500.00	94500.00	40500.00	88593.15	96 %
IV	39600.00	92400.00	25470.00	66493.68	70 %
V	45600.00	106400.00	2264.00	---	1.50 %
VI	39600.00	92400.00	---	---	Not Started
VII	57150.00	133350.00	---	---	Not Started
Total	305700.00	713300.00	151472.79	344195.92	

From the above facts it is clear that there was no improper desilting done and the desilting was done legally only. The Reply furnished by the Project Authority (PWD/WRD) is at Annexure VI.

Conclusion:

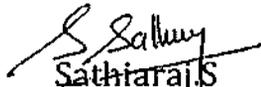
The Joint Committee concluded that there was no physical evidence for substantiating any environmental damages happened due to desilting as alleged and the desilting was done legally only. As the result of desilting the capacity of Srivaikundam Anicut has been increased and there by increased the ground water potential of surrounding villages, ensured drinking water supply, solved the water scarcity problem to a large extent, stablized the irrigation area in under both North and South Main Chanel.(Photos taken during the inspection is at Annexure-VII).



Dr.R.Sridhar
Scientist 'D'
MoEFCC



Dr.K.G.Prijilal
Research Officer
MoEFCC



S.Sathiaraj
DEE, TNPCB
Thoothukudi



Senthil Kumar
AE, TNPCB
Thoothukudi



Simranjeet Singh ~~K~~ IAS
Sub Collector
Thoothukudi



भारतसरकार
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE

Regional Office (South Eastern Zone),

1st & 2nd floor, HEPC Building, No.34, Cathedral Garden Road,

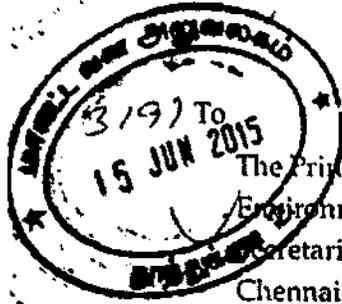
Nungambakkam, Chennai - 600034, Tel.No.044-2822 2325

E.Mail: roefccc@gmail.com



F.No.4-TNC862/2012-BAN/282

Dated: 10.06.2015



The Principal Secretary to the Government of Tamil Nadu,
Environment & Forests Department,
Secretariat, Fort St. George,
Chennai - 600 009.

Subject: Forests-Srivaikundam Anicut, Thoothukudi Division-over an area of 22.976 ha in Srivaikundam Reserve Land situated in S.F.No.600 of Srivaikundam village for carrying out desilting works in the water spread area-under Forest (Conservation) Act 1980-regarding.

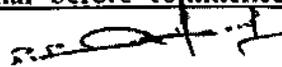
Sir,

Please refer to the State Government's letter No.1237/FR.10/2012-13 dated 04.06.2015 seeking prior approval of the Central Government in accordance with Section '2' of Forest (Conservation) Act, 1980 for the above mentioned project.

After careful consideration of the proposal of the State Government, I am hereby directed to convey the Central Government's in-principle approval (*Stage-I*) under Section '2' of Forest (Conservation) Act, 1980 for diversion of 22.976 ha in Srivaikundam Reserve Land situated in S.F.No.600 of Srivaikundam village for carrying out desilting works in the water spread area, subject to the following conditions:-

1. The legal status of forest land shall remain unchanged.
2. The permission granted will be valid for a period of 12 months from the date of clearance issued by MoEF&CC or till the completion of desilting work whichever is earlier.

3. No felling of standing trees should be done during execution of de-silting work.
4. The removed materials should not be dumped in the forest land and no new roads will be formed for this purpose, within the forest area.
5. Desilting works shall be carried out departmentally or through Government undertaking or through the Eco-development Committee or Joint Forest Management Committee.
6. During execution of work, removed slush, clay, sand, boulders etc., shall be dumped in the nearby PWD Campus and other Government poramboke lands in the presence and supervision of the officials / staff of PWD, Revenue and Forest Department and no material excavated including the silt shall be stored or dumped in the forest area even temporarily.
7. Revenue generated by the auction of the materials depending upon the classification shall be credited in to the Tamil Nadu CAMPA Account.
8. The User Agency shall deposit a sum of Rs. 25/- Lakhs, with DFO, Thoothukudi as interest bearing security for ensuring prompt remittance of the sale proceeds to CAMPA account and compliance of the conditions of approval. The deposit must be made positively before start of the work. The deposit will be released on completion of the work after adjusting for any liability in this regard.
9. The funds received from the User Agency under this project shall be deposited within 3 days of realization of sale proceeds either in SB A/c No.SB01025227-CAF Tamil Nadu, Corporation Bank, CGO Complex, Lodhi Road, New Delhi-110003 (RTGS/IFSC No.CORP0000371) or in SB A/c No. 344902010105 433-Tamil Nadu, Union Bank of India, Sundar Nagar, New Delhi-110003 (RTGS/IFSC No.UBIN0534498). The details of deposition of funds, *inter-alia* RTGS - UTR Number, date and amount etc./DD Numbers & date, Amount, the Bank on which drawn and the date of deposition in the designated bank shall also be furnished to the Regional Office of MoEF& CC, Chennai.
10. In order to ensure compliance of the conditions stipulated, a Joint Committee of Revenue, Forest and PWD Departments may be constituted under the Chairmanship of the DFO concerned which will over-see the collection and transparent disposal of the material excavated and compliance of conditions of approval. Resolution copy of the committee constituted shall be furnished to the Regional Office, MoEF & CC, Chennai before commencement of the desilting work.



11. The total forest area utilized for the project shall not exceed 22.976 ha.
12. The Forest Department will prepare a treatment plan for catchment area of the reservoir for utilizing the sale proceeds of the material from the de-silting operation of the reservoir. Plan should be got approved by the Regional Empowered Committee (REC), Regional Office, MoEF&CC, Chennai before its implementation.
13. The DFO concerned will submit monthly progress report on the activities undertaken to the Regional Office of MoEF & CC, Chennai by the 10th of every month.
14. User Agency shall ensure that no damage is caused to the forest and wildlife of the area and shall submit an undertaking that it shall abide by all conditions of clearances and the forest and wildlife Act and rules governing the forests.
15. The User Agency and the State Government shall ensure compliance to Ministry's guidelines F.No 5-3/2007-FC dated 5th February, 2009 and provisions of the all Acts, Rules, Regulation and Guidelines of the Ministry, for the time being in force, as applicable to the such projects.
16. Any other condition that the Additional Principal Chief Conservator of Forests (Central), Regional Office, Chennai may impose from time to time for protection, improvement of flora and fauna in the forest area in public interest shall be complied by the user agency.

After receipt of the compliance report on the conditions stated above, the proposal will be considered for final approval. Transfer of forest land to the User Agency shall not be effected prior to the issue of final approval. This in-principle approval shall be valid for a period of 12 months from the date of clearance issued by MoEF& CC or till the completion of desiltation work whichever is earlier. In the event of non compliance of the above conditions, this in-principle approval shall automatically stand revoked.

Yours faithfully,

(Dr.K. Ganesh Kumar)
Deputy Conservator of Forests (Central)

Copy to:-

1. The Director General of Forests & Special Secretary to Govt. of India, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, Lodhi Colony, New Delhi - 110 003.
2. The Principal Chief Conservator of Forests, Govt. of Tamil Nadu, Forest Department, No.1, Jeemis Road, Panagal Building, Saidapet, Chennai - 600 015.
3. The Additional Principal Chief Conservator of Forests/Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Govt. of Tamil Nadu, Forest Department, No.1, Jeemis Road, Panagal Building, Saidapet, Chennai - 600 015.
4. The Director, RO(HQ) Division, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, Lodhi Colony, New Delhi - 110 003.
5. Executive Engineer, PWD/WRO, Thambraparani Basin Division, Tirunelveli-627002
6. District Forest Officer, Thoothukudi Division, Thoothukudi, Tamil Nadu
7. Guard file.


(Dr.K.Ganesh Kumar)

Deputy Conservator of Forests (Central)

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GOVERNMENT OF INDIA

पर्यावरण, वनपर्वजलवायुपरिवर्तनमंत्रालय

MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE

Regional Office (South Eastern Zone).

1st & 2nd floor, HEPC Building, No.34, Cathedral Garden Road,
Nungambakkam, Chennai - 600034, Tel.No.044-2822 2325

E.Mail: roefccc@gmail.com

F.No.4-TNC862/2012-BAN/647

Dated: 09.07.2015

To
The Principal Secretary to the Government of Tamil Nadu,
Environment & Forests Department,
Secretariat, Fort St. George,
Chennai - 600 009.

Subject: Forests-Srivaikundam Anicut, Thoothukudi Diversion-over an area of 22.976 ha in Srivaikundam Reserve Land situated in S.F.No.600 of Srivaikundam village for carrying out desilting works in the water spread area-under Forest (Conservation) Act 1980-regarding.

Sir,

Please refer to the State Government's letter No.1237/FR.10/2012-13 dated 04.06.2015 seeking prior approval of the Central Government in accordance with Section '2' of Forest (Conservation) Act, 1980 for the above mentioned project. The project was accorded in-principle approval (Stage-I) by the Central Government vide letter F.No.4-TNC862/2012-BAN/282 dated 10th June, 2015. The State Government vide letter No. 1237/FR.10/2012-15 Dated 30.06.2015 has reported compliance to the conditions stipulated in the in-principle approval.

After careful consideration of the proposal of the State Government, I am hereby directed to convey the Central Government's approval (Stage-II) under Section '2' of Forest (Conservation) Act, 1980 for diversion-over an area of 22.976 ha in Srivaikundam Reserve Land situated in S.F.No.600 of Srivaikundam village for carrying out desilting works in the water spread area, subject to the following conditions:-

1. The legal status of forest land shall remain unchanged.
2. The permission granted will be valid for a period of 12 months from the date of clearance issued by MoEF & CC or till the completion of desiltation work whichever is earlier.



3. No felling of standing trees should be done during execution of de-silting work.
4. The removed materials should not be dumped in the forest land and no new roads will be formed for this purpose, within the forest area.
5. Desilting works shall be carried out departmentally or through Government undertaking or through the Eco-development Committee or Joint Forest Management Committee.
6. During execution of work, removed slush, clay, sand, boulders etc., shall be dumped in the nearby PWD Campus and other Government poramboke lands in the presence and supervision of the officials / staff of PWD, Revenue and Forest Department and no material excavated including the silt shall be stored or dumped in the forest area even temporarily.
7. Revenue generated by the auction of the materials depending upon the classification shall be credited in to the Tamil Nadu CAMPA Account.
8. The User Agency shall deposit a sum of Rs. 25/- Lakhs, with DFO, Thoothukudi as interest bearing security for ensuring prompt remittance of the sale proceeds to CAMPA account and compliance of the conditions of approval. The deposit must be made positively before start of the work. The deposit will be released on completion of the work after adjusting for any liability in this regard.
9. The funds received from the User Agency under this project shall be deposited within 3 days of realization of sale proceeds either in SB A/c No.SB01025227-CAF Tamil Nadu, Corporation Bank, CGO Complex, Lodhi Road, New Delhi-110003 (RTGS/IFSC No.CORP0000371) or in SB A/c No. 344902010105 433-Tamil Nadu, Union Bank of India, Sundar Nagar, New Delhi-110003 (RTGS/IFSC No.UBIN0534498). The details of deposition of funds, *inter-alia* RTGS - UTR Number, date and amount etc./DD Numbers & date, Amount, the Bank on which drawn and the date of deposition in the designated bank shall also be furnished to the Regional Office of MoEF& CC, Chennai.
10. In order to ensure compliance of the conditions stipulated, a Joint Committee of Revenue, Forest and PWD Departments may be constituted under the Chairmanship of the DFO concerned which will over-see the collection and transparent disposal of the material excavated and compliance of conditions of approval. Resolution copy of the committee constituted shall be furnished to the Regional Office, MoEF & CC, Chennai before commencement of the desilting work.



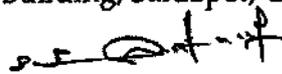
11. The total forest area utilized for the project shall not exceed 22.976 ha.
12. The Forest Department will prepare a treatment plan for catchment area of the reservoir for utilizing the sale proceeds of the material from the de-silting operation of the reservoir. Plan should be got approved by the Regional Empowered Committee (REC), Regional Office, MoEF&CC, Chennai before its implementation.
13. The DFO concerned will submit monthly progress report on the activities undertaken to the Regional Office of MoEF & CC, Chennai by the 10th of every month.
14. User Agency shall ensure that no damage is caused to the forest and wildlife of the area and user agency shall abide by all conditions of clearances and the forest and wildlife Act and rules governing the forests.
15. The User Agency and the State Government shall ensure compliance to Ministry's guidelines F.No 5-3/2007-FC dated 5th February, 2009 and provisions of the all Acts, Rules, Regulation and Guidelines of the Ministry, for the time being in force, as applicable to such projects.
16. Any other condition that the Additional Principal Chief Conservator of Forests (Central), Regional Office, Chennai may impose from time to time for protection, improvement of flora and fauna in the forest area in public interest shall be complied by the user agency.

Yours faithfully,

(Dr. K. Ganesh Kumar)
Deputy Conservator of Forests (Central)

Copy to:-

1. The Director General of Forests & Special Secretary to Govt. of India, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, Lodhi Colony, New Delhi - 110 003.
2. The Principal Chief Conservator of Forests, Govt. of Tamil Nadu, Forest Department, No.1, Jeenis Road, Panagal Building, Saidapet, Chennai - 600 015.
- ✓ 3. The Additional Principal Chief Conservator of Forests/Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Govt. of Tamil Nadu, Forest Department, No.1, Jeenis Road, Panagal Building, Saidapet, Chennai - 600 015.



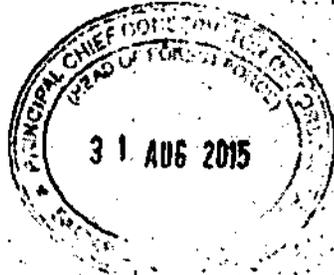
4. The Director, RO(HQ) Division, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, Lodhi Colony, New Delhi - 110 003.
5. Executive Engineer, PWD/WRO, Thambraparani Basin Division, Tirunelveli-627002
6. District Forest Officer, Thoothukudi Division, Thoothukudi, Tamil Nadu
7. Guard file.


(Dr.K.Ganesh Kumar)

Deputy Conservator of Forests (Central)

Annexure - III

For



ABSTRACT

Forests - Diversion of an extent of 22,976 ha. in Srivaikundam Reserve Land in Sy.No.600 of Srivaikundam Village - for carrying out desilting works in the water spread area - in favour of the Executive Engineer, Public Works Department / WRO, Thambaraparani Basin Division, Tirunelveli - Proposal under section 2 of Forest (Conservation) Act, 1980 - Orders - Issued.

Environment and Forests (FR.10) Department

G.O.(Ms) No.95

Dated :31.08.2015

மன்றத் துறாணி -14

திருவள்ளூர் துறை, 2046

Read :

1. From the Principal Chief Conservator of Forests Letter No.TS4/15523/2015, dated 02.06.2015.
2. Government Letter No.1237/FR.10/2012-13, dated 04.06.2015.
3. From the Deputy Conservator of Forests (Central), Government of India, Ministry of Environment, Forests and Climate Change, Chennai Letter F.No.4-TNC862/2012-BAN/282, dated 10.06.2015.
4. From the Principal Chief Conservator of Forests Letter No.TS4/15523/2015, dated 24.06.2015.
5. Government Letter No.1237/FR.10/2012-15, dated 30.06.2015.
6. From the Deputy Conservator of Forests (Central), Government of India, Ministry of Environment, Forests and Climate Change, Chennai Letter F.No.4-TNC862/2012-BAN/847, dated 09.07.2015.

ORDER :

The Principal Chief Conservator of Forests in his letter first read above has furnished a proposal to permit the Executive Engineer, Public Works Department / WRO, Thambaraparani River Basin Division, Tirunelveli for carrying out desilting works in the water spread area of the Srivaikundam Anicut, Thoothukudi Division over an area of 22,976 ha. in Srivaikundam Reserve Land situated in Sy.No.600 of Srivaikundam Village, under Forest (Conservation) Act, 1980.

2. The above said proposal has been forwarded to Government of India, Ministry of Environment, Forests and Climate Change, Chennai vide Government letter second read above for obtaining their concurrence.

3. The Government of India, Ministry of Environment, Forests and Climate Change, Chennai in their letter third read above, have conveyed Central Government's in-principle (Stage-I) approval for the above said proposal, subject to certain conditions and requested to furnish the compliance report on the conditions stipulated therein, for consideration of the proposal for final approval.

14

.2.

4. The Principal Chief Conservator of Forests in his letter fourth read above has furnished the compliance report to the Government and the same has been forwarded to the Government of India, Ministry of Environment, Forests and Climate Change. Chennai in Government letter fifth read above.

5. The Government of India, Ministry of Environment, Forests and Climate Change, Chennai in their letter sixth read above have accorded Central Government's approval (Stage-II) under Section 2 of Forest (Conservation) Act, 1980 for diversion over an area of 22.976 ha. in Srivaikundam Reserve Land situated in S.F.No 600 of Srivaikundam village for carrying out desilting works in the water spread area, subject to the following conditions :-

1. The legal status of forest land shall remain unchanged.
2. The permission granted will be valid for a period of 12 months from the date of clearance issued by Ministry of Environment, Forests and Climate Change, Chennai (i.e 09.07.2015) or till the completion of desilting work whichever is earlier.
3. No felling of standing trees should be done during execution of de-silting work.
4. The removed materials should not be dumped in the forest land and no new roads will be formed for this purpose, within the forest area.
5. Desilting works shall be carried out departmentally or through Government undertaking or through the Eco-development Committee or Joint Forest Management Committee.
6. During execution of work, removed slush, clay, sand, boulders etc., shall be dumped in the nearby Public Works Department Campus and other Government poramboke lands in the presence and supervision of the officials / staff of Public Works Department, Revenue and Forest Department and no material excavated including the silt shall be stored or dumped in the forest area even temporarily.
7. Revenue generated by the auction of the materials depending upon the classification shall be credited in to the Tamil Nadu CAMPA Account.
8. The User Agency shall deposit a sum of Rs.25.00 lakhs, with District Forest Officer, Thoothukudi as interest bearing security for ensuring prompt remittance of the sale proceeds to CAMPA account and compliance of the conditions of approval. The deposit must be made positively before start of the work. The deposit will be released on completion of the work after adjusting for any liability in this regard.
9. The funds received from the User Agency under this project shall be deposited within 3 days of realization of sale proceeds either in SB A/c. No.SB01025227-CAF Tamil Nadu, Corporation Bank, CGO Complex, Lodhi Road, New Delhi - 110 003 (RTGS/IFSC No.CORP 0000371) or in SB A/c. No.344902010105 433 - Tamil Nadu, Union Bank of India, Sundar Nagar, New Delhi-110003 (RTGS/IFSC No UBIN0534498). The details of deposition of funds, inter-alia RTGS - UTR Number, date and amount etc./DD Numbers & date, Amount, the Bank on which drawn and the date of deposition in the designated bank shall also be furnished to the Regional Office of Ministry of Environment, Forests and Climate Change, Chennai.

3.

10. In order to ensure compliance of the conditions stipulated, a Joint Committee of Revenue, Forest and Public Works Department may be constituted under the Chairmanship of the District Forest Officer concerned which will over-see the collection and transparent disposal of the material excavated and compliance of conditions of approval. Resolution copy of the committee constituted shall be furnished to the Regional Office, Ministry of Environment, Forests and Climate Change, Chennai before commencement of the desilting work.
11. The total forest area utilized for the project shall not exceed 22.976 ha.
12. The Forest Department will prepare a treatment plan for catchment area of the reservoir for utilizing the sale proceeds of the material from the de-silting operation of the reservoir. Plan should be got approved by the Regional Empowered Committee (REC), Regional Office, Ministry of Environment, Forests and Climate Change, Chennai before its implementation.
13. The District Forest Officer concerned will submit monthly progress report on the activities undertaken to the Regional Office of Ministry of Environment, Forests and Climate Change, Chennai by the 10th of every month.
14. User Agency shall ensure that no damage is caused to the forest and wildlife of the area and user agency shall abide by all conditions of clearances and the forest and wildlife Act and rules governing the forests.
15. The User Agency and the State Government shall ensure compliance to Ministry's guidelines F.No.5-3/2007-FC, dated 5th February, 2009 and provisions of the all Acts, Rules, Regulation and Guidelines of the Ministry, for the time being in force, as applicable to such projects.
16. Any other condition that the Additional Principal Chief Conservator of Forests (Central), Regional Office, Chennai may impose from time to time for protection, improvement of flora and fauna in the forest area in public interest shall be complied by the user agency.
6. The Government after careful examination, issue final orders for diversion over an area of 22.976 ha. in Srivaikuntam Reserve Land situated in Sy.No.600 of Srivaikuntam Village for carrying out desilting works in the water spread area of the Srivaikuntam Anicut, Thoothukudi Division in favour of the Executive Engineer, Public Works Department / WFO, Thambaraparani River Basin Division, Tirunelveli under Forest (Conservation) Act, 1980, subject to the conditions stipulated by the Government of India, Ministry of Environment, Forests and Climate Change, Chennai in their Stage -II approval.

4.

7. The Principal Chief Conservator of Forests is requested to make necessary arrangements for diversion of the above mentioned land. He is also requested to pursue further action with reference to the conditions stipulated in para 5 above and send a report to Government in due course.

(BY ORDER OF THE GOVERNOR)

HANS RAJ VERMA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Principal Chief Conservator of Forests
(Head of Department - FAC), Chennai-15.
The Deputy Conservator of Forests (Central),
Government of India,
Ministry of Environment, Forests and Climate Change,
Regional Office (South Eastern Zone),
1st & 2nd Floor, HEPC Building,
No.34, Cathedral Garden Road,
Nungambakkam, Chennai - 600 034.
The Inspector General of Forests,
Government of India,
Ministry of Environment, Forests and Climate Change,
Indira Paryavaran Bhawan,
Arikanj, Jor Bagh Road,
New Delhi - 110 003.

Copy to:-
The Additional Principal Chief Conservator of Forests
(Forest Conservation Act), Chennai-15.
The Conservator of Forests,
Tirunelveli Circle, Tirunelveli.
The District Forest Officer,
Thoothukudi Division, Thoothukudi.
The District Collector,
Thoothukudi.
The Executive Engineer,
Public Works Department / WRO,
Thambaraparani Basin Division,
Tirunelveli - 627 002.
SF/SCs.

/ Forwarded by order /

S. Karthikeyan
Section Officer 21/9/15



ABSTRACT

Water Resources Department - Restoration of the Srivaikundam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of the Srivaikundam Anicut in Srivaikundam Taluk of Thoothukudi District- Administrative Sanction for Rs.593 Lakh - Accorded - Orders issued.

Public Works (P2) Department

G.O. (Ms) No. 146

Dated: 23.07.2015

மன்மத, ஆடி 7

திருவள்ளூர் ஆண்டு 2046

Read:

1. G.O (Ms). No. 200, Public Works (I.Spl.1) Department dated 22.9.2014
2. From the Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department letter dated S7(2)/48547-OT4/2012, dated 1.7.2015 and 13.07.2015.
3. The Special Government Pleader, High Court of Madras letter dated 1.7.2015 addressed to the Superintending Engineer, Thambraparani River Basin Circle, Tirunelveli.

Order:

In the Government Order first read above, Orders were issued entrusting the Consultancy Services to M/s. Water and Power Consultancy Services Ltd., (WAPCOS) on nomination basis for preparation of Detailed Project Report (DPR) etc., for desilting the Vaigai, Pechipparai, Mettur, Amaravathy Reservoirs and Srivaikundam Anicut.

2. In the letters second read above, the Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department has sent the Estimates for desilting the Srivaikundam Anicut, based on the Detailed Project Report by M/s. WAPCOS Ltd., at an estimated cost of Rs.593 Lakh. The following provisions are made in this Estimate:-

- (i) Removal of sediments deploying earth moving machineries.
- (ii) Provision for Formation of approach tracks in the river bed with biodegradable material and flow diversion.
- (iii) Provision for Model sections with protections on the bank slopes on the left side and right side bunds at 200 m interval for 0.90 km upstream and 1.0 km downstream and for LS 4200m to 5100m upstream.
- (iv) Provision for casting, supplying and fixing boundary pillars for Forest limit and PWD limit.

- (v) Provision for repairs to d/s apron, anicut, North Main Channel Head sluice, South Main Channel Head sluice, U/s Anicut wall, D/s Anicut wall, Sand Vent Shutters, Operating Platform and Flood Control Room.
- (vi) Provision for colour washing, repainting the flood marks, gauges and hydraulic particulars.
- (vii) Provisions for Name Board, Documentation charges and Advertisement charges.
- (viii) Provision for Labour Welfare Fund @ 1%
- (ix) Provision for P.S Charges, contingencies and Unforeseen items.

3. The Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department has also stated that by doing the above operation, the following benefits will be occurred:-

- (i) The capacity of Srivaikundam Anicut will be restored to 141.26 M.Cft.
- (ii) The irrigation area of 25560 acres in Thoothukudi District under both North Main Channel and South Main Channel will be stabilized.
- (iii) There will be ensured water supply during scarcity period also.
- (iv) Ground Water potential in the surrounding 18 villages will be improved and recharged.
- (v) Drinking water supply will be assured throughout the year.
- (vi) Ecology Environmental status and Social Economics of this area will be considerably increased.

4. The Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department, has stated that a petition was filed in the Application No.72 of 2015 (SZ) on 08.04.2015 before the Hon'ble National Green Tribunal Southern Zone, Chennai to expedite the desilting work at Srivaikundam Anicut. The Hon'ble National Green Tribunal, Principal Bench, New Delhi passed the Orders on 05.06.2015 to expedite the process of Ministry of Environment and Forest. Subsequently, the Ministry of Environment and Forest has granted Principal approval for carrying out desilting work in the water spread area in Forest Land.

5. The Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department has further stated that Thiru. R. Nallakannu and others had filed a Writ Petition No.12229/2010 before the Honorable Madurai Bench of Madras High Court in which it was directed not to carry out sand quarrying / mining operation in the entire stretch of Thambraparani river for a period of five years from 2.12.2010. But this proposed work is not a sand quarrying operation. This consists of removal of water hyacinth, weeds, bushes, silt, clay, shoals, sediments etc., in the water spread area of Srivaikundam Anicut across Thambraparani river upto the

theoretical bed level, so as to restore its original storage capacity as well as to enhance the efficiency of the system utilized for drinking water and irrigation purposes.

6. The Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department, has further stated that the sediments deposited in the Forest area as well as the Public Works Department land, which is just upstream of the anicut body wall is of silty nature with very meager content of sand particles having bushes and vegetation on the surface. Hence, the disposal of the removed earth/savudu has to be made in accordance with the Ministry of Environment and Forest guidelines and Tamil Nadu Minor Mineral Concession (TNMMC) Rules for which the Executive Engineer concerned has to get clearance from the State Environmental Impact Assessment Authority by submitting a proposal with the concurrence of the District Collector, Thoothukudi. The work has to be carried out through a contract in which the bidder has to get final approval of the District collector after remitting the cost of material, based on the composition of sand and silt in the excavated sediments, seigniorage and taxes as per the TNMMC rules and also by quoting the rates for the excavation of the earth and cost of excavated materials based on the composition of silt and sand in the excavated sediments apart from remittance of Earnest Money Deposit, security deposit, etc. For this purpose while the District Collector gives the final permission to the Contractor as per TNMMC rules, the cost of the excavated material has to be collected based on the approved rates for the material in the tender.

7. The Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department, has further stated that Revenue can be generated from the disposal of the desilted and removed sediments during the execution of work. The proposed tentative revenue to be generated is furnished below:-

(a) From Forest Land= Rs.1,35,27,600 /- (To be remitted to the Forest account)

(b) From PWD Land = Rs.7,96,11,800 /-

8. In the letter third read above, the Special Government Pleader, High Court of Madras, has stated that the Application No.72/2015 filed by Thiru S. Jeol against Ministry of Environment and Forest and others in respect of desilting of Srivaikundam Anaicut came up for hearing before the Hon'ble National Green Tribunal, Southern Zone at Chennai on 1.7.2015. On that day a memo to the effect that the desilting work was commenced on 30.6.2015 and is being carried on was filed along with the Detailed Project Report and Photographs. The National Green Tribunal recorded the memo and has directed to carry on the desilting work nonstop on day-to-day basis and file a progress report in the Tribunal once in 15 days. The Bench further observed that the State Government should take steps to desilt all the water bodies in the State of Tamil Nadu in accordance with law and posted the case.

9. The Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department has therefore, requested Administrative Sanction for Rs.593.00 Lakh (Rupees Five Crore and ninety three lakh only) for the work of Restoration of Srivaikundam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikundam Anicut in Srivaikundam Taluk of Thoothukudi District.

10. The Government, after careful examination have decided to accept the proposal of the Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department. Accordingly Administrative Sanction is accorded for Rs 593.00 Lakh (Rupees Five Crore and ninety three lakh only) for the work of Restoration of Srivaikundam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikundam Anicut in Srivaikundam Taluk of Thoothukudi District based on the Schedule of Rates for 2014-2015 as detailed below:-

Sl. No.	Name of Work	Amount (Rs. in Lakhs)
1.	Restoration of Srivaikundam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikundam Anicut (Slice - I) from L.S. 0m to 900m U/S in Srivaikundam taluk of Thoothukudi District. (Forest Land)	210.60
2.	Restoration of Srivaikundam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikundam Anicut (Slice - II) from L.S. 900m to 1300m U/S in Srivaikundam taluk of Thoothukudi District. (PWD Land)	56.54
3.	Restoration of Srivaikundam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikundam Anicut (Slice - III) from L.S.1300m to 1700m U/S in Srivaikundam taluk of Thoothukudi District. (PWD Land)	58.90
4.	Restoration of Srivaikundam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikundam Anicut (Slice - IV) from L.S.1700m to 2300m U/S in Srivaikundam taluk of Thoothukudi District. (PWD Land)	58.06
5.	Restoration of Srivaikundam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikundam Anicut (Slice - V) from L.S.2300m to 3000m U/S in Srivaikundam taluk of Thoothukudi District. (PWD Land)	66.66
6.	Restoration of Srivaikundam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikundam Anicut (Slice - VI) from L.S.3000m to 4200m U/S in Srivaikundam taluk of Thoothukudi District. (PWD Land)	58.06
7.	Restoration of Srivaikundam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikundam Anicut (Slice - VI) from L.S.4200m to 5100m U/S in Srivaikundam taluk of Thoothukudi District. (PWD Land)	83.62
Total		593.00

11. The expenditure sanctioned in para 10 above shall be debitable to the following head of account:-

*4701. Capital Outlay on Major and Medium Irrigation - 03. Medium Irrigation - Commercial - 422. Rehabilitation, Renovation and Modernisation of Irrigation Structures - Schemes in the twelfth five year plan - II. State Plan - JT. Restoration of Srivaikundam anicut to its original capacity in Srivaikundam Taluk of Thoothukudi District - 16. Major Works (DPC 4701 - 03 - 422 - JT - 1607).

12. The Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department is the Estimating, Reconciling and controlling authority for the above new sub head of account.

13. The Pay and Accounts Officer / Treasury Officers concerned are requested to open the above new Sub - Head of Account in their accounts.

14. The expenditure sanctioned in para 10 above constitutes an item of "New Service". The approval of the Legislature will be obtained in due course. Pending approval of the legislature, the expenditure will be initially met by drawal of an advance from the Contingency Fund. The Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department, Chennai-5 is directed to calculate the actual amount required for the period upto next Supplementary Estimates and apply for sanction of same as advance from Contingency Fund to Finance (BG I) Department directly in Form 'A' appended to Tamil Nadu Contingency Fund Rules 1963, along with a copy of this order. Orders for sanction of advance from Contingency Fund will be issued from Finance (BG I) Department. Further, he is also requested to send necessary draft explanatory notes for the inclusion of the above expenditure in the Supplementary Estimate for the year 2015-2016 to Finance (BG-I) Department at the appropriate time without fail.

15. This order issues with the concurrence of the Finance Department vide its U.O.No.123/ADS(Dr.PU)/15, dated 23.7.2015 and Additional Sanction Ledger No. 635 (Six hundred and thirty five)

(By Order of the Governor)

N.S. Palaniappan
Principal Secretary to Government

To
The Engineer-in-Chief, Water Resources Department and Chief Engineer,
Public Works Department, Chennai-5.
The Chief Engineer, Water Resources Department, Madurai Region, Madurai-2.
The Accountant General (A & E / Audit-I), Chennai-18.
The District Collector, Thoothukudi.
The District Collector, Thirunelveli.
The Treasury Officer, Thirunelveli/Thoothukudi.
The Resident Audit Officer, Office of the Principal Accountant General
(Audit I), Secretariat, Chennai-9.

Copy to.

The Principal Secretary II to Hon'ble Chief Minister Chennai-9.

The Special Personal Assistant to Hon'ble Minister for Finance & Public Works, Chennai-9.

The Legislative Assembly, Chennai-9.

The Finance (PW(II)/BGI/EG(I)) Department, Chennai-9.

All Irrigation Sections in Public Works Department, Chennai-9.
SF/SC.

// Forwarded / By Order //

B. Ramani
Section Officer

23.7.15

Proceedings of the District Collector, Thoothukudi.

Present: Thiru. M. Ravi Kumar, I.A.S.,

G.M.1/453/2015 Dated : 22.08.2015

Sub: Mines and Minerals - Thamiraparani Basin - Restoration of the Srivaikundam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of the Srivaikundam Taluk of Thoothukudi District - desilting and transportation of sand and silt - Order issued - Regarding.

- Ref:**
1. G.O (Ms.) No. 146 Public Works (P2) Department dated 23.07.2015.
 2. Executive Engineer, P.W.D/W.R.O Thambaraparani Basin Division, Tirunelveli letter No. DB/JDO.3/F.121R/2015 dated 18.08.2015.
 3. District Collector's Proceedings Rc.No. G.M.1/453/2015 Dated : 21.08.2015.
 4. Public Works Department, Secretariat, Chennai letter No.18745/P2/2015-2, dated 22.08.2015.
 5. Joint inspection report dated 22.08.2015.

Order:

In the G.O. 1st cited, Government have ordered that desilting work has to be carried out through contract in which the bidder has to get final approval of the District Collector after remitting the cost of material based on the composition of sand and silt in the excavated sediments and seigniorage fee and taxes as per the Tamil Nadu Minor Mineral Concession Rules, 1959 and also by quoting the rate for the excavation of Earth and cost of excavated material based on the composition of silt and sand in the excavated sediment apart from remittance of Earnest Money Deposit, security deposit, etc. and for this purpose while the District Collector gives the final permission to the Contractor as per Tamil Nadu Minor Mineral Concession Rules, 1959 the cost of the excavated material has to be collected based on the approved rate for the material in the tender by the Public Works Department.

The Executive Engineer, P.W.D/W.R.O Thambaraparani Basin Division, Tirunelveli vide reference 2nd cited has stated that Superintending Engineer, P.W.D/W.R.O Thambaraparani Basin Circle, Tirunelveli has finalized the tender and approved rates for excavation and transportation of materials as below-

Slice/ Reach No	Quantity of Sediments (In cbm)	
	Sand	Earth/Silt
II.	38850	90650
III.	40500	94500
IV.	39600	92400
V.	45600	106400
VI	39600	92400
VII	57150	133350
Total	2,61,300	6,09,700

The Executive Engineer has further stated that the contractor has remitted the cost of the material based on the approved rate for the material in the tender as per agreement conditions to the 6 slice of works furnished above. (Slice/Reach No. 2 to 7). He has further stated that, during the execution of work proposed 3 conditions to be imposed

- a. Necessary instructions will be issued to appoint individual securities for the 6 slice of works.
- b. The contractors have remitted the cost of sand (inclusive of Seigniorage fee, tax, etc.,) and the cost for Earth/Silt (exclusive of Seigniorage fee). Therefore, the Seigniorage fee for Earth/Silt have to remitted to the mines department.
- c. For the disposal of sand, necessary Trip sheets will be issued by P.W.D depending upon the Vehicles. Regarding the disposal of Earth/Silt, the contractors will make their own arrangements like sale the materials to the Brick chambers, filling works, formation of road works, Industrial requirements, etc., However, all of the Sediments will be removed as ascertained in the Agreement.

In this regard, a joint inspection team constituted vide the proceedings of the District Collector vide G.M. 1/453/2015 dated 21.08.2015 to study the proposal and give its report. The inspection team inspected the site and had recommended the proposal with certain conditions. It has been after careful consideration decided to accept the recommendations of the joint inspection team and permit the Executive Engineer, P.W.D/W.R.O Thambaraparani Basin Division, Tirunelveli to start desilting work in the six reaches as per the quantity of sand and silt indicated hereunder in the S.F.Nos. and villages mentioned with the conditions thereof.

Slice/ Reach No	L.S	Village	S.F.No.	Sand (In Cbm)	Earth/Silt (In Cbm)
II.	L.S.900m to 1300m	Srivaikundam	599 (Part)	38850	90650
III.	L.S.1300m to 1700m	Srivaikundam	599 (Part)	40500	94500
		Tholappanpannai	1/1 (Part)		
IV	L.S.1700m to 2300m	Srivaikundam	599 (Part)	39600	92400
		Tholappanpannai	1/1 (Part)		
V	L.S.2300m to 3000m	Tholappanpannai	1/1 (Part)	45600	106400
VI.	L.S.3000m to 4200m	Tholappanpannai	1/1 (Part)	39600	92400
		Kongarayakurichi	198 (Part)		
VII	L.S.4200m to 5100m	Kongarayakurichi	198 (Part)	57150	133350
Total				2,61,300	6,09,700

Conditions

1. Coloured iron pipes should be erected at four boundaries of the desilting area and maintained continuously. The desilting area should be maintained with benchmarks.

2. Desilting area should be demarcated on the ground with pucca stone or concrete pillars to show the depth of desilting allowed. Boundary pillars at the interval of 500m each on all the four sides of the desilting site with red flags on every pillar and also in site pillars marking the level and desilting depth downwards shall be erected before commencement of desilting.
3. Bed level fixed for each reach should be maintained and desilting should not be carried below the proposed bed level of each reach.
4. Desilting work and transportation should be carried out from 7 A.M to 6.P.M only. There should not be any desilting work after 6 P.M and before 7 A.M.
5. Vehicles for each reach/Slice have to be differentiated by different colour stickers.
6. It is estimated that minimum of 250 to 300 lorries will be operated in a day. Executive Engineer, P.W.D/W.R.O Thambaraparani Basin Division, Tirunelveli is advised to have atleast three depot checking of inlet and out flow of vehicles with proper accounts / permit.
7. The sand and silt has to be transported separately. The transport slip for sand will be issued by PWD. The transport permit for silt will be issued by Assistant Director of Geology and Mining, Thoothukudi on requisition.
8. The EE, PWD, Thamarabarani have to issue separate transport slips for each reach and maintain proper account for each reach.
9. There shall be proper accounting of sand/silt separately for each reach and daily consolidated report "reach wise" should be submitted to Assistant Director of Geology and Mining, Thoothukudi after the closing of operation time.
10. A Weekly report should be submitted to the District Collector consisting of reach wise quantity of sand and silt removed, bed level depth and disposal of sand and silt from the work site.
11. When the quantity of sand in the desilting area exceeds the predetermined quantity in a reach, separate permission has to be obtained from the District Collector.
12. The vehicles should not be allowed with loaded sand without P.W.D. Trip Sheet.
13. The loading of sand will be made based on the capacity of vehicle. Over-loading should not be allowed.

14. The exit of vehicles will be allowed after making entries in the P.W.D. registers for all the Sediments.
15. At closing time whatever vehicle in desilting site should be noted in the register and closed.
16. There should be team of PWD officers during operation hours to check the entry/exist under proper passes/permits.
17. The movement of desilted materials should be very strictly monitored at the level of EE, PWD/W.R.D, Thamarabarani Basin Division and the SE, PWD/WRD Thamarabarani Basin Circle should super check it frequently.
18. Quantity of sand and silt has to be transported then and there and no stagnations of silt and sand is allowed in the work site or in Government land.
19. The Executive Engineer, P.W.D/W.R.D Thamaraparani Basin Division, Tirunelveli has to monitor the quantity of silt to be removed from the site and the ratio of disposal of sand and silt.
20. SE, PWD/WRD, Thamarabarani Basin Circle has to ensure that all tender conditions are fulfilled by the contractor.
21. For disposal of Earth/Silt, the contractors have to make their own arrangements.
22. Necessary instructions will be issued to appoint individual securities for the 6 slice of works.
23. Adequate number of pipes across the katcha roads leading to desilting area shall be provided to facilitate the normal flow in the streams in the river bed.
24. Public movement across the river should not be disturbed due to desilting activity and vehicular movement.
25. Access and haul roads to the desilting area should be restored in a mutually agreeable manner where these are considered unnecessary after desilting has been completed
26. The E.E. P.W.D/W.R.D, Thamarabarani Basin Division shall maintain the village road through which transportation of sand is carried out at own cost. The roads shall be blacktopped to the extent required.

27. For movement of vehicles, separate pathway should be made without disturbing the free flow of water and without damaging the banks. After desilting is completed, the pathway should be closed to facilitate free flow of water.

28. The authority hereunder reserves his right for modifying the conditions or impose any new conditions based on Government instructions/exigencies.

In the circumstances, the Executive Engineer, P.W.D/W.R.O Thambaraparani Basin Division, Tirunelveli is authorized to start desilting work in the 6 slices i.e., Slice/Reach No. 2 to 7 for quantity of 2,61,300 cbm sand and 6,09,700 cbm of silt/Earth and collect the Seigniorage fee, cost of the mineral, etc., for the 6,09,700 cbm of Earth/silt before transportation.

The Executive Engineer, P.W.D/W.R.O Thambaraparani Basin Division, Tirunelveli is instructed to remit the Seigniorage fee, cost of the mineral for 6,09,700 cbm of Earth/silt in the following Head of Account.

"0853 Non Ferrous Mining and Metallurgical Industries -102 Mineral Concession Fee - AB Rents And Royalties D.P.Code 0853-00102 AB 0009".

Sd./- M. RAVI KUMAR
District Collector,
Thoothukudi.

//TRUE COPY//

For Collector
Thoothukudi

To

1. Executive Engineer, P.W.D/W.R.O Thambaraparani Basin Division, Tirunelveli.
2. Chief Engineer, Water Resources Department, Madurai Region, Madurai 2.
3. Sub Collector, Thoothukudi.
4. Tahsildar, Srivaikundam

Copy to

The Principal Secretary to Government,
Public Works Department,
Secretariat, Chennai

P.W.D./W.R.D.

**REPLY TO THE JOINT COMMITTEE CONSTITUTED VIDE HON'BLE NGT (SZ)
ORDER DATED:-18.02.2020 IN O.A. NOS:-158 & 218 OF 2015 & 261 OF
2016 (SZ)**

1) An order has been passed by the National Green Tribunal (SZ), Chennai on Application No. 72 of 2015 with the content that to 'Commence the desilting work at Srivaikuntam Anicut immediately. Inorder to comply the order, first of all an administrative sanction was accorded by the Government of Tamil Nadu vide G.O.(Ms) No:-146 / Public Works (P.2) Department / Date:- 23.07.2015 for executing the desilting work in Srivaikuntam Anicut with a total value of Rs.593 Lakhs as 7 reaches. The total length of water spread area involved in this work is 5.10 K.M. Inwhich the land contained in Reach : I [(ie.) upto 0.90 K.M.] is belonging to the Forest Department and the lands contained in the other Reaches (Reach : II, III, IV, V, VI & VII) are belonging to the Public Works Department. Consequently the Stage : I and Stage : II clearances were accorded by the Forest Department vide Letter Nos:- F.No.4-TNC862/2012-BAN/282 Dated:10-06-2015 and F.No.4-TNC862/2012-BAN/647 Dated:09-07-2015 Respectively, Further necessary concurrence has been accorded by the Forest Department vide G.O. (Ms) No:-95 / Environment and Forests (FR-10) Department / Dated:-31.08.2015 to make diversion of forest land to P.W.D. for making it convenient for the execution of work. [The copy of Government orders and letters mentioned in this para are enclosed.]

2) On the consideration of the abovesaid orders, the District Collector, Thoothukudi had given the permission with some terms and conditions in dealing with the minerals involved in this work which to be disposed off. (Copy of Proceedings enclosed.).

3) The Estimate for the 7 reaches of work have been prepared based on the P.W.D. Standard Schedule of rates and they have got technically sanctioned by the competent authorities viz. Superintending Engineer, P.W.D./W.R.D., Thambraparani Basin Circle, Tirunelveli-2 and Chief Engineer, P.W.D./W.R.D., Madurai Region, Madurai-2. Further, necessary tenders have been called for by the Superintending Engineer with wide publication and as per the norms stipulated in the Transparency of Tender Act. After receiving the tenders from the eligible contractors, they were submitted to the Tender Award Committee (TAC), Chennai for approval and then agreements were concluded with the contractors in due course. The details of Estimates and Agreements are furnished below :-

Sl. No.	Name of Work	Sanctioned Estimate No.	Agreement No.	Agreement Value (Rs.)	Name & address of Contractor (Tvl)	Remarks
1.	Restoration of Srivaikuntam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikuntam Anicut (Slice - I) from L.S.0m to 900m U/S in Srivaikuntam Taluk of Thoothukudi District.	19 CE/ WRO / MDU /201516	10 SE / TBC/ 2015 - 16.	15458600	V.R.Raja, Contractor, 34-B, Elil Nagar, Kottayru, Karaikudi Taluk, Sivagangai District.	
2.	Restoration of Srivaikuntam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikuntam Anicut (Slice - II) from L.S.900m to 1300m U/S in Srivaikuntam Taluk of Thoothukudi District.	01 SE/ TBC/ 2015-16.	3 SE / TBC/ 2015 - 16.	5178705	D.Veerappan, Contractor, 2/1048, Malavalayan patti, Alangudi Taluk, Pudukottai District.	
3.	Restoration of Srivaikuntam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikuntam Anicut (Slice - III) from L.S.1300m to 1700m U/S in Srivaikuntam Taluk of Thoothukudi District.	02 SE/ TBC/ 2015-16.	4 SE / TBC/ 2015 - 16.	5398650	S.Murugesan, Contractor, 1/52, Palayur, Alangudi Taluk, Pudukottai District.	
4.	Restoration of Srivaikuntam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikuntam Anicut (Slice - IV) from L.S.1700m to 2300m U/S in Srivaikuntam Taluk of Thoothukudi District.	03 SE / TBC/ 2015-16.	5SE / TBC/ 2015 - 16.	5278680	P.Karuppiah, Contractor, 1/75A, Kulanthiranpattu Post, Karambakkudi Taluk, Pudukottai District.	

Sl. No.	Name of Work	Sanctioned Estimate No.	Agreement No.	Agreement Value (Rs.)	Name & address of Contractor (Tvl)	Remarks
5.	Restoration of Srivaikuntam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikuntam Anicut (Slice - V) from L.S.2300m to 3000m U/S in Srivaikuntam Taluk of Thoothukudi District.	04 SE / TBC / 2015-16.	8 SE / TBC / 2015 - 16.	6078480	V.R.Karuppiyah, Contractor, Aranmanivayal Puthuvayal via, Karaikudi Taluk, Sivagangai District.	
6.	Restoration of Srivaikuntam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikuntam Anicut (Slice - VI) from L.S.3000m to 4200m U/S in Srivaikuntam Taluk of Thoothukudi District.	05SE / TBC / 2015-16.	6 SE / TBC / 2015 - 16.	5278680	K.Govindaraj, Contractor, 1/1, Selvi Illam, G.T.N. Road, Dindigul.	
7.	Restoration of Srivaikuntam Anicut to its original capacity by removal and disposal of the deposited sediments in the water spread area of Srivaikuntam Anicut (Slice - VII) from L.S.4200m to 5100m U/S in Srivaikuntam Taluk of Thoothukudi District.	06 SE / TBC / 2015-16.	7 SE / TBC / 2015 - 16.	7618095	S.Murugesan, Contractor, 1/52, Palayur, Alangudi Taluk, Pudukottai District.	

Prior to the preparation of estimates, the quantum of Silt and Sand deposited in the water spread area (ie) desilting area has been predicted and calculated by the WAPCOS LIMITED. So, as per the instructions made in the Government Order the total cost of Silt (Earth) and Sand have make into deposit to the preferred Government Accounts by the Contractors concerned before the acceptance of agreement.

The work was commenced on 25.08.2015 onwards. At this juncture Mr.Nallakannu some other have filed some applications before the National Green Tribunal (SZ), Chennai with the prayer that only Reach : I & II are enough to be carried out and not necessary to execute the other reaches. In this connection, Reach : I and II were executed and completed complying to the interim direction passed by the Hon'ble National Green Tribunal on 27.10.2015 (Copy enclosed). Therefore, the work in Reach : III & IV have been taken for execution and completed upto 96% & 70% respectively with the consequent directions made by the Tribunal. (copy enclosed). I would like to point out that the work in Reach : V has been progressed upto 1.50% before this cases were filed. Finally in the periods that followed, the Hon'ble Tribunal have passed an order to 'maintain the Status quo of work' based on the applications filed vide No.182/16 and hence the work as stopped as it is from 11.08.2016 onwards. (copy of order enclosed).

The statement showing the progress of work as on 11.08.2016 is furnished below :-

Reach	Estimate Sediments		Removed Sediments		Progress in %
	Sand (in M ³)	Earth (in M ³)	Sand (in M ³)	Earth (in M ³)	
I	44400.00	103600.00	44397.04	103597.81	Completed.
II	38850.00	90650.00	38841.75	85511.28	Completed.
III	40500.00	94500.00	40500.00	88593.15	96 %
IV	39600.00	92400.00	25470.00	66493.68	70 %
V	45600.00	106400.00	2264.00	---	1.50 %
VI	39600.00	92400.00	---	---	Not Started
VII	57150.00	133350.00	---	---	Not Started
Total	305700.00	713300.00	151472.79	344195.92	

4) I am submitting that the site of desilting area had subject to intensive monitoring of the P.W.D. Engineers & Staff during the execution period. The previous level of formation of sediments was noted in every day before starting the work. The proposed bed levels were marked and given to the concerned contractors as enable to remove and dispose the sediments like earth & sand. This activity helped to remove the sediments to the correct quantity and level. As it was allowed to be taken / disposed the sediments within the quantities assessed in the estimates in was not leading to the improper desilting and the opportunity was never given to the illegal sand mining at the site of work in the guise of desilting. Moreover appropriate barricades and gates were provided at the incoming and exit points of vehicles and monitored by the P.W.D. Officials & Staff during working and non-working hours so as to avoid the arrival of private / illegal persons and their vehicles.

5) Due to the abovesaid functional tasks of P.W.D. the improper activities and illegal sand mining have been avoided absolutely. Moreover, the Contractors deposited the total value of minerals previously; Therefore no loss caused to the exchequer on account of the same.

6) During the time of execution, safety distances were observed and kept followed from the location of drinking water wells and trees inorder to avoid vulnerabilities. The yield of drinking water wells and the supply of irrigation water to North Main Channel and South Main Channel are not affected in any way. The biological environment of the birds & animals are also not affected. Moreover, there is no sign of air pollution found at the surround by area. Therefore the environmental damage was not caused due to this execution of desilting work.

Encl:-i) G.O. (Ms) No.146 Dated:23.07.2015.

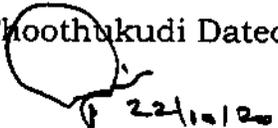
ii) Forest Dept. stage I & II letters.

iii) G.O. (Ms) No.95 Dated:31.08.2015.

iv) Proceedings of the District Collector, Thoothukudi Dated:22.08.2015

v) Green Tribunal Direction 27.10.2015.

vi) Green Tribunal Direction 11.08.2016.


Executive Engineer, P.W.D./W.R.D.,
Thambraparani Basin Division,
Tirunelveli - 2.

Annexure -VII

