

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL JURISDICTION
O.A. NO. 170 of 2024**

IN THE MATTER OF:

News Item Titled Barricade, Illegal Sand Mining
Pose Threat To WGH Riverbank Appearing In
The Shillong Times Dated- 29.06.2024

... Applicant

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Dated: 28.01.2025

Filed By:



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... Applicant

COMPLIANCE AFFIDAVIT ON BEHALF OF RESP. NO. 5
PWD(R&B), SHILLONG, MEGHALAYA

Barilang W. Phira

I, Barilang W. Phira, the Secretary to the Government of Meghalaya in Public Works Department (Roads & Bridges), having office at the Secretariat, Shillong, Meghalaya – 793 001, do hereby solemnly affirm and state as under:

1. That I am presently posted as the Secretary to the Government of Meghalaya in Public Works Department (Roads & Bridges). Being conversant with the facts and records of the present case in my official capacity, I am competent and authorized to swear this affidavit on behalf of Respondent No.5.
2. That this Hon'ble Tribunal has been pleased to take *suo moto* cognizance of the issue of soil erosion of embankment of Rongai

Secretary to Govt of Meghalaya
PWD (R&B), Shillong

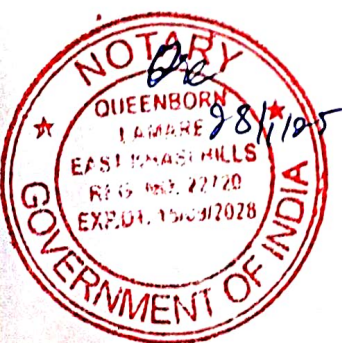
SL/Instrument No. 02
Date 28-01-2025



river because of (i) illegal sand mining and (ii) presence of iron barricading left as incomplete part of Rongai Irrigation Project Dam. The second issue pertains to the answering Respondent-PWD (Roads).

3. It is most respectfully submitted that the Rongai Valley Medium Irrigation Project was to be constructed by the assistance of Central Government and was approved by the State Government on 19.03.1990. The construction work was awarded to one M/s Murlidhar Agarwala & Co. on 20.05.1992. Even after several extensions the work was not completed and was abandoned by the contractor in 2003. Later on, the working group of State Planning, in their meetings dated 05.02.2009 and 19.05.2010 decided to abandon the project, at that point of time as additional funds for revised costs were not sanctioned by the Central Water Commission.
4. That in the meantime, the project got embroiled in litigation as the contractor filed a suit against PWD (Roads) and obtained a preliminary decree on alleged admission of some amount and suit qua remaining amount is still pending before the Court of Ld. Assistant District Judge, Shillong. In the execution proceedings qua preliminary decree, the Department has preferred its objections as to

Secretary to Govt of Meghalaya
PWD (R&B), Shillong



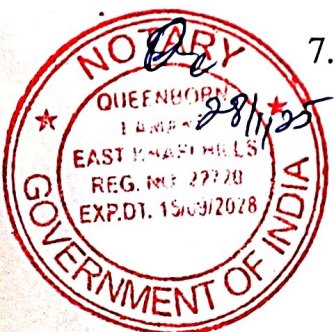
the jurisdictional nullity of the preliminary decree which is also pending before the court of Ld. Assistant District Judge, Shillong.

5. That however the State Government decided to revive the Rongai Valley Medium Irrigation Project in public interest and to fulfil the demands of public to provide sufficient water for drinking and irrigation purposes, and a meeting was held by the Deputy Chief Minister of the State directing the officials to take necessary measures for revival of the said project.

6. That to give effect to the decision of the State Government a high-level meeting was held between the Central Water Commission, Ministry of Jal Shakti, Government of India and the State Government on 24.01.2023. Considering the already made significant expenditure, to avoid wastage of Government funds and in public interest, it was decided by the Central Water Commission and the State Government to revive the Rongai Valley Medium Irrigation Project. A copy of minutes of meeting dated 24.01.2023 with cover letter of Ministry of Jal Shakti, Government of India dated 14.02.2023 are annexed herewith and marked as ANNEXURE R-5/1.

7. That in pursuance of the decision taken in the above meeting dated 24.01.2023, the expert team of Central Water Commission visited

Secretary to Govt of Meghalaya
PWD (R&B), Shillong



the site in question on 20.06.2023 and, *inter-alia*, made certain recommendations such as that the concrete work of barrage (which is already 90% complete) may have to be tested for strength and hydrology and the problem was acquisition of land for constructions of canals can be sorted out by construction of piped canals for which revised DPR is to be prepared. The Central Water Commission finally agreed to revive the project. A copy of Tour report of Central Water Commission Officials to Rongai Valley Irrigation Project dated 20.06.2023 is annexed herewith and marked as ANNEXURE R-5/2.

8. That the project is in the stage of preparation of revised DPR and thereafter an MoU will be entered between the Central Water Commission and the State Government, to carry out the remaining work of the Rongai Valley Medium Irrigation Project and the project will be completed to achieve its objective.

REMOVAL OF DEBRIS ETC.:

9. That it is most humbly submitted that PWD has started the work of removal of debris and de-siltation of the site in River Rongai which should be completed in a period of one month to avoid any further erosion of riverbank during the monsoon. That further the



Department has installed jute bags filled with earth on river embankments and are taking up palisading and other preventive measures to prevent any erosion of river embankments. Copies of Photographs of the work in progress on the site in question are annexed herewith and marked as ANNEXURE R-5/3.

10. That it is most respectfully submitted that the erected sheet piles which were erected as part of coffer dam during the construction of barrage has not been removed as it might be used in revised DPR. The PWD (Roads and Bridges) Department undertakes to remove any sheet-pile which will not form part of the revised DPR immediately after finalization of the revised DPR. It is prayed that this Hon'ble Tribunal may kindly permit the PWD (Roads and Bridges) Department the aforesaid liberty.

11. That the aforesaid information may kindly be taken on record in compliance of the notice issued by this Hon'ble Tribunal and appropriate orders may please be passed.

It is prayed accordingly.



Solemnly Affirmed before me this Day on 28-01-2025 The deponent is identified by Ms. R. Colney
I Certify that the contents of the Affidavit are read over and Explained to the Deponent who verified the same before me.

Queenborn Lamare
NOTARY
East Khasi Hills District
Reg. No. 22720

Bluh...
DEPONENT
Secretary to Govt of Meghalaya
PWD (R&B), Shillong

Secretary to Govt of Meghalaya
PWD (R&B), Shillong

Bluh...

Identified by:

Miss R. Colney
Miss R. Colney
Advocate

VERIFICATION:

Verified at Shillong on this 28th day of January 2025 that the content of the above affidavit is true and correct to the best of my knowledge and belief based on official records of the Government of Meghalaya and that nothing is false and nothing material is concealed therefrom.

**DEPONENT**

Secretary to Govt of Meghalaya
PWD (R&B), Shillong



सत्यमेव जयते

Dated: 14.02.2023

विषय:-Minutes of the Meeting of the "Committee for fixing responsibility for wastage of Government of India funds for Rongai Valley Project (Meghalaya) and also for reviewing, improving and fixing responsibility for up keeping of important technical official records" - reg.

DoWR, RD & GR vide OM dated 14.12.2022 has constituted a committee, under the Chairmanship of Member (RM) and members from CWC, for fixing responsibility for wastage of Government of India funds for Rongai Valley Project (Meghalaya) and also for reviewing, improving and fixing responsibility for up keeping of important technical official records.

In this context, a meeting was held on 24.01.2013 at Shillong with the committee members headed by Member (RM), CWC and Secretary, PWD(R&B), Govt. of Meghalaya along with the concerned State Govt officials. **The Minutes of the meeting is enclosed.**

Encl : As above

Yours faithfully,


(Yogesh Paithankar)

Chief Engineer (PAO), CWC & Member Secretary

To,

1. Secretary, PWD,(R&B), Govt. of Meghalaya, Shillong
2. Director, PCP Dte., CWC, New Delhi
3. Secretary, CWC, New Delhi
4. Deputy Director, Library, CWC, New Delhi

Copy for information to;

1. PPS to Chairman, CWC, New Delhi
2. PPS to Member (RM), CWC New Delhi.
3. Chief Engineer, BOBO, CWC, Shillong
4. Chief Engineer, B&BO, CWC, Guwahati
5. Chief Engineer, PWD(Roads), Govt. of Meghalaya, Shillong

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Conserve Water-Save Life

Minutes of the Consultation meeting of the committee constituted by DoWR, RD & GR vide OM dated 14.12.2022, held on 24/01/2023 at Shillong under the Chairmanship of Member (RM) with the officials of Govt of Meghalaya, regarding fixing the responsibility for wastage of funds of GOI for Rongai valley project (Meghalaya)

At the onset, Secretary, PWD (R&B), Govt of Meghalaya welcomed the team of CWC officers led by Member (RM) and other concerned officers of State, in the meeting to discuss the issues on Rongai Valley Medium irrigation project, Meghalaya. The list of the participants is enclosed as *Annexure – I*.

Member (RM), CWC informed that DoWR, RD & GR vide OM dated 14.12.2022 has constituted a committee, under his Chairmanship with other officers of CWC, to review all the records related with appraisal of DPR & TAC approval of Rongai valley project in consultation with State Govt of Meghalaya and bring out the reasons for taking up such project under AIBP and the reason for stopping the project in between. He further informed that in pursuance to the OM dated 14.12.2022, the committee along with the State Government officials visited the project site on 23/01/2023 and inspected the current status the project.

Member (RM), CWC mentioned that the committee has also gone through the records like Feasibility Report (FR), TAC note and its minutes, Investment clearance given to the project by Planning Commission in 1990, the monitoring reports prepared by CWC and the then guidelines which were followed while including the project under AIBP. He also mentioned that the PFR submitted by Chief Engineer, (PIO), CWC to Govt of Meghalaya in 1989 for Rongai Valley Medium irrigation project mentions that the FR is DPR as mentioned in the brackets. The cost estimate at that time was Rs 16.30 crore. Further, in CWC, the report has again been checked and it is observed all the chapters have been covered as per DPR guidelines prevalent at that time. As per the requirements of CWC designers, a pre-construction survey was also undertaken by CWC.

Secretary PWD (R&B), Govt of Meghalaya informed that Rongai valley was the first medium irrigation project of their state and the construction was started in 1992 and as there was financial constraint, the project was submitted to the central govt for inclusion under AIBP. Further the project was fulfilling all the requirements as per the AIBP guidelines of 2000-2001 when the project was included for providing CLA. He further mentioned that the work on the project was stopped in the year 2003 and at that time 90% concrete work of barrage was completed and the gates were not installed. Total expenditure on the project was Rs 17.91 crore against estimated cost of Rs 131.72 crore (2004 price level) at that time. No land

acquisition was done in the command area and therefore no canal construction was taken up.

Secretary PWD (R&B), Govt of Meghalaya further informed that in the year 2009 the Standing Committee of State Finance Planning, Govt of Meghalaya in its meeting held on 29th January 2009 looking to the status of progress project and specially the status of land acquisition decided to recommend the following:

1. The project may be abandoned
2. If the project has to continue then it has to be proposed for 100% centrally sponsored scheme.
3. In the case the project is abandoned then as per discussion of Working group held in Planning Commission, the project may be put to use for drinking water, flood storage, pisciculture and recreation.

Subsequently after almost 10 years Deputy Chief Minister, PWD and officers from Govt of Meghalaya and CWC visited the Rongai Valley project site on 9th November 2018. As an outcome of that visit, Deputy Chief Minister took a meeting on 22/11/2018 with officials of Govt of Meghalaya and CWC wherein, it was decided the project needs to be revived and requested CWC to undertake fresh detailed survey and prepare DPR. Accordingly CWC has submitted its proposal for undertaking balance survey and updation of DPR and Govt of Meghalaya has approved the CWC revised cost estimate proposal for Rs 3.93 crore in December 2022. MOU is yet to be signed.

After the discussions the committee is also of similar view that the project needs to be revived as some investment has already been done on which PAC has also taken serious view and has treated as wasteful Govt expenditure.

Annexure-I

LIST OF PARTICIPANTS

Committee Members

- 1 Shri P.M Scott, Member (RM), CWC New Delhi.
- 2 Shri Yogesh Paithankar, Chief Engineer, PAO, CWC
- 3 Shri Praveen Kumar, Secretary, CWC, New Delhi
- 4 Shri Venkateswarlu E, Deputy Director, Library, CWC, New Delhi

CWC

- 1 Shri Reading Shimray, Chief Engineer, BOBO, CWC, Shillong
- 2 Shri Sanjay Kumar Singh, SE(Coord.), B&BO, CWC, Guwahati
- 3 Smt Preeti Chaudhary, Director, NEIC, M&A, CWC, Shillong

Govt of Meghalaya

- 1 Shri L.D Suchiang, Secretary, PWD,(R&B), Govt. of Meghalaya, Shillong
- 2 Shri G.K Marak Chief Engineer, PWD(Roads), Govt. of Meghalaya, Shillong
- 3 Shri J.D Shina, PE, RVMH, Govt. of Meghalaya, Shillong
- 4 Smt. N.A. Lyngdah, ACE, NEC Branch,PWD(Roads), Govt. of Meghalaya, Shillong
- 5 Smt. B.M Tariang, AEE(FC&I), NEC Branch,PWD(Roads), Govt. of Meghalaya, Shillong

Rongai Valley Medium Irrigation Project located across river Rongai is at 25°35" N Latitude and 90°06"E Longitude. The project is located at Chibinang village 8 Km from Phulbari town in West Garo Hills District of Meghalaya. The project envisages construction of a barrage 76.4 m long with left and right bank canal system to irrigate a CCA of 3490 Ha with GCA of 4775 Ha. Original salient feature are attached as **Annexure – I**.

In response to the request made by NEIC, CWC, a joint field visit to the Rongai Valley Irrigation Project, Meghalaya was made by officers of NEID-I, CWC and Design (E&NE) Unit, CWC on 20th June 2023. List of officers that participated in visit is enclosed as **Annexure – II**.

1.0 Brief History of the Project

Rongai River originates from Arbella Hill ranges at an altitude of 995 m in Garo Hills. In upper reach it is known as Ringgi and in the lower reach it is known as Rongai. After traversing approximately 63 km in the hilly range the river enters the plain near Chibinang village and then traverses approximately 7 km in the plain land.

The river Rongai finally meets the river Jinjiram near Phulbari, which joins the river Brahmaputra on the Southern bank near South Salmara. The river flows through a well-defined channel at the place selected for barrage site.

The Rongai Valley Medium Irrigation Project was proposed for providing irrigation facilities in the Chibinang-Phulbari belt area under Daddengiri Civil Subdivision in the West Garo Hills District of Meghalaya. Government of Meghalaya entrusted CWC for detailed investigation and preparation of DPR in July 1986. CWC submitted feasibility Report in March 1989. Originally the Project was accorded Administrative Approval (AA) vide No. 20(13)/89 I&CAD, Government of India, Planning Commission, I&CAD Division, Yojana Bhawan, Delhi dated 05-01-1990 at an estimated cost of Rs.16.30 crore. The AA was accorded by the State Government vide No. PW/SW/IRR/22/89/62 dated 19-03-1990.

The Project initially started in the year 1991. On the request of the State PWD, the CWC did the survey work of the Command Area of the Project, assessed the best alignment for canals and did the design of the components of Barrage and Canals. The drawings for Barrage and Canals were issued during 1992 – 2003 by CWC. The construction works of the Barrage and Head Regulators including the Guide Bunds started in 1992 with a completion time of 36 months. Main civil structure of Barrage (without Gates) was completed except top 1.2 m of concreting. Due to various reasons, the remaining work components could not be completed even with four nos. of extensions given for completion till 2003. Finally, the work was stopped in 2003 by the Contractor citing the reasons for non-payment of pending liabilities. The work for installation of steel gates is yet to be allotted. Even the land could not be acquired for the canal alignment.

In a meeting of the working group of the Planning commission (Water Resources Division) held on 30.04.2008, it was decided to abandon the project. In another meeting of the Standing Committee consisting of the PWD, Finance, Planning and Water Resources held in 2009 also recommended to abandon the Project. Some of the reasons enumerated in this regard are as follows:

- a) Unprecedented flood of 22/09/2014 during which Rongai river overflowed the barrage structure
- b) Issues in acquisition of land for canal alignment.

However, in a meeting dated 09/11/2018 chaired by Dy CM, Meghalaya, it was decided to hand over the remaining work of project to CWC to conduct detailed survey and prepare DPR with a view to revive and complete the project.

For details of the above, Status Report for "Rongai Valley Medium Irrigation Project, Chibinang" enclosed as **Annexure III**.

2.0 Revival of Project (2018-2022)

A joint site visit by Deputy Chief Minister, Secretary, PWD (B&R), Addl. Chief Engineer, PWD (R) of Govt. of Meghalaya along with Senior Officers from Central Water Commission, Shillong was conducted on 9th November 2018 at the project area with an objective to revive the project. After the site visit, an estimate for carrying out Survey & Investigation and preparation of Detailed Project Report amounting to Rs. 180.43 lakh (Gross) & Rs. 179.42 lakh (Net) was prepared by CWC for balance work to be carried out at Rongai Valley Medium Irrigation Project, Chibinang (Meghalaya) and submitted to the Secretary, PWD (Roads & Buildings), Govt. of Meghalaya on 21st May, 2019.

The approval of Rs. 179.42 lakh (Net) for aforesaid work was conveyed by CE, PWD (Roads) on 12.01.2021. On receiving approval, the estimate submitted by CWC, Shillong to PWD Government of Meghalaya based on 2019 rates was found no longer workable after a period of 3 years and also in view of post COVID 19 scenario whereby the cost of material and services in the market had gone up many fold. This warranted updating the rates based on latest estimates of various works by various agencies/organizations and some additional activities which are necessarily required.

Accordingly, CWC submitted revised estimate amounting to Rs 3.94 cores (Gross) and Rs 3.93 cores (Net) to PWD(Roads), Shillong, Meghalaya. A meeting was then held on 10th February 2022 in the O/o Chief Engineer, CWC, Shillong with the officials of PWD(Roads), Shillong, Meghalaya. PWD officials desired that detailed justification for increase in cost may be submitted by CWC, Shillong, which has also been sought by them through letter dated 14.02.2022. Accordingly, CWC furnished the detailed justification on 30.03.2022. The approval of Rs. 393.44 lakh for aforesaid work was conveyed by CE(NH), PWD (Roads) on 06.12.2022.

A meeting of the committee constituted by doWr, rD & GR vide OM dated 14/12/2022 under the chairmanship of Member (RM), CWC with officials of Govt of Meghalaya regarding fixing the responsibility for wastage of funds of GoI for Rongai valley Project, Meghalaya was held on 24/01/2023. In the meeting it was reiterated that the project needs to be revived as some investment has already been done on which PAC has also taken serious view and has treated as wasteful expenditure. Minutes of the meeting are enclosed as **Annexure IV**.

3.0 Visit of the Rongai Valley Medium Irrigation Project, Chibinang

In response to the request made by NEIC, CWC, a joint field visit to the Rongai Valley Irrigation Project, Meghalaya was made by officers of NEID-I, CWC and Design (E&NE) Unit, CWC on 20th June 2023. The Barrage structure was visually inspected from both banks. The en-route command area of the project was also visited. The photographs of the visit are enclosed at **Annexure - V**.

4.0 Observations and Comments

On the basis of observations made during the visit as well as on the basis of data provided by NEID-I, CWC following observations and comments are made:

1. The construction drawings of Barrage and Canal were issued by BCD(E & NE) Dte from 1992-2003. A copy of some of the drawings could be traced but no design calculations could be traced. However since more than 20 years have since lapsed, these may no longer be applicable.
2. To take up the remaining work of the project as DPR, the following minimum data shall be required:
 - a. Design flood (corresponding to 1 in 100 yr and 1 in 500 yr) along with Gauge discharge curve at barrage site. In view of unprecedented flood event of 2014, the hydrology of the project may have to be reviewed from concerned Hydrology Directorate.
 - b. The strength of the existing structure may have to be reviewed through appropriate testing by any concerned reputed agency such as CSMRS.
 - c. As constructed drawings along with all available topographical, geological and geotechnical data may have to be provided. In case such data could not be traced fully, the remaining data shall have to be collected through suitable necessary investigations.
3. It is required to be ensured that the waterway of the barrage is sufficient for present hydrology. The Barrage may have to be modified / rebuild to ensure a safe and sound structure.
4. Latest seismic parameters shall be required to check the safety and stability of structure under various design conditions.
5. In view of issues being faced regarding acquisition of land for canal alignment, it is proposed to adopt piped irrigation network, if found suitable. Data requirement in this regard shall be intimated separately.
6. Since gates have not been installed, inspection of left out grooves may be got inspected from concerned gate Design Directorate.

List of Participants

Central Water Commission

1. Shri Shiv Kumar Sharma Director BCD(E & NE) Dte, CWC
2. Shri ashutosh ananad Deputy Director BCD(E & NE) Dte, CWC
3. Shri Rajat Kumar Sharma EE, NEID – I , Silchar, CWC
4. Shri Shailendra Kumar Gautam JE, NEID – I , Silchar, CWC

Government of Meghalaya

1. Shri. Jallim D. Shira, PE Rongai Valley M.I. Project, Chibinang
2. Shri. Rupam Hajong, AEE Medium Irrigation Sub-Division, Chibinang
3. Shri. Manuwel R. Marak, AEE E&D Sub-Division, Phulbari
4. Shri. Silseng B. Marak, AE Rongai Valley M.I. Project, Chibinang
5. Shri. Phillipson N Sangma, JE Medium Irrigation Sub-Division, Chibinang

PHOTOS: CLEARANCE OF DEBRIS (ISLAND LIKE FORMATION) IN BARRAGE AT RONGAI VALLEY MEDIUM IRRIGATION PROJECT, CHIBINANG



Latitude: 25.857749
 Longitude: 90.086228
 Elevation: 30.09±3.48 m
 Accuracy: 4.66 m
 Time: 21-01-2025 11:24:21
 Note: Barrage-Clearance of Debris of sand siltation/sediment



Latitude: 25.857738
 Longitude: 90.086038
 Elevation: 28.94±3.00 m
 Accuracy: 3.64 m
 Time: 21-01-2025 11:25:11
 Note: Barrage-Clearance of Debris

1
 Superintending Engineer PWD (Rde)
 Tura Circle, Tura



1
 Superintending Engineer PWD (Rds)
 Tura Circle, Tura



Avijit Mani Tripathi <avijitmani@gmail.com>

O.A. No.170/2024 (EZ)- Reply on behalf of Resp. No.5- PWD Meghalaya

1 message

Avijit Mani Tripathi <avijitmani@gmail.com>

28 January 2025 at 15:03

To: Surendra Kumar <surendra_kr15@rediffmail.com>, Anamika Pandey <legumjure@gmail.com>, enatoli sema <enatoli@gmail.com>

Sir/Ma'am,

Please find attached an advance copy of the reply being filed in the subject case on behalf of impleaded Resp. No.5- PWD Meghalaya.

Regards,

Avijit Mani Tripathi

Advocate on Record

Supreme Court of India

B 17, Fourth Floor, Jangpura Extension

New Delhi-110014

Ph.011-43582788, 9958537705

**O.A. No.170 of 2024 (EZ) Reply PWD Meghalaya.pdf**

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