

भारत सरकार  
जल शक्ति मंत्रालय  
जल संसाधन, नदी विकास और  
गंगा संरक्षणविभाग  
गोदावरी नदी प्रबंधन बोर्ड  
५वीं मंजिल, जलसौधा  
एररुम मंजिल, हैदराबाद- ५०००८२



Government of India  
Ministry of Jal Shakti  
Department of Water Resources, River  
Development and Ganga Rejuvenation  
Godavari River Management Board  
5<sup>th</sup> Floor, Jalasoudha, Errum Manzil  
Hyderabad- 500 082

No.GRMB/INSP-REP/2021 / 1985

Dt.:29.09.2021.

To

Ramesh Kumar, Advocate, No. 27 Lal  
Mohammad Lane, Chepauk, Chennai-  
600005.

Sub.: Report of Joint Committee in pursuance of Hon'ble NGT Chennai Bench order  
dated 13.08.2021 in OA No.180/2021 Baddam Raji Reddy and others vs Union  
of India and others—E-filing in NGT-reg.

Sir,

Please find enclosed the Report of Joint Committee as per Para 7 of the above Hon'ble  
order for e-filing as per para 10 of the same order.

Encl.: as above.

Yours faithfully,

(P S Kutiyal)

Member, GRMB &  
Nodal Member of the Joint Committee

**Report on Hon'ble NGT's Orders in O.A.No.180/2021 (SZ) in connection with Change in Scope of the Flood Flow Canal and Gouravelli Reservoir in Telangana.**

The Hon'ble National Green Tribunal (NGT) Southern Bench, Chennai has constituted Joint Committee in O.A. of 180 of 2021 of NGT(SZ). The members of the committee as per the order for O.A. 180 of 2021 (date of hearing: 13.08.2021) para 7 are as follows:

1. Sr. Officer, MoEF & CC, GoI, Integrated Regional Office, Chennai or its subsidiary office at Hyderabad, if any;
2. Sr. Officer from Godavari River Management Board;
3. Sr. Officer, Central Water Commission, Integrated Regional Office, Hyderabad.

**Members of Joint Committee:**

Accordingly, the following is the composition of members as nominated by the respective organisations:

1. Dr E. Arockia Lenin, Scientist 'C', IRO, MoEF&CC, Hyderabad;
2. Shri P. S. Kutiyal, Member, GRMB, Hyderabad;
3. Shri M. Ramesh Kumar, Director, CWC, KGBO, Hyderabad.

**Site inspection of Joint committee:** The team undertook to visit to embankment, off-take points of left side and right side canals, pump house & delivery cistern

of Gouravelli Reservoir. One of the three pump houses constructed at 73 Km, 34 Km & 0.10 Km of Flood Flow Canal.

1. **Gouravelli Reservoir:** Both off taking structures for left side and right side canals from reservoir were seen almost completed. Earthen embankment was raised except for the portions for the access to the reservoir area and near the delivery cistern to the reservoir from the pump house and shaping, pitching, drainage etc., are partially taken up. No construction activities was going on in other components except installation of pump in the pump house at the time of inspection.
2. **Pump House at 73.00 Km near Rampur (V), Malyal (M), Jagityal (Dt):** Pump house system with cross regulators across & left side of FFC, 8 pumps of 6.5 MW (52 MW) with total discharge capacity of 11000 cusecs between fore bay and delivery cistern, completed in all respects.

**Project Background:** It is observed from documents made available and on site visit that the capacity of Gouravelli Reservoir project which was originally envisaged to store water of 1.41 TMCft to provide irrigation facilities to 48561 Ha (1,20,000 acres) is now being constructed for an enhanced capacity of 8.23 TMCft with consequent increase in the pump house capacity and feeder canal and the irrigation being envisaged to the same area i.e. 48561 Ha during Kharif. Due to this enhancement of capacity, the area of submergence will increase from

769.25 ha to 1566.8 ha, with an increase in partially submerged villages from 2 to 6 with number of Project displaced families (PDFs) increase from 937 to 1104.

The project has been given clearance by the Technical Advisory Committee (TAC) of MOWR on 03.04.1996. At that time, the project envisaged formation of 3 number reservoirs of capacity 7.346 TMCft, 25.873 TMCft and 1.095 TMCft at Gouravelli Village. However, the State Govt. again approached CWC with a revised proposal in which there was only 2 reservoirs of capacity 25.873 TMCft and 1.41 TMCft at Gouravelli Village. Approval was accorded for this project by TAC of MOWR in its 128<sup>th</sup> Meeting dt. 29.02.2016. However, the ayacut to be served in the earlier proposal was 2,20,000 acre and in the second proposal it was 2 lakh acre out of which the Gouravelli Reservoir was envisaged to provide irrigation facility to 1,20,000 acre in both the proposals. Environmental clearance was granted to this project vide letter No.12011/26/2000-IA-1 dt.14.05.2003 under the provisions of EIA Notification 1994 for commencement of work within 5 years from the date of issue of the letter with specific condition as below:

S. No.	Type of treatment	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	Total
<b>Mid Manair Reservoir</b>							
I	Biotic treatment measures (are in sq.km.)						
i	Social forestry, Agree-forestry, Silvipasture	75.00	100.00	100.00	100.00	73.13	448.13

ii	Afforestation and Re-vegetation	10.00	20.00	20.00	20.00	24.38	94.38
iii	Soil and Moisture conservation measures with vegetation barriers and horticulture	300.00	375.00	375.00	375.00	27.00	1704.00
iv	Soil and Moisture conservation measures with Agro-horticulture / Agro-forestry	4.00	7.00	7.00	7.00	3.75	28.75
v	Overseeding of grasses	1.00	1.00	1.00	1.00	1.00	5.00
II	Engineering / Gully control works (in No.)						
i	Gully Plugs	30	30	30	30	30	150
ii	Rockfill dam	15	15	15	15	15	75
iii	Check dams	-	-	-	-	-	-
<b>Gouravelli Reservoir</b>							
I	Biotic treatment measures (are in sq.km.)						
i	Social forestry, Agree-forestry, Silviculture	2.000	2.500	2.500	2.500	1.425	10.925

ii	Afforestation and Re-vegetation	-	-	-	-	-	-
iii	Soil and Moisture conservation measures with vegetation barriers and horticulture	0.600	0.700	0.700	0.700	0.675	3.375
iv	Soil and Moisture conservation measures with Agro-horticulture / Agro-forestry	-	-	-	-	-	-
v	Overseeding of grasses	0.030	0.050	0.050	0.050	0.045	0.225
II	Engineering / Gully control works (in No.)						
i	Gully Plugs	1	2	2	1	1	6
ii	Rockfill dam	-	1	1	1	-	3
iii	Check dams	-	-	-	-	-	-

However, it has been found that none of the specific conditions mentioned above have been undertaken.

Further, interventions were made to back pump water to the Sri Ram Sagar project (SRSP) by supplementing water from another new project viz.,

Kaleswaram project. For this purpose three pump houses were constructed on the Flood Flow canal with the required paraphernalia such as cross regulators, forebay, delivery cistern etc. thus changing the scope of the earlier project approved by the Technical Advisory Committee of MOWR.

**Terms of Reference of Joint Committee:**

The NGT order directed the joint committee to ascertain the points:

**(i) Whether the proposed project requires prior environmental clearance:**

As already mentioned above, environmental clearance was sought and it was granted vide letter dated 14.05.2003 for commence of work within a period of 5 years which expired on 13.05.2008. However, the State Government of both the combined Andhra Pradesh and new State of Telangana neither sought extension nor granted any further environmental clearance, which was necessary for taking up the construction work. Also, the general conditions stipulated in case of Change in Scope of the project would require a fresh proposal-i.e. a fresh EIA along with EMP has to be carried out and to be submitted to MoEF&CC for their appraisal and grant of Environmental Clearance as per EIA Notification 2006, which was also not done.

- Further, the change in scope of flood flow canal was observed as alleged by applicant. Project proponent has constructed three reverse pumps at flood flow canal of Sri Rama Sagar project without obtaining amendment

in the environmental clearance granted to this project. It is submitted that, as per conditions 6 of Environmental clearance granted to this project, the change of scope of the project requires fresh appraisal.

- In case of Gouravalli reservoir, construction work has not been started till 2017 according to Google earth images. The project proponent would have obtained renewal/fresh environmental clearance from MoEF&CC, as per condition no. 8 of environmental clearance letter granted to this project stating Environmental Clearance is valid for period of five year from the date of issue of this letter for commencement of construction work.
- Joint committee is opined that, though the project proponent has obtained environmental clearance for flood flow canal project, amendment from MoEF&CC would have been obtained by project proponent in both the cases as scope of the project changes. Therefore, changing the scope of project without approval of MoEF&CC attracts violation of EIA notification 2006.
- Given the above facts and circumstances, the Hon'ble NGT may pass appropriate order as deemed fit.

**(ii) Impact of this project on environment:**

- The Joint committee is opined that non-compliance of environmental clearance conditions may lead to environmental damages. The observation on prima facie evidences by Joint committee are mentioned below,

- Proponent did not submit any six monthly compliance report to Ministry since the grant of Environmental clearance letter.
- Compliance of specific conditions of environmental clearance issued to project authority has not been complied so far.
- Dumping of Over Burden and stabilisation are not carried out properly.
- Ambient air, fugitive emission, water (surface & ground water), and noise level have not been monitored so far.
- Generation and Disposal of wastes, mucks, hazardous wastes are not monitored and submitted.
- Vehicle movements and emissions were not monitored.
- Water sprinkling to control fugitive emission and green belt are not provided.
- Details of DG sets emissions are not submitted.
- Facility of STP and ETP are not provided.
- The labourers to be engaged for construction works shall be thoroughly examined by health personnel and adequately treated before issuing them work permit.
- Medical facilities as well as recreational facilities shall also be provided to the labourers adequate arrangements for providing free fuel like kerosene/wood/LPG shall be made at the project cost for the labour engaged in the construction work so that indiscriminate felling of trees is prevented.

- (iii) Whether any study has been conducted by the State of Telangana before going into the question of expanding the project as alleged by the applicant:**

It has been found that no fresh environmental impact assessment study has been done by the project proponent for the expanded project.

- (iv) What is the nature of consequential impact on the villagers due to subsequent receding area of the reservoir, which is likely to lead to submergence or inundation of nearby villages:**

Due to the enhancement of capacity, the area of submergence will increase from about 769.25 ha to 1566.8 ha, with an increase in partially submerged villages to 6 from 2 and number of PDFs increase to 1104 from 937.

**Additional recommendations for implementations PAFs:**

- The project proponent has to prepare the R&R benefits & plan for PAFs as per the “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” which has come into effect since January, 2014.
- For the land losing households will be as per the National Rehabilitation and Resettlement Policy, 2007 or as per the State Rehabilitation and Resettlement Policy, whichever is more beneficial to project affected persons (PAFs). Adequate publicity of the compensation package of NRRP 2007 shall be given in the affected villages. All R&R issues shall be

completed before commissioning of the project. In case latest Act of 2014 is applicable, the same Act is to be followed

- The implementation of R&R shall be closely monitored and is to be ensured that all project affected families (PAFs) get adequate & timely compensation before commissioning of the project
- A Monitoring Committee for R&R shall be constituted which must include representatives of project affected persons including from SC/ST community and at least a woman beneficiary

**(v) Whether any alternate rehabilitation projects have been envisaged by the Govt to replace or re-settle the persons likely to be affected by the project:**

The authorised officer for land acquisition and Revenue Divisional Officer of Husnabad, Govt. of Telangana informed that due to receding area of submergence, 5 hamlets (thandas) are being totally submerged and 166 additional families are affected. The State Govt. has offered a R&R package which is under finalisation. He also informed that in the earlier submergence 937 PDFs are there out of which 924 PDFs are made payment and the balance would be paid shortly.

- (vi) **Whether any ecologically sensitive areas are likely to be affected on account of the project being expanded, if so, what are the remedial measures to be taken to protect the same:**

No ecologically sensitive areas are being affected on account of the expanded project.

- (vii) **If there is any violation committed in proceeding with the project against the environmental laws, then the Committee is directed to assess the environment compensation and also suggest remedial measures to restore the damage caused to the environment:**

It is observed that in proceeding with the construction without seeking extension of the Environmental Clearance granted for start of the construction work for Flood flow canal of which Gouravelli Reservoir which is 85% complete as on date, is a part, environmental laws have been violated.

As directed by Hon'ble NGT, the environmental compensation and immediate restoration measures are given below.

**Environmental compensation:** The environmental compensation is calculated based on following formula of CPCB.

$$E=PI \times N \times R \times S \times LF$$

$$E=50 \times 1095 \times 250 \times 1.5 \times 1$$

$$E=Rs. 20,531,250/-$$

(E=Environmental compensation

PI=Pollution index of industrial sector (average PI of 50 is taken for orange category)

N=Number of days violation took place (three years = 1095 days)

R= A factor in Rupees for EC (250 is considered for environmental compensation for violation)

S = Factor for scale of operation (medium scale of 1 is considered)

LF = Location factor (1 is considered for less one million population)

**Therefore, it is submitted that an amount of Rs. 20,531,250/- is calculated as environmental compensation.**

**Remedial measures to restore the damage caused to the environment:**

Recommendations for Immediate Remedial measures for restoration of environment are given below for implementations:

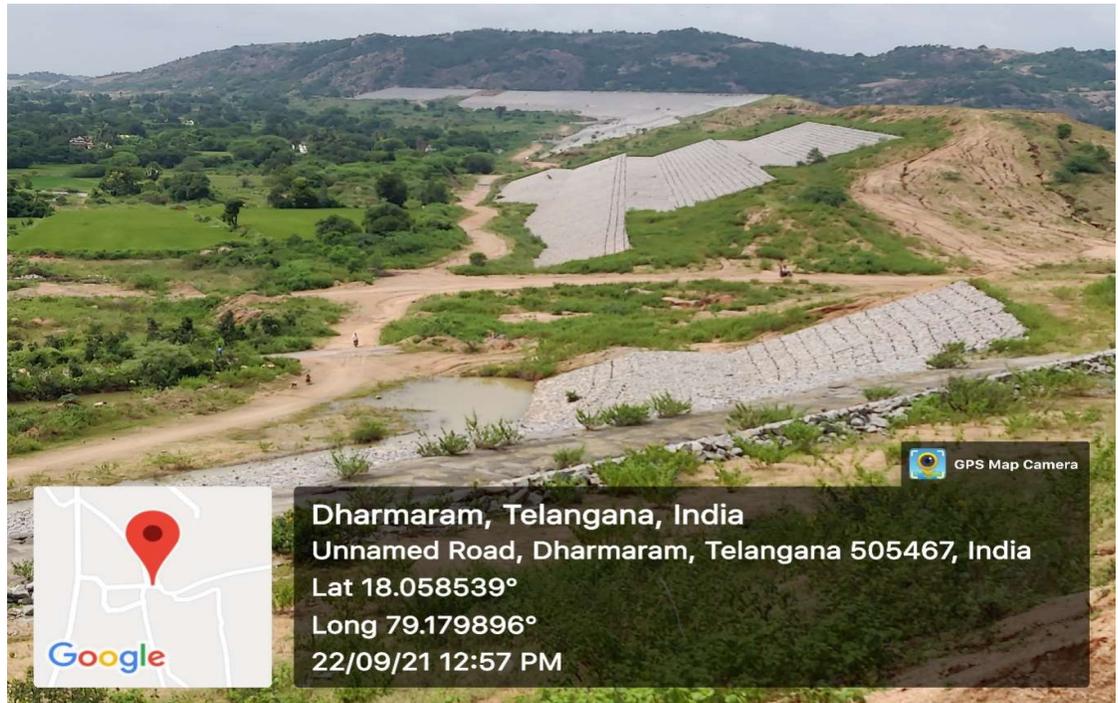
- A separate environment cell need to establish. Allocations budget and implementations of environment management protection measures to be maintained in separate account.
- Restoration of construction area including dumping sites of excavated materials shall be ensured by leveling, filing up of borrow pits, landscaping etc. The area should be properly treated with suitable plantation.

- Environmental parameters shall be monitored and six monthly monitoring reports shall be submitted to the concerned Regional Office of the Ministry and to Ministry
- Water sprinkling arrangements shall be made to suppress the fugitive emissions
- Dump stabilisation, catch drains, green belt and desiltations are to be carried out properly
- Used drums, vehicles, scraps, pipes and other materials have to be disposed off with TSPCB authorised vendor.
- The proposed green belt development around various project appurtenances, colony rows with ornamental plants in consultation with State Forest Department shall be strictly adhered to. The green belt development shall be taken along with the construction of dam so that the rim is stabilized at the time of impounding.
- Occurrence of stagnant pools/slow moving water channels during construction and operation of the project providing breeding source for vector mosquitoes and other parasites. The river should be properly channelized so that no smell pools and puddles are allowed to be formed
- Longitudinal connectivity ensuring hydraulic compatibility at bed level is to be provided to ensure non-disruptive biota movement and sediment transportation. For this necessary feature may be incorporated in design of dam

- The equipment likely to generate high noise levels during the construction period or otherwise shall meet the ambient noise level standards as notified under the Noise Pollution(Regulation and Control) Rules, 2000, as amended in 2010 under the Environment Protection Act (EPA), 1986
- Permission shall be obtained from forest department if, cutting of trees is involved in the submergence area.
- Approval shall be obtained from TSPCB for stone crushing unit and Ready Mix Plant are installed at the site.

Given the above facts and circumstances, the Hon'ble NGT may pass order as deemed fit.

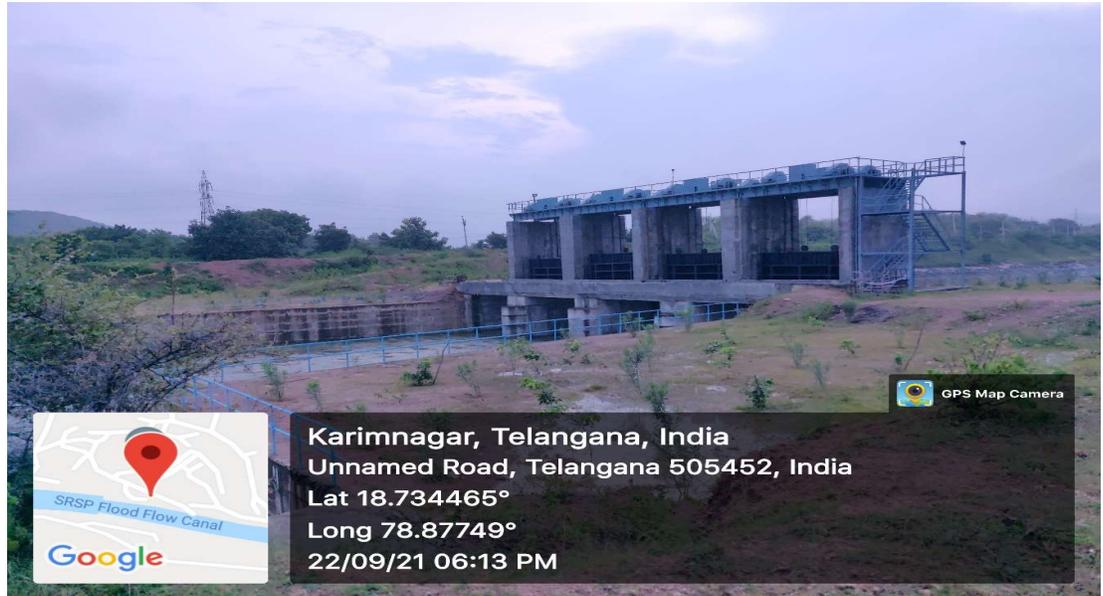
## Site Photographs



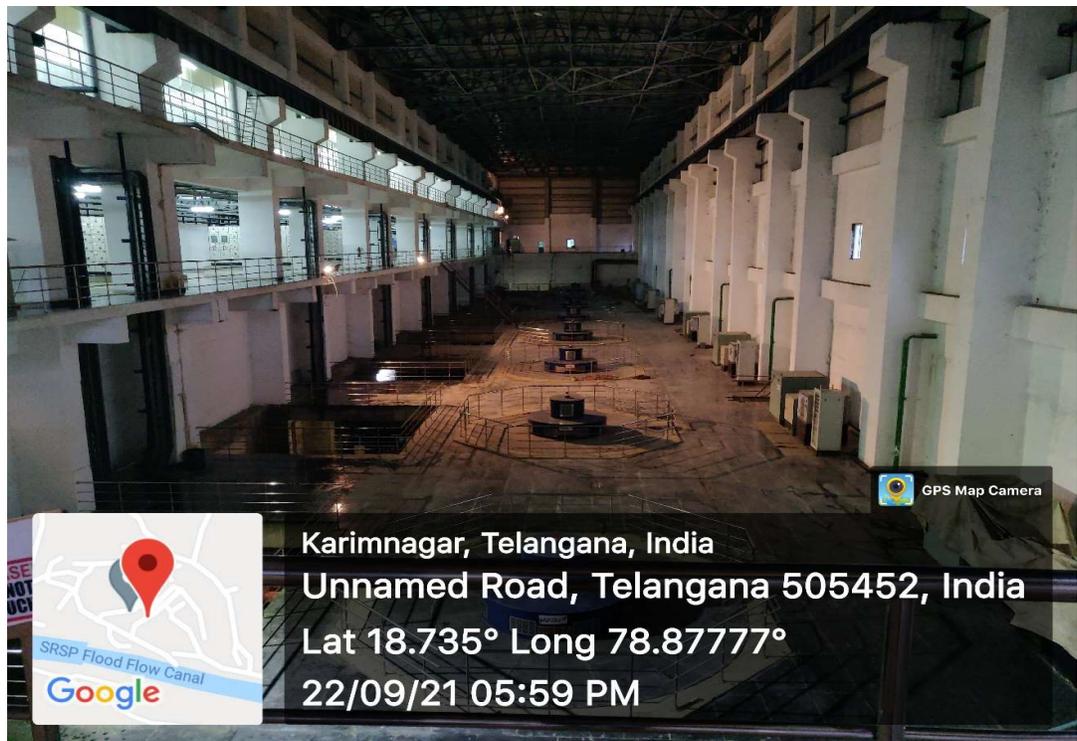
## Earthen embankment



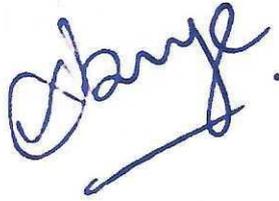
## Off-taking structure for Left Side Canal of Gouravelli Reservoir



**Cross Regulator across Flood Flow Canal**



**Pump House @ 73.00 Km near Rampur (V)**

Sl. No.	Name and Designation	Signature
1	Dr E. Arockia Lenin, Scientist 'C', IRO, MoEF&CC, Hyderabad (Member)	
2	Shri P. S. Kutiyal, Member, GRMB, Hyderabad (Member-Nodal Agency)	 29.09.2021
3	Shri M. Ramesh Kumar, Director, CWC, KGBO, Hyderabad. (Member)	 29/9/21