

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE BENCH AT CHENNAI**

(Application under Section 14,15 read with Section 17,18 of the National Green Tribunal Act,2010)

**ORIGINAL APPLICATION NO. 180 OF 2021**

**IN THE MATTER OF:**

1. BADDAM RAJI REDDY S/o ,MALLA REDDY  
2-30/1,Gudatpally Village,R/o Gouravelly,  
Old Dist:KARIMNAGER,  
New Dist: SIDDAPET,Pincode: 505467.  
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2. BADDAM YELLA REDDY S/o ,ADI REDDY  
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3. GURRAM RAJI REDDY S/o ,YELLA REDDY  
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4. USKE SINGIREDDY THIRUMALREDDY S/o ,YELLA REDDY  
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5. GURRAM RAJA REDDY S/o ,MALLA REDDY  
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.... Applicants

**VERSUS**

1. Union of India  
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2. Union of India  
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3. Irrigation & CAD Department ,Telangana  
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4. Central Water Commission (CWC),  
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Phone No 01126187232

5. Godavari River Management Board  
Rep. by its Member Secretary  
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6. District Collector of Siddipet  
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7. Engineer-in-Chief  
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.... Respondents

**Preliminary Submissions on the role of Respondent Nos. 2, 4 and 5 in appraisal of irrigation and multipurpose projects.**

As per “Guidelines for Submission, Appraisal and Acceptance of Irrigation and Multipurpose Projects, 2017” of Ministry of Water Resources, River Development & Ganga Rejuvenation (MoWR, RD&GR), Advisory Committee of Department of Water

Resources, River Development & Ganga Rejuvenation (DoWR, RD&GR), Ministry of Jal Shakti (MoJS), conveys its acceptance or otherwise for a Detailed Project Report (DPR) of Irrigation and Multipurpose project of inter-State river submitted by Project Authority after techno-economic appraisal of the same by Central Water Commission (CWC). Thereafter DoWR, RD&GR, MoJS conveys Investment Clearance for such projects.

As per the provisions of the Andhra Pradesh Reorganization Act 2014, the functions of Apex Council inter-alia include planning and approval of proposals submitted by Project Authority for construction of new projects, if any, based on Godavari or Krishna River water, after getting the proposal appraised and recommended by the River Management Boards and by the Central Water Commission, wherever required. The Apex Council is headed by Union Minister of Jal Shakti and Chief Ministers of the States of Andhra Pradesh and Telangana are its members.

Similarly, the functions of the Godavari River Management Board (GRMB) inter-alia include making an appraisal of any proposal submitted by Project Authority for construction of new projects on Godavari River and giving technical clearance, after satisfying that such projects do not negatively impact the availability of water as per the awards of the Tribunals constituted under the Inter-State River Water Disputes Act, 1956 for the projects already completed or taken up before the appointed day.

Detailed Project Report (DPR) of Indiramma Flood Flow Canal (IFFC) from Sri Rama Sagar Project (SRSP) was considered and accepted by the advisory committee on Irrigation and multipurpose projects in the 64<sup>th</sup> meeting held on 03.04.1996 with certain conditions. Also, revised cost estimate of the same project was considered and accepted by the 128<sup>th</sup> meeting held on 29.02.2016.

The project mainly comprises of the following components:

1. Head Regulator of Indiramma Flood Flow Canal (IFFC) at the foreshore of Sri Rama Sagar Project (SRSP) dam across Godavari River.
2. IFFC of length 124 km connecting of Sri Rama Sagar Project (SRSP) dam to MMR with a design discharge capacity of 623 cumec.
3. Formation of MMR having gross storage capacity of 732.6 MCM and Live Storage capacity of 572.93 MCM upstream of existing Lower Manair dam.
4. Left and Right Bank Canals form MMR to irrigate 32376 ha annually.
5. Single Stage Lift (102 m) cum Gravity Canal from MMR to Gouravelly reservoir.
6. Formation of Gouravelli Reservoir having gross storage capacity of 39.92 MCM (1.41 TMC)
7. Three irrigation canals from Gouravelly Reservoir to irrigate an ayacut of 48561 Ha.

The said OA is related to grievance of Applicants regarding the proposal of State of Telangana to change the scope of Flood Flow Canal and Gouravelli Reservoir by increasing the capacity of canals and reservoir from 1.410 TMC to 8.23 TMC under Re-Engineering of Indiramma Flood Flow Canal project in Siddipeta District of Telangana

State. Further, it is mentioned in the grievance that the project is being executed without obtaining clearance from Expert Appraisal Committee and Environment Clearance. Based on Environment Clearance granted in 2003 wherein no forest area was involved and only 784 persons were identified as project affected persons. However, after Re-Engineering of the project, there is change of scope of the project affecting some villages due to submergence.

The proposal for expansion works of Flood Flow Canal and Gouravelli reservoir has not been submitted to CWC and GRMB.

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

I R. Vittal Prasad S/o Venkataramanappa, aged about 56 years, Designation: Executive Engineer, Godavari River Management Board, 5<sup>th</sup> Floor, Jalasoudha, Errum Manzil Hyderabad, Telangana do hereby solemnly and sincerely affirm and state as follows and I am swearing this counter affidavit on behalf of 2, 4 and 5 Respondents.

1. I submit that I have read the O.A filed by the applicant and deny all the allegation and averments contained therein, except those that are specifically admitted herein,
2. I submit that Para No I & II of the petition are not against Respondent Nos. 2, 4 and 5 hence no comments.
3. I submit that in Para No III the applicant seeks to raise substantial questions relating to the environment arising out of the proposal of expansion of Gouravelli Reservoir from 1.410 TMCs to 8.23 TMCs without obtaining the prior approvals such as prior Amendment to Environment clearance from Union Ministry of Environment, Forest Hydrology, Techno advisory, cost benefit clearances from Union Jal shakti Ministry, Central Water Commission, Godavari River Management Board and the Petitioner submitted that the State Government is undertaking expansion works in Siddipeta District of Telangana resulting loss of livelihood, damage to environment. The contents of the para are not directed against Respondent Nos. 2, 4 and 5, hence there are no comments.
4. I submit that in Para No IV the applicants submitted that the activities by State of Telangana are in gross violation of the provisions of EIA Notification 2006, the Water (prevention and control of Pollution) Act, 1974, Environment (protection) Act, 1986 Clearance dated 14.05.2003 issued by MoEF The contents of the para are not directed against Respondent Nos. 2, 4 and 5, hence there are no comments.

### **Background of the Project:**

I submit that Para I states several aggrieved project affected persons have filed Petitions before this Hon'ble Tribunal challenging the expansion/change of the scope of the projects without mandatory prior Environment Clearance or for violating the Environment Clearance mentioning orders passed by the Hon'ble Tribunal for some of the projects. The contents of the para are not directed against Respondent Nos. 2, 4 and 5, hence there are no comments.

### **Gouravelly Reservoir proposed without amendment in EC:**

I submit that Para 2 & 2(i) states the general scope and components of the original and Re-Engineered project proposals (Annexure A1 of OA No 180 of 2021). The contents of the para are not directed against Respondent Nos. 2, 4 and 5<sup>th</sup> hence, there are no comments.

I submit that in Para 2 (ii) the petitioner submitted the extracts of Environment clearance accorded by Union Ministry of Environment, Forest & CC vide its order F.No.J-12011/23/2002-IA-I, dated 14.5.2003 (Annexure A2 of OA No. 180 of 2021). The contents of the para are not directed against Respondent Nos. 2, 4 and 5 hence there are no comments.

I submit that in Para No 2(iii) the petitioner submitted that from para 2(i) and para 2(ii) it is clear that the scope of the project is substantially changed. According to the General Condition No.6 of Environment Clearance if the scope of the project is changed then it requires afresh appraisal. But the project proponent is going ahead without fresh appraisal by EAC of MoEF and prior amendment to EC. The Irrigation Department has been damaging the natural resources for the expansion of the project. The contents of the para are not directed against Respondent Nos. 2, 4 and 5, hence there are no comments.

I submit that in Para NO 3 the petitioner submitted the relevant extracts of the requirements of prior Environmental Clearance (EC) as per EIA Notification of 2006. So far as role of Respondent Nos. 2, 4 and 5 are concerned, The contents of the para are not directed against Respondent Nos. 2, 4 and 5, hence there are no comments.

I submit that in Para No 4 the petitioner submitted that as per Section 84 of the Andhra Pradesh Reorganization Act, 2014, it is mandatory on the part of State of Telangana and Andhra Pradesh to get clearances from the Godavari River Development Board if they initiate new projects. But that was not done in case of the present project. The relevant extract of the section 84 is reproduced. The contents of the para are not directed against Respondent Nos. 2, 4 and 5, hence there are no comments.

I submit that in Para No 5 the petitioner submitted that the State of Telangana is going ahead with Re-Engineering proposal and issued several orders (Annexure A3 to A6 of OA No.180 of 2021) including Land acquisition notification to acquire the land for canals and Gouravelly reservoir expansion. State of Telangana is not following the Constitutional and statutory provisions and causing immense loss to the Applicants and the nature at large. The contents of the para are not directed against Respondent Nos. 2, 4 and 5, hence there are no comments.

## Judgments of NGT on illegal projects:

I submit that Para Nos 6 to 14 of the above OA are not against the Respondent Nos. 2, 4 and 5 hence, there are no comments.

### Prayer

In view of the submissions made under the preliminary submissions regarding role of respondents Nos. 2, 4 and 5 (Ministry of Jal Shakti, Central Water Commission and Godavari River Management Board respectively) the above paras do not come under the purview of Respondent Nos. 2, 4 and 5. Hence, the Hon'ble National Green Tribunal may be prayed accordingly to exempt the Respondent Nos. 2, 4 and 5 from the purview of the Original Application No.180 of 2021.

### Verification

I R.Vittal Prasad S/o Venkataramanappa, aged about 56 years, Designation: Executive Engineer, Godavari River Management Board, 5<sup>th</sup> Floor, Jalasoudha, Errum Manzil Hyderabad, Telangana representing the 5<sup>th</sup> Respondent herein, do hereby verify and declare that the contents stated in the above reply affidavit are true and correct to the best of knowledge and belief.

Date : 13.12.2021

Place: Hyderabad.

\* \* \* \*

  
(R. VITTAL PRASAD)  
Respondent No. 5 / Executive Engineer  
गोदावरी नदी प्रबंधन बोर्ड  
GODAVARI RIVER MANAGEMENT BOARD  
भारत सरकार / Government of India  
हैदराबाद./HYDERABAD.